



LAKE VIEW CODE OF ORDINANCES 2026

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TITLE 1 GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

- 1-1-1 Definitions
- 1-1-2 Grammatical Interpretation
- 1-1-3 Prohibited Acts Include Causing, Permitting
- 1-1-4 Construction
- 1-1-5 Amendment
- 1-1-6 Severability
- 1-1-7 Catchlines, Titles, Headings, and Notes
- 1-1-8 Amendments to Code, Effect of New Ordinances, Amendatory Language

1-1-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. “Building” means any man-made structure permanently affixed to the ground;
2. “City” means the City of Lake View, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. “Clerk” means Clerk-Treasurer;
4. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. “Council” means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. “County” means the County of Sac, Iowa;
7. “Delegation of Authority” means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise;

(Amended in 2010)

8. “Fiscal Year” means July 1 to June 30;

9. “Law” denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

10. “May” confers a power;

11. “Month” means a calendar month;

12. “Must” states a requirement;

13. “Oath” shall be construed to include an affirmation or declaration 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”;

14. “Or” may be read “and” and “and” may be read “or” if the context requires it;

15. “Ordinance” means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;

16. “Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;

17. “Person” means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;

18. “Personal property” includes money, goods, chattels, things in action and evidences of debt;

19. “Preceding” and “following” mean next before and next after, respectively;

20. “Property” includes real and personal property;

21. “Real property” includes any interest in land;

22. “Shall” imposes a duty;

23. “Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

24. “State” means the State of Iowa;

25. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

26. “Tenant” and “occupant” applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

27. “Title of Office”. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

28. “Writing” and “Written” include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;

29. “Year” means a calendar year;

30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

31. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City:

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural, and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 CONSTRUCTION. The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Lake View Municipal Code of 2026 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS, AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor’s notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection, or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: “That section _____ of the Code of Ordinances, City of Lake View, Iowa is hereby amended to read as follows:...” The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: “That the Code of Ordinances, City of Lake View, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ...” The new section shall then be set out in full as desired.

(Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if such person can be located after reasonable effort, twenty four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

- 1-3-1 General Penalty
- 1-3-2 Civil Penalty - Municipal Infraction
- 1-3-3 Scheduled Fines

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)
(Amended in 2008)
(Amended in 2009)
(Amended in 2010)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

1. Definitions.
 - a. Municipal Infraction. Except 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 Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Lake View, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Lake View, or any Ordinance or Code herein adopted by reference, is a “municipal infraction” and is punishable by civil penalty as provided herein.
 - b. Officer. The term “officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Lake View.
 - c. Repeat offense. The term “repeat offense” shall mean a recurring violation of the same section of the Code of Ordinances.
2. Violations, Penalties, and Alternative Relief.
 - a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense: Not more than seven hundred fifty dollars (\$750.00).

Repeat Offense: Not more than one thousand dollars (\$1,000.00)

(Amended during 2010)

b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

c. 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.

3. Civil Citations

a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

c. The original of the citation shall be sent to the Clerk of the District Court. If the infraction involves real property, a copy of the citation shall be filed with the County Treasurer.

d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- (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 property, if applicable.

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, such violation will be subject to a contempt of court action.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code 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 the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with Chapter 805, Code of Iowa unless another scheduled amount is provided in the City Code of Ordinances or the Iowa Code.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

- 1-4-1 Purpose and Intent
- 1-4-2 General
- 1-4-3 Form of Notice of Hearing
- 1-4-4 Subpoenas
- 1-4-5 Conduct of Hearing
- 1-4-6 Method and Form of Decision

1-4-1 PURPOSE AND INTENT.

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.
2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.
2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.
3. Continuances. The City Council may grant continuances for good cause shown.
4. Oaths, Certification. The City Council or any member thereof has the power to administer oaths and affirmations.
5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

“You are hereby notified that an evidentiary hearing will be held before the Lake View City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may

request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk.”

1-4-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness’s possession or under the witness’s control. A subpoena need not be issued when the affidavit is defective in any particular.

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.

3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to relying upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. Rights of parties. Each party shall have these rights, among others:

a. To call and examine witnesses on any matter relevant to the issues of the hearing;

b. To introduce documentary and physical evidence;

c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

d. To impeach any witness regardless of which party first called the witness to testify;

e. To rebut the evidence against the party; and

f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.

b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

8. Inspection of the premises. The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

a. Notice of such inspection shall be given to the parties before the inspection is made;

b. The parties are given an opportunity to be present during the inspection; and

c. The City Council shall state for the record, upon completion of the inspection, the material facts observed, and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

- 2-1-1 Charter
- 2-1-2 Form of Government
- 2-1-3 Powers and Duties
- 2-1-4 Number and Term of City Council
- 2-1-5 Term of Mayor
- 2-1-6 Copies on File

2-1-1 CHARTER. This chapter may be cited as the Charter of the City of Lake View, Iowa.

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Lake View, Iowa, is the Mayor Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES. The City 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 of Lake View, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE. The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk’s office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 CITY BOUNDARIES

2-2-1 CORPORATE LIMITS. The corporate limits of the City are described as follows:

Beginning at the northeast corner of Section 33, T-87-N, R-36-W of the 5th P.M., Sac County, Iowa; thence south, along the east line of said Section 33, to the southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33; thence east along the north line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 34 to the northeast corner of said Southwest Quarter (SW $\frac{1}{4}$); thence south 89°49' east, 516.00 feet; thence north 44°31' east, 663.40 feet; thence north 76°55' east, 510.00 feet; thence north 00°26' east, 838.30 feet; thence south 89°14' east, 999.15 feet to a point on the east line of said Section 34; thence south 00°52' east, along the east line of said Section 34, 171.60 feet to a point on the Iowa State Conservation Commission property line; thence south 24°04' west, 883.85 feet; thence south 50°21' west, 99.85 feet to the northeast corner of Karstens First Addition, thence along the southeasterly line of the following additions: Karstens First Addition, Drillings North Shore Third Addition, Drillings North Shore Second Addition and Drillings North Shore First Addition, excepting Lots 16 and 17 to the east line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 34; thence continuing southwesterly along the north right-of-way line of the Iowa State Conservation Commission road to a point due north of the northeasterly corner of Lot One (1), Friedrichsen's First Addition; thence south to the northeast corner of said Lot One (1); thence along the ordinary high-water line of Black Hawk Lake to an intersection with the east line of Section 33 to the southeast corner thereof; thence west, along the south line of said Section 33; thence continuing west, along the south line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32 to the southwest corner of said Southeast Quarter (SE $\frac{1}{4}$); thence north along the west line of the Southeast Quarter (SE $\frac{1}{4}$) and the west line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 32; thence continuing north, along the west line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29; thence east, along the north line of the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29; thence continuing east, along the north line of the South Half (S $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of Section 28; thence south, along the east line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 38 to the point of beginning.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

- 2-3-1 Creation of Appointive Officers
- 2-3-2 Appointment of Officers
- 2-3-3 Terms of Appointive Officers
- 2-3-4 Vacancies in Offices
- 2-3-6 Surety
- 2-3-7 Blanket Position Bond
- 2-3-8 Bonds Filed
- 2-3-9 Boards and Commissions

2-3-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, Police Chief, Attorney, Utilities Director, and Fire Chief (Director).

2-3-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Police Chief with the consent of a majority of the City Council.

The Fire Chief of the volunteer fire department is appointed by the members of the volunteer Fire Department, with the approval of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

2-3-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-3-4 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with State law.

2-3-5 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

2-3-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-3-7 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-3-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-3-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A Code of Iowa.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 POWERS AND DUTIES OF MUNICIPAL OFFICERS

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2-4-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-4-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-4-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-4-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents, and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-4-5 POWERS AND DUTIES OF THE CITY ADMINISTRATOR.

1. Appointment and Compensation. The Council shall appoint by majority vote a City Administrator to hold office at the pleasure of the Council. The City Administrator shall receive such compensation as established by resolution of the Council and shall also receive all personnel benefits available to other employees of the City and any other benefits the Council deems appropriate.

2. Mayor and Police Department. The City Administrator shall assist the Mayor in any mayoral duties as requested by the Mayor and approved by the Council. The City Administrator shall have such charge and control of the Police Department as the Mayor may at any time delegate in writing.

3. Responsibility. The City Administrator shall be directly responsible to the Council for the administration of municipal affairs as directed by the Council. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and Council involvement in administration initiated by the Council must be coordinated through the City Administrator.

4. Appointment of Officers. The City Administrator, subject to the approval of the Council, shall have the power to appoint persons to fill all offices for which no other mode of appointment is provided.

5. Powers and Duties. The powers and duties of the City Administrator are as follows:
- a. To prepare the budget annually and submit it to the Council, together with a message describing the important features;
 - b. To prepare or supervise the development and administration of such accounting and reporting systems as may be necessary or desirable to accurately reflect the financial conditions of the City.
 - c. To supervise the development and administration of a modern and efficient purchasing system covering the acquisition by the City of services, supplies and materials.
 - d. To supervise the performance of all contracts of the City, make all purchases of materials and supplies, and see that such materials and supplies are received, and are of the quality and character called for by the contract.
 - e. To supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.
 - f. To act for the City in the exercise and execution of all policies and programs whereby the City is involved on a joint basis with any other governmental subdivision, including any subdivision of the government of the State of Iowa or of the United States of America.
 - g. To attend all meetings of the Council unless excused by the Mayor.
 - h. To summarily and without notice, investigate the affairs and conduct of any department, agency, officer or employee under the City Administrator's supervision, and compel the production of evidence and attendance of witnesses.

i. To assist the Council, the Planning and Zoning Commission, and all other boards or commissions in the carrying out and revision of the comprehensive plan and all other forms of planning for the future growth and development of the City.

j. To execute, oversee and coordinate the economic development efforts of the City.

k. To develop and administer personnel classification and pay plans; recruit, select, and employ personnel for positions authorized by the Council; reclassify or discharge all employees and set their compensation, subject to Council approval and provisions of the Veterans' Preference Law; supervise the official conduct and work response of all officers and employees appointed or employed by the City Administrator; and evaluate or oversee evaluations of the performance of all City employees.

l. To recommend to the Council such measures as the City Administrator may deem necessary or expedient for the good government and welfare of the City.

m. To supervise enforcement and execution of the City laws; investigate all complaints in relation to matters concerning the administration of the government of the City and see that all franchises, permits, and privileges granted by the City are faithfully observed.

n. To keep the Council informed on the progress of all its programs and status of its policies. The City Administrator shall also coordinate and direct all municipal services provided through the various departments.

o. To carry on the management of any present board or commission if such board or commission is abolished or ceases to exist.

p. To perform other duties at the Council's direction, including those specified by statute or ordinance for the City Clerk.

6. Council Retained Powers. Without limitation, the Council specifically retains the power to control and direct the activities of the City Administrator and to make and establish the policies of the City.

7. Mayor's Retained Powers. Without limitation, the Mayor specifically retains the following powers:

a. To function as the chief elected official with responsibility for the general public relations of the City and inter-governmental affairs;

b. To preside at all Council meetings;

c. To cooperate with the City Administrator in the furtherance of the policies of the Council;

d. To fulfill all legal obligations and responsibilities provided by ordinance or State law.

8. Council Relations. The City Administrator shall not take part in any City election except by casting a vote and shall not appoint a City elected official to any City office or employment.

2-4-6 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall 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, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City 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.

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

(Code of Iowa. Sec. 380.6)
(Amended during 2008)

4. The Mayor shall 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 or Ordinance.

5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.

6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

(Code of Iowa, Sec. 372.14(3))

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council, the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when the terms of such permits or licenses, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.

13. The Mayor shall appoint the following officials:

- a. Mayor Pro Tem
- b. Police Chief
- c. Library Board of Trustees
- d. Historic Preservation Commission

14. The Mayor shall make appropriate provision that duties of any absentee officer be carried on during such absence.

15. 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)

2-4-7 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec. 372.13(4) and (6))

2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.

(Code of Iowa, Sec. 380.7(1))

3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when such maps or charts contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

(Code of Iowa, Sec. 380.7(1) and (2))

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

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

5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

6. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

7. The Clerk shall be the chief accounting officer of the City.

8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year by sending two copies each of the detailed budget as adopted, and of the tax certificate to the County Auditor and the County Board of Supervisors.

(Code of Iowa, Sec. 384.16(5))

10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

11. The Clerk shall balance all funds with the bank statement at the end of each month.

12. The Clerk shall prepare and publish the annual public report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, Sec. 384.22)

13. The Clerk shall maintain all City records as required by law.

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

14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

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

15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of the Clerk, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City

Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

19. The Clerk shall issue all licenses and permits approved by the City Council and keep a record of licenses and permits issued which shall show a 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))

20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.

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

21. The Clerk shall preserve a complete record of every City election, regular or special, and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.

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

23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

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

25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services and give a receipt therefor.

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

26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

27. The Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds and retain the duplicate.

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

30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.

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

31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

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

32. The City Seal is in the custody of the clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "LAKE VIEW, IOWA" and around the margin the words "CITY SEAL."

33. The City Clerk is the treasurer of the Library Board of Trustees, Historic Preservation Commission and Parks and Recreation Commission and pays out all money under control of such boards on orders signed by the respective Chairpersons and Secretaries of such boards, but receives no additional compensation for such services.

2-4-8 POWERS AND DUTIES OF THE POLICE CHIEF. The duties of the Police Chief shall be as follows:

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

1. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.
2. The Police Chief shall be sergeant-at-arms of the Council chamber when requested by the City Council.
3. The Police Chief shall report to the City Council upon activities as Police Chief when requested.
4. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.
5. The Police Chief shall make arrangements to convey any persons requiring detention to the County jail as provided by law and agreements with the County.
6. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.
7. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.
8. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.
9. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.
10. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the health, safety, and welfare of the City and its citizens until due consideration by the City Council may be had.
11. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.

12. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

13. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

14. 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.

2-4-9 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the City Attorney accompanied by all proceedings relating to said actions.

4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage of such Ordinances by the City Council and publication.

6. 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 City Council.

7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of such office or employment.

8. 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.

9. The City Attorney shall make a written report to the City Council and interested department heads of the deficiencies in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before such contracts become binding upon the City or are published.

2-4-10 POWERS AND DUTIES OF THE UTILITIES DIRECTOR. The duties of the utilities director shall be as follows:

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

1. The Director shall be responsible for the management, operation and maintenance of all municipal utilities.

2. The Director shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to-date inventory of all goods and supplies. The Director shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.

3. The Director shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities' enterprise. The Director shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

4. The Director shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

5. The Director shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Director shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property, and is charged with the duty of correcting unsafe defects.

6. The Director shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.

7. The Director shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Director shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.

8. The Director shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

2-4-11 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

1. The Fire Chief shall 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.

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.

3. The Fire Chief shall 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.

4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of fire fighting 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.

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

6. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:

- a. Fire prevention.
- b. Maintenance and use of fire escapes.
- c. The investigation of the cause, origin and circumstances of fires.
- d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories, and all other buildings in which the public congregates for any purpose.
- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

10. 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 locations of the fire or emergency so as to prevent accidents or interference with the fire fighting 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)

11. When in charge of a fire scene, the fire chief shall 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 conditions, or take any other action deemed necessary in the reasonable performance of the department's duties. The fire chief shall 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)

12. Upon request, the fire chief may give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

13. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, the fire chief shall notify the State Fire Marshal's Division immediately. For all fires causing an

estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

TITLE II POLICY AND ADMINISTRATION
CHAPTER 5 SALARIES OF MUNICIPAL OFFICERS

- 2-5-1 Council Member
- 2-5-2 Mayor
- 2-5-3 Mayor Pro Tem
- 2-5-4 Other Officers
- 2-5-5 Mileage and Expenses

2-5-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$25.00 for each meeting of the City Council.

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

2-5-2 MAYOR. The Mayor shall receive a monthly salary of \$200.00 plus twenty-five (\$25.00) dollars for each regular and special meeting of the Council attended.

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

2-5-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City 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))

2-5-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

2-5-5 MILEAGE AND EXPENSES. A public official or employee is entitled to be paid for expenses incurred in performing a public duty and for the use of an automobile in the amount of two cents (\$0.02) less than the IRS allows per mile.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 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:

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. 362.3a)

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. 362.3b)

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

(Code of Iowa, Sec. 362.3c)

4. Contracts. Contracts made by a city, upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.3d)

5. 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 paragraph "9", 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 paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, Sec. 362.3e)

6. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.3f)

7. 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. 362.3g)

8. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec.362.3h)

9. Corporations. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings 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. 362.3i)

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of six thousand dollars in a fiscal year.

(Code of Iowa, Sec. 362.3j)

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

(Code of Iowa, Sec. 362.3k)

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

(Code of Iowa, 362.3l)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY FINANCE

- 2-7-1 Budget Adoption
- 2-7-2 Budget Amendment
- 2-7-3 Reserved
- 2-7-4 Accounts and Programs
- 2-7-5 Annual Report
- 2-7-6 Council Transfers
- 2-7-7 Reserved
- 2-7-8 Budget Officer
- 2-7-9 Expenditures
- 2-7-10 Authorizations to Expend
- 2-7-11 Accounting
- 2-7-12 Budget Accounts
- 2-7-13 Contingency Accounts

2-7-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes in accordance with Section 384.16.

(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:

- a. Expenditures for each program.
- b. Income from sources other than property taxation.
- c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have such copies of the budget available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

(Amended in 2012) [Code of Iowa, Sec. 384.16(2)]

3. The City Council shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following 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, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-7-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.

4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in Section 2-5-3 of this chapter, except that the City Finance Committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

2-7-3 RESERVED

2-7-4 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other

person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-7-5 ANNUAL REPORT. Not later than December first of each year the City shall publish 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 this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-7-6 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein, the City Clerk shall inform the City Council, or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-7-7 RESERVED

2-7-8 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-7-9 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of authorization and no invoice shall be accepted unless authorized by such authorization. Purchases not exceeding five hundred dollars (\$500.00) (or an amount determined by City Council) may be made by those officials authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends and

holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

2-7-10 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-7-11 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by two of the following: the City Clerk, City Administrator, Mayor, and/or Mayor Pro Tem.

(Code of Iowa, Sec. 384.20)

2-7-12 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-7-13 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account, the Clerk shall set up in the accounting records, but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 POSTING OF NOTICE

- 2-8-1 Purpose
- 2-8-2 Notice Generally
- 2-8-3 To the Clerk Listing; Length of Notice
- 2-8-4 Removal Unlawful

2-8-1 PURPOSE. The City of Lake View, Iowa requires notice of elections, hearings, and/or other official actions per the terms of the City Code. This Chapter identifies how those notices may be posted and who may post and remove them.

(Code of Iowa, Sec. 362.3(1))

2-8-2 NOTICE GENERALLY. Notice of elections, hearings, and/or other official acts as required by city code, must be published at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action.

(Code of Iowa, Sec. 362.3(1))

Publications required by the City Code will be published in the local newspaper at least once weekly at the direction of the City Clerk and may be published by the City Clerk in three public places which are permanently designated by ordinance. The specific means of publication by the clerk, outside of publication in the newspaper, are found below:

(Code of Iowa, Sec. 362.3(1))

All Ordinances: Ordinance amendments and official actions required to be published shall be posted by the City Clerk.

Notice of an election, public hearing, or other official action requiring notice shall be posted in the designated three public places and in the local newspaper, no less than four and no more than twenty days before the day of the election, hearing, or other official action requiring advance public notice.

(Code of Iowa, Sec. 362.3, 380.7, 372.13)

2-8-3 TO THE CLERK. The City Clerk is hereby directed to post all Ordinances, amendments, and City Council actions promptly after passage and to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, or as otherwise required by State law.

(Code of Iowa, Sec. 380.7)

2-8-4 REMOVAL UNLAWFUL. It shall be unlawful for any person other than the City Clerk to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 CITY ELECTIONS

- 2-9-1 Purpose
- 2-9-2 Nominating Method to be Used
- 2-9-3 Nominations by Petition
- 2-9-4 Adding Name by Petition
- 2-9-5 Preparation of Petition
- 2-9-6 Filing, Presumption, Withdrawals, Objections
- 2-9-7 Persons Elected
- 2-9-8 Primary and Runoff Abolished

2-9-1 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-9-2 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)

2-9-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

2-9-4 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)

2-9-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

(Code of Iowa, Sec. 45.5)

2-9-6 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.

2-9-7 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10 POLICE DEPARTMENT

- 2-10-1 Department Established
- 2-10-2 Organization
- 2-10-3 Peace Officer Qualifications
- 2-10-4 Required Training
- 2-10-5 Compensation
- 2-10-6 Peace Officers Appointed
- 2-10-7 Police Chief; Duties
- 2-10-8 Departmental Rules
- 2-10-9 Summoning Aid
- 2-10-10 Taking Weapons
- 2-10-11 Contract Law Enforcement
- 2-10-12 Reserve Police Unit

2-10-1 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.

2-10-2 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 City Council.

2-10-3 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)

2-10-4 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))

2-10-5 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-10-6 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

(Code of Iowa, Sec. 372.4(2))

2-10-7 POLICE CHIEF; DUTIES. The Police Chief has the following powers and duties subject to the approval of the City 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 City Council an annual report as well as such other reports as may be requested by the Mayor or City 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.

2-10-8 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

2-10-9 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)

2-10-10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

2-10-11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

2-10-12 RESERVE POLICE UNIT

1. **Creation Authority; Bylaws.** Pursuant to Chapter 80D of the Code of Iowa, the Mayor is authorized to organize a Reserve Police Unit for the purpose of assisting the Police Chief and peace officers in handling civil disorders or crowds and traffic at large public gatherings, conducting searches for persons and property, and assisting in the event of natural disasters or national emergencies. Members of the Unit will also assist in the daily duties of the Police Department and any other functions as designated by the Police Chief. The Unit shall adopt bylaws for its operation, as well as rules and regulations governing members of the Unit. Said bylaws are to be approved by the Police Chief, the Mayor and Council, with the advice of the City Attorney.

2. **Member Qualifications.** Members recruited for the Reserve Police Unit shall meet tests of residency, age, physical fitness, character, community reputation and conduct so as to assure suitable personnel. As specified in the bylaws, acceptance into the Unit shall be conditional upon approval of the Mayor, Council, and Police Chief. The standards and training are to be set out in the constitution, bylaws and with the advice and consent of the Police Chief. All standards and training required under Chapter 80D of the Code of Iowa shall constitute the minimum standards for police reserve officers.

3. **Member Powers.** Members shall have police powers in accordance with Chapter 80D of the Code of Iowa and subject to special direction of the Police Chief and the Reserve bylaws.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11 CITY COUNCIL

2-11-1 Powers and Duties

2-11-2 Exercise of Power

2-11-3 Meetings

2-11-4 Appointments

2-11-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

(Code of Iowa, Sec. 364.2(1))

2. Wards. By ordinance, the City 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 City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.

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

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

(Code of Iowa, Sec. 364.2(1))

5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City 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 City 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 City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-11-2 EXERCISE OF POWER. The City 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. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty-five thousand dollars (\$25,000) 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 City Council members. Each Council member's vote on an ordinance, amendment, or resolution must be recorded.

(Code of Iowa, Sec. 380.4)
(Amended in 2008)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

(Code of Iowa, Sec. 380.6(2))

3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:

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

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

b. If the Mayor vetoes a measure and the City 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 published, unless a subsequent effective date is provided with the measure.

(Code of Iowa, Sec. 380.6(2))

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

(Code of Iowa, Sec. 380.6(3))

2-11-3 MEETINGS.

1. Regular Meetings. The regular meetings of the City Council are on the 1st and 3rd Mondays of each month at 5:30 p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or for other reason, the meeting will be held on such different day or time as determined by the City Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor, City Administrator or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place, and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

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

3. Quorum. A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))

4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

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

5. Compelling Attendance. Any three (3) members of the City 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.

2-11-4 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term office:

1. City Attorney
2. Parks and Recreation Commission
3. Planning and Zoning Commission
4. Zoning Board of Adjustment

TITLE II POLICY AND ADMINISTRATION

CHAPTER 12 COMMUNITY CENTER

- 2-12-1 Community Center Established
- 2-12-2 Board Created
- 2-12-3 Appointment and Qualifications
- 2-12-4 Organization of the Board
- 2-12-5 Meetings and Minutes
- 2-12-6 Responsibilities of the Board
- 2-12-7 Responsibilities of the General Manager
- 2-12-8 Authority of the General Manager
- 2-12-9 Removal of Board Member
- 2-12-10 Community Center Accounts
- 2-12-11 Annual Report

2-12-1 COMMUNITY CENTER ESTABLISHED.

There is hereby established The Lake View Community Center at 201 Boulder Ave, Lake View, Iowa. The Lake View Community Center was developed as a publicly-owned and operated multi-purpose recreation, activities, and events facility that will serve both the needs and interests of the Lake View community and its residents and also to bring people to the community for tourism and other events that will further economic development in Lake View. The facility shall be known as the Lake View Community Center or any other such name as is designated by the Council and the Board.

2-12-2 BOARD CREATED.

There is created a five-member Community Center Board, hereinafter referred to as the Board, for the purpose of making recommendations on the operation of the Community Center consistent with the terms and provisions of this chapter. Board members shall serve without compensation but may be reimbursed for the actual expenses incurred in the performance of their office. The main objective of the Board shall be to make recommendations on the operation of the Community Center in a professional and businesslike manner so as to generate optimum revenues from the facility, while minimizing the expenses. The Board's principal goal shall be to recommend ways to keep the operating subsidy from general tax dollars to the lowest possible amount, while simultaneously maximizing the facility's beneficial impact on the City's economy.

2-12-3 APPOINTMENT AND QUALIFICATIONS

The Community Center Board shall consist of five members. These five board members will be members residing within the East Sac Community School District or be other individuals having pertinent experience that will aid in successful operation of the Community Center. Board members shall be appointed by the Mayor thru an application and interview process, with the final approval of the City Council. One Council member shall be appointed as a liaison and will not have any voting power. The City Administrator shall, ex officio, be a non-voting member of the Board. All appointments to the Board are for five years except to fill vacancies. Each term shall commence on July 1st. Appointments are made in such manner as to stagger the terms so that, as nearly as possible, one third of the terms will expire every two years.

2-12-4 ORGANIZATION OF THE BOARD.

As soon as possible after the appointment of the initial members, the Board shall organize for the transaction of business, elect a chairperson, a vice-chairperson, and such other officers as it deems necessary, and adopt bylaws and regulations to govern the proceedings of the Board. The City Administrator may not be an officer of the Board. Four members of the board shall constitute a quorum for the transaction of business. All actions of the Board shall be by motion and the affirmative vote of a majority of the members present shall be necessary for the passage of either action.

2-12-5 MEETINGS AND MINUTES

The Board will generally schedule at least one public meeting each month, or as circumstances require. The notice of the meetings and the conduct of the meetings shall comply with applicable open meetings laws. Minutes of each meeting shall be kept, and all minutes shall be open to public inspection consistent with applicable open records laws.

2-12-6 RESPONSIBILITIES OF THE BOARD.

The Board shall make recommendations to the Council and the Community Center Manager on the operation of the facility. Specifically, the Board shall make recommendations on the following matters:

1. The rules and regulations for the operation of the facility.
2. The rates and fees for the use of the facility and services.
3. Advertising withing the facility and on behalf of the facility, and events held therein.
4. Applications for, and acceptance of, grants or subsidies from any other entity of government.
5. How to actively market and advertise the services offered by the facility.
6. Acceptance of gifts, donations, devices, and bequests that may be made to the City for the purpose of establishing, increasing, or improving the facility after the final approval from the City Council.
7. The expenditures of the facility's revenues and the municipal funds allotted to the facility.
8. The types of events to promote or co-promote activities and events held at the facility.
9. The employment of a competent person as General Manager of the facility who shall be the administrative head of the facility.
10. Such other matters as may reasonably be necessary to provide for the operation and marketing of the facility.

Notwithstanding the foregoing limited responsibilities of the Board, the Council reserves the right, to the extent permitted by Section 392.1. of the Code of Iowa, to delegate to the Board such additional temporary or permanent powers, authorities, and duties (including, but not limited to, rulemaking authority) as it may deem reasonably necessary for the efficient operation of the facility. The Council may make such delegation by motion, resolution, or ordinance.

2-12-7 RESPONSIBILITIES OF THE GENERAL MANAGER

It shall be the responsibility of the General Manager to:

1. Publish and make known to the public the schedule of fees and charges for all services offered at the facility, and the rules and regulations governing the public's and promoter's use of the facility.
2. Cause the preparation of an annual financial audit through appropriate City channels covering program activities and financial status and deliver the same to the Council within 60 days of the end of the fiscal period.
3. Deposit all moneys received with the City Treasurer to be credited to the facility and make all disbursements utilizing the claim and warrant procedures of the City.
4. Utilize the City's policies and procedures in the personnel administration of all facility employees subject to any outstanding labor contract.
5. Make all purchases of materials, supplies, equipment, and services reasonably necessary for the operation of the facility in accordance with City purchasing policies.
6. File with the Clerk for public inspection and transmittal to Council copies of agendas and minutes of all Board meetings and actions duly passed by the Board within 14 days of the meetings at which such action was taken.
7. Prepare an annual budget for review and recommendation of the Board to be transmitted to the Council for approval and adoptions. The budget shall include all proposed expenditures of facility revenues and municipal funds allotted for the facility. The approved budget will be the working document for administration of the facility.
8. Utilize all the available services provided by the City, and refrain from duplicating them.
9. Employ such persons consistent with, and authorized in, the annual budget as approved by the Council.

2-12-8 AUTHORITY OF THE GENERAL MANAGER

The Lake View Community Center General Manager shall report to the City Administrator. The Council recognizes that the General Manager must have certain authority to promote the use of the facility. Therefore, the General Manager shall maintain the following authority, subject to such limitations as the Council may from time-to-time impose:

1. To advertise the facility locally and regionally to maximize use.
2. To lease and schedule events at the facility on such terms as the General Manager determines will maximize revenue to the City.
3. To enter into contracts to promote and co-promote events at the facility, including contracts involving the pledge of money and guarantees.
4. To authorize the payment of fees to persons and organizations performing at the facility.

5. To arrange for food and beverage services at the facility under such terms as to maximize revenues to the City.

6. To enter into agreements with off-site ticket sellers to sell and promote ticket sales at the facility.

7. To purchase contracts of insurance, as may be required to comply with requirements of individuals and organizations using the facility.

8. To submit bids which may include guarantees and warranties to acquire conventions or conferences and similar events for the facility.

9. To enter into contracts with sales representatives for various services to be performed on behalf of the city for operation of the events center facility.

2-12-9 REMOVAL OF BOARD MEMBERS. Board members may be removed by a majority vote of the Council.

2-12-10 COMMUNITY CENTER ACCOUNTS. All money appropriated by the City Council from the general fund or any other fund for the operation and maintenance of the Community Center shall be set aside in a fund for the Community Center. Expenditures shall be paid for only on orders of the Board, signed by the City Clerk. The warrant writing officer is the City Clerk.

2-12-11 ANNUAL REPORT. The Board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statement of the condition of the Community Center, information on types and number of events held, the amount of funds collected, and the amount of money expended in the maintenance and operation of the Community Center during the year, together with such further information required by the City Council.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

- 3-1-1 Violations of Chapter
- 3-1-2 Public Peace
- 3-1-3 Public Morals
- 3-1-4 Streets
- 3-1-5 Public Safety and Health
- 3-1-6 Public Property
- 3-1-7 Throwing and Shooting
- 3-1-8 Disrespect of Flag
- 3-1-9 Funeral or Memorial Service

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or provoke another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

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

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

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

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

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

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

5. Without lawful authority or order 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))

6. Without authority, obstruct any street, sidewalk, highway or other public way.

(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

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

8. 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])

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Utilities Director or designee.

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice, and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice, and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within

a reasonable time, the City may perform the required action and assess the costs against the abutting property.

(Code of Iowa, Sec. 364.12(2)(b and e))

4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on public property or on the floor of any public structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. Putting debris on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal, or vehicle.

(Code of Iowa, Sec. 321.369)

3. False alarms. No person shall give or cause to be given any false alarm of a fire, or cry or sound an alarm or by any other means without cause.

4. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

5. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

a. No person, firm, corporation, or other legal entity shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, skyrocketes, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive, except as otherwise permitted by State statute or City ordinance.

b. The City Council may upon application in writing, grant a permit for the display and use of display fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

d. In the interest of public health and safety and at such times as approved by the Chief of Police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

6. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

7. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge, or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

8. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist, or obstruct any City employee from the performance of any official duty.

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

9. Antenna and radio wires. No person shall allow, locate, or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

10. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

11. Playing in streets. No person shall coast, sled, or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.

(Code of Iowa, Sec. 364.12)

12. Littering Prohibited.

a. As used in this Code, “discard” means to place, cause to be placed, throw, deposit or drop, and “litter” means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Lake View, except as provided and approved by the City of Lake View, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one’s ownership, possession, or control. Open burning

f. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or deposited by the owner or occupant at the City’s designated disposal site. Yard waste may be retained more than ten (10) days if composting is being completed.

g. Notwithstanding the above provisions, garbage, refuse or yard waste containers may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste containers are kept in place in the manner prescribed in this Code of Ordinances.

3-1-6 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Utilities Director or designee.

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

2. Damage new pavement. No person shall damage new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.

(Code of Iowa, 364.12(2))

3. Destroying park equipment. No person shall destroy or damage any property or equipment in public swimming pools, playgrounds, or parks by willfully defacing, breaking, damaging, mutilating, or cutting.

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

4. Damage to public library books or property. No person shall willfully or recklessly tear, deface, mutilate, damage, or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement, or notification, set up at any place within the City by authority of 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)

6. Damage to gravestones or property in cemetery. No person shall willfully or recklessly destroy, mutilate, deface, damage or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or damage any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

7. Damage to fire apparatus. No person shall willfully destroy or damage any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

8. Damage to city ambulance or paramedic apparatus. No person shall willfully destroy or damage any ambulance or paramedic unit, equipment or other things used to administer medical care.

(Code of Iowa, Sec. 716.1)

9. Obstructing or defacing roads. No person shall obstruct, deface or damage any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Utilities Director or designee.

(Code of Iowa, Sec. 716.1)

10. Damage to roads, railways, and other utilities. No person shall damage, 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 damage any public road or highway; or cut, burn, or in any way break down, damage or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or damage and deface any electric light, telegraph or telephone instrument; or in any way cut, break or damage the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, damage, break, disconnect, connect, make any 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 aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

11. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

12. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

3-1-7 THROWING AND SHOOTING. It is unlawful for a person to throw snowballs, water balloons, stones, bricks, or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, or other dangerous instruments or toys at any moving vehicle, or on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.

3-1-8 DISRESPECT OF FLAG. No person shall disrespect the 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:

1. “Deface “ means to intentionally mar the external appearance.
2. “Defile” means to intentionally make physically unclean.
3. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.
4. “Mutilate” means to intentionally cut up or alter so as to make imperfect.
5. “Show disrespect” means to deface, defile, mutilate, or trample.
6. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

3-1-9 FUNERAL OR MEMORIAL SERVICE. No person shall within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

1. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
2. 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.
3. 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)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

- 3-2-1 Definitions
- 3-2-2 Nuisances Prohibited
- 3-2-3 Other Conditions Regulated
- 3-2-4 Notice to Abate Nuisance or Condition
- 3-2-5 Contents of Notice to Abate
- 3-2-6 Method of Service
- 3-2-7 Request for Hearing and Appeal
- 3-2-8 Abatement in Emergency
- 3-2-9 Abatement by Municipality
- 3-2-10 Collection of Cost of Abatement
- 3-2-11 Installment Payment of Cost of Abatement
- 3-2-12 Condemnation of Nuisance

3-2-1 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. **DANGEROUS BUILDING.** The term “dangerous building” shall include, but not be limited to, any building, structure, manufactured or mobile home that meets any or all of the following criteria:

a. **Structural Instability** - any building or structure that becomes dilapidated, decays, or part or portion of the building may collapse, become dislodged or detached causing injury or health hazards, including but not limited to exterior walls with the below structural issues:

- (1) Exterior walls that lean, list, or buckle;
- (2) Exterior walls which contain holes or openings that are not boarded

up.

b. **Damaged Building** - a building or structure that has been damaged by fire, earthquake, wind, flood or by any other cause resulting in deteriorated structural stability, is manifestly dilapidated, unsafe or subject to significant deterioration.

c. **Health Hazard** - where a building or structure is inadequately maintained, becomes dilapidated, decays, becomes unsanitary or unfit for human habitation such that it is likely to cause disease or sickness.

d. **Fire Hazard** - where a structure or building that is dilapidated, obsolete, damaged, has inadequate exits, lacks fire resistive construction, has faulty electrical wiring, faulty heating apparatuses or gas connections. This condition is to be determined by the Fire Chief.

2. **NUISANCES DECLARED.** The term “nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property.

Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below:

(Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

(Code of Iowa, Sec. 657.2(1))

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2(2))

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

(Code of Iowa, Sec. 657.2(3))

d. The polluting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state to the injury or prejudice of others.

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

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

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

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2(6))

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

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

h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

i. 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.

(Code of Iowa, Sec. 657.2(8))

j. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire-resistant construction.

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

k. The emission of dense smoke, noxious fumes, or fly ash.

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

l. Weeds. Any condition relating to weeds which is described as a nuisance in the Lake View Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

(Code of Iowa, Sec. 657.2(11))

m. Trees infected with Dutch elm disease.

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

n. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

(Code of Iowa, Sec. 716.1)

o. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

(Code of Iowa, Sec. 657.2)

p. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk, or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Sac County Public Health Department and junk or salvage materials property stored in accordance with the Lake View Municipal Code;

q. Diseased or damaged trees or shrubs. Any dead, diseased, or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

r. Any ditch, drain, or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basin not maintained in an appropriate manner so as to allow its proper function.

s. Stagnant water standing on any property, container, or material kept in such condition that water can accumulate and stagnate.

t. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.

u. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspool or septic tank which does not comply with the Sac County Department of Health regulation.

v. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

w. Abandoned buildings.

x. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

y. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Lake View Municipal Code of Ordinances.

z. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Lake View Municipal Code of Ordinances.

aa. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council, provided the burning is in

compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

bb. Any accumulations of ice, water, and/or snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Lake View Municipal Code of Ordinances.

cc. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

dd. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

ee. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

ff. Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

gg. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 p.m. and 7:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.

hh. No person shall obstruct, deface, destroy, or damage any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

ii. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, or any other debris or like substance which may damage any person, animal, or vehicle or which may annoy, damage, or become dangerous to the health, comfort or property of individuals or the public.

jj. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the disturbance of others.

kk. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. This section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

ll. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left

or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, or lot, vacant or occupied.

mm. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

nn. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 7 days unless having obtained permission from the City Administrator.

oo. Rusty, deteriorated, dilapidated, or unusable play equipment visible from any adjoining property.

pp. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

qq. No person shall perform maintenance or repairs on any vehicle or machinery while in the public right-of-way or public street or alley. This provision does not apply when repairs are made in the case of an emergency repair in order to make the vehicle or machinery operable in order to remove it from the street, alley, or right-of-way.

(This is not an exclusive or exhaustive list of possible nuisances. The Council must decide what is needed and appropriate for its community.)

3. The term “property owner” means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 384.37(16))

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

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

2. The removal, repair, or dismantling of dangerous buildings or structures.

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

3. The numbering of buildings.

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

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

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

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

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

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. Notice and opportunity to abate the nuisance is not required prior to bringing legal action.

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

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer/employee ordering the abatement within seven (7) working days of the receipt of the notice or the right to a hearing shall be waived. If an appeal is not filed as set forth herein, it will be conclusively presumed that a nuisance or prohibited condition exists, and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-8 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, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY. 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 City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in

up to ten (10) annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential, commercial, or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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- 3-3-2 Definitions
- 3-3-3 Traffic Accident Reports
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3-3-1 SHORT TITLE. This chapter may be known and cited as the “Traffic Code”.

3-3-2 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. “Park and parking” means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. “Stand or standing” means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. “Stop”, when required means complete cessation of movement.
4. “Stop or stopping”, when prohibited, means 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 police officer or traffic-control sign or signal.
5. “Business districts” means: the territory contiguous to and including a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
6. “Residence districts” means the territory within a city contiguous to and including a highway, not comprising a business, suburban, or school district, where 40% or more of the frontage on such highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

(Code of Iowa, Sec. 321.1)

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.

(Code of Iowa, Sec. 321.266)

3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain

information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or damaged, the number and nature of violations, and other pertinent traffic data, including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 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 Police Chief. Such permit shall state the time and date for the parade to be held and the streets or general route therefore. 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 Fire Fighters. 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.

3-3-7 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.

3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only)
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.

26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.

51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.

- 75. 321.367 Failure to maintain distance from fire-fighting vehicle.
- 76. 321.368 Crossing unprotected fire hose.
- 77. 321.369 Putting debris on highway/roadway.
- 78. 321.370 Removing injurious material.
- 79. 321.371 Clearing up wrecks.
- 80. 321.372 School bus provisions.
- 81. 321.377 Excessive speed of school bus.
- 82. 321.381 Driving or towing unsafe vehicle.
- 83. 321.382 Operating underpowered vehicle.
- 84. 321.383 Failure to display reflective device on slow-moving vehicles.
- 85. 321.384 Failure to use headlamps when required.
- 86. 321.385 Insufficient number of headlamps.
- 87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
- 88. 321.387 Improper rear lamp.
- 89. 321.388 Improper registration plate lamp.
- 90. 321.389 Improper rear reflector.
- 91. 321.390 Reflector requirements.
- 92. 321.391 Improper type of reflector.
- 93. 321.392 Improper clearance lighting on truck or trailer.
- 94. 321.393 Lighting device color and mounting.
- 95. 321.394 No lamp or flag on rear-projecting load.
- 96. 321.395 Parking on certain roadways without parking lights.
- 97. 321.397 Improper light on bicycle.
- 98. 321.398 Improper light on other vehicle.
- 99. 321.402 Improper use of spotlight.

100.	321.403	Improper use of auxiliary driving lights.
101.	321.404	Improper brake light.
102.	321.408	Back-up lamps.
103.	321.409	Improperly adjusted headlamps.
104.	321.415	Failure to dim.
105.	321.419	Improper headlighting when night driving.
106.	321.420	Excessive number of driving lights.
107.	321.422	Lights of improper color-front or rear.
108.	321.423	Special light/signal provision.
109.	321.430	Defective braking equipment.
110.	321.431	Brake performance ability.
111.	321.432	Defective audible warning device.
112.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
113.	321.434	Use of siren or whistle on bicycle.
114.	321.436	Defective or unauthorized muffler system.
115.	321.437	Mirrors.
116.	321.438	Windshields.
117.	321.439	Defective windshield wiper.
118.	321.440	Defective tires.
119.	321.441	Unauthorized use of metal tire or track.
120.	321.442	Unauthorized use of metal projection on wheels.
121.	321.444	Failure to use safety glass.
122.	321.445	Failure to maintain or use safety belts.
123.	321.446	Failure to secure child.
124.	321.449	Special regulations.

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|------|---------|----------------------------------------------------------------------------|
| 125. | 321.450 | Hazardous materials. |
| 126. | 321.454 | Width and length violations. |
| 127. | 321.455 | Excessive side projection of load – passenger vehicle. |
| 128. | 321.456 | Excessive height. |
| 129. | 321.457 | Excessive length. |
| 130. | 321.458 | Excessive projection from front of vehicle. |
| 131. | 321.459 | Excessive weight – dual axels (each 2000 lb. or over). |
| 132. | 321.460 | Spilling loads on highways. |
| 133. | 321.461 | Excessive tow-bar length. |
| 134. | 321.462 | Failure to use required towing equipment. |
| 135. | 321.463 | Maximum gross weight. |
| 136. | 321.466 | Gross weight in excess of registered gross weight (each 2000 lb. or over). |

3-3-8 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

3-3-9 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing any alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

3-3-10 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 **NUISANCE ABATEMENT SECTION** of this Code of Ordinances.

3-3-11 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

3-3-12 EXCESSIVE ACCELERATION. It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on any surface or to cause the tires of the vehicles to leave marks on any surface or to throw sand and gravel, or to cause the wheel of a motorcycle or motorized vehicle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

3-3-13 DISTURBING THE PEACE WITH A MOTOR VEHICLE. It is unlawful to disturb the peace and quiet of any street, alley, avenue, public place, religious or public assembly, neighborhood, private family or person by loud or unusual noise caused by the operation of a motor vehicle or by playing loud music within the vehicle which can be heard at a distance of fifty (50) feet from the vehicle.

TRAFFIC CONTROL DEVICES

3-3-14 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. The Chief of Police, with approval of the City Council, shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Chief of Police shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-15 CHIEF OF POLICE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Chief of Police, with the approval of the City Council, is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-16 PLAY STREETS. The Chief of Police, with approval of the City Council, has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

3-3-17 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.

SPEED REGULATIONS

3-3-18 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. **SPECIAL 15 MPH SPEED ZONES.** A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. Lakeshore Drive, in its entirety.

a. Sunset Drive, in its entirety.

2. **SPECIAL 20 MPH SPEED ZONE.** A speed in excess of twenty (20) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. Madison Street, from Fifth Street to Ninth Street.

3. **SPECIAL 25 MPH SPEED ZONES.** A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. Highway 175, in its entirety.

b. East Shore Drive, from the outlet of Black Hawk Lake south to Rolf Avenue.

4. SPECIAL 35 MPH SPEED ZONE. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. East Shore Drive, from Quality Drive to the corporate limits.

5. SPECIAL 40 MPH SPEED ZONE. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. Highway 175/330th St/Highway 471, from the west City limits of Lake View to the highway's intersection with Perking Avenue/High Street.

6. SPECIAL 45 MPH SPEED ZONE. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. Quincy Avenue, from Highway 175 south to North State Road.

b. Quality Drive, from Highway 175 south to East Shore Drive.

7. SPECIAL 50 MPH SPEED ZONE. A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof.

a. Highway 175/330th St/Highway 471, from Perkins Avenue/High Street to the highway's intersection with Quincy Avenue.

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-19 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-20 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-21 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-22 “U” TURNS. It shall be unlawful for a driver to make a “U” turn except at an intersection. “U” turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS

3-3-23 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-24 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction.

1. Vine Street is southbound from Third Street to Second Street;
2. Eighth Street is westbound from Madison Street to Jackson Street;
3. Lakeshore Drive is southbound from Lake Street to Lake Street.

3-3-25 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section.

SPECIAL STOPS REQUIRED

3-3-26 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways.

1. Madison Street from Third Street to Ninth Street;
2. Third Street from Madison Street to Crecent Park Drive;
3. Lake Street from Third Street to Highways 71 and 175;

4. High Street from Harrison Street to Third Street;
5. Highways 471 and 175 from west City limits to east City limits;
6. High Street from Fifth Street to north City limits;
7. North State Road from County Road M-54 to County Road.

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-27 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police, with the approval of the City Council, to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-28 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazards exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-29 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.

3-3-30 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 a 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)

3-3-31 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)

3-3-32 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-33 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-34 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, pedestrians walking on or along a roadway, shall walk on the left side of the roadway at all times.

(Code of Iowa, Sec. 321.326)

3-3-35 HITCHHIKING. No person shall stand in the traveled portion of a street or on the adjacent shoulder for the purpose of soliciting a ride from the driver of any private vehicle.

METHOD OF PARKING

3-3-36 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as 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)

3-3-37 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-38 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-39 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. 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 the signs and markings.

No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-40 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
8. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
9. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
10. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
11. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary, in obedience to traffic regulations or traffic signs, or signals of a police officer.
12. At any place where official signs or curb markings prohibit stopping, standing, or parking.
13. Within ten (10) feet of the crosswalk at all intersections within the City.

14. In an alley under any fire escape at any time.

15. 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])

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

(Code of Iowa, Sec. 321.360)

17. 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])

18. 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.

19. 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.

3-3-41 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbing to be painted with a yellow or orange color and erect “no parking” or “standing” signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk, or street with yellow or orange colored paint or to erect “no parking” signs.

(Code of Iowa, Sec. 321.358(10))

3-3-42 HANDICAPPED PARKING. The following regulations shall apply to the establishment and use of handicapped parking spaces:

1. Nonresidential Off-street Facilities. Nonresidential off-street parking facilities shall set aside handicapped parking spaces in accordance with the following:

a. Municipal off- street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent (2%) of the total parking spaces in which parking facility as handicapped parking spaces, rounded to the nearest whole number of handicapped parking spaces. However, such parking facilities having ten (10) or more parking spaces shall set aside at least on handicapped parking space.

(Code of Iowa, Sec. 321L.5[3a])

b. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing handicapped parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for handicapped parking spaces in a facility exceeds sixty percent (60%) during normal business hours, the entity shall provide additional handicapped parking spaces as needed.

(Code of Iowa, Sect. 321L.5[3b])

c. An entity providing off-street nonresidential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a handicapped parking permit issued in accordance with Section 321L.2 of the Code of Iowa.

(Code of Iowa, Sec. 321L.5[3c])

d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over	**

*Two percent (2%) of total
 **Twenty (20) spaces plus one for each 100 over 1000

(Code of Iowa, Sec. 321L.5[3d])

2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, which are residences and which provide ten (10) or more tenant parking spaces, excluding extended health care facilities, shall designate at least one handicapped parking space as needed for each individual dwelling unit in which a handicapped person resides. Residential buildings and facilities which provide public visitor parking of ten (10) or more spaces shall designate handicapped parking spaces in the visitors parking area in accordance with the table contained in subsection (1)(D) of this section.

(IAC, 661-18.7[321L])

3. Business District. With respect to any on-street parking areas provided by the City within the business district, not less than two percent (2%) of the total parking spaces within each business district shall be designated as handicapped parking spaces.

(Code of Iowa, Sec. 321L.5[4a])

4. Other Spaces. Any other person may set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space. No person shall establish any on-street handicapped parking spaces without first obtaining Council approval.

(Code of Iowa, Sec. 321L.5[3e])

5. Improper Use. The following uses of a handicapped parking space, located on either public or private property, constitute improper use of a handicapped parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

- a. Use by a motor vehicle not displaying a handicapped parking permit;
- b. Use by a motor vehicle displaying a handicapped parking permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly and the persons being so transported in a vehicle displaying a removable windshield placard in accordance with Section 321L.2[1b] of the Code of Iowa);
- c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

3-3-43 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.
3. When any vehicle is left parked upon a street for a continuous period of seventy-two (72) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

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

STOPPING, STANDING, OR PARKING

3-3-44 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed, or parking is prohibited on designated streets or portions of streets, it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-45 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor or city officials unless the snow has been removed or plowed from said street, alley, or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Chief of Police is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

3-3-46 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and

giving notice thereof, for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.

1. Main Street on both sides from Third Street to Fifth Street;
2. Fifth Street on both sides from High Street to Vine Street;
3. Fourth Street on both sides from High Street to Vine Street;
4. Third Street on both sides from High Street to Vine Street.

3-3-47 TRUCK, RECREATIONAL VEHICLE (RV), TRAILER, AND BOAT PARKING LIMITED. Trucks licensed for five (5) tons or more shall not be parked at the following locations:

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

- a. Main Street on both sides from Third Street to Fifth Street, 24 hours a day, seven days a week;
- b. Fourth Street on both sides from High Street to Vine Street, 24 hours a day, seven days a week;
- c. Fifth Street on both sides from High Street to Vine Street, 24 hours a day, seven days a week.

2. Livestock. No person shall park a livestock trailer within the corporate limits of the City for a period in excess of eight (8) hours.

3. Dollying Down. No person shall dolly down any semi, truck or livestock trailer on any public street or alley in the City.

4. Residential District.

a. No person shall park a commercial vehicle, semi-trailer, truck, trailer, camper, camping trailer, motor home, bus, recreational vehicle (RV), trailer, or boat, whether or not attached to a motorized vehicle, on any residential street within the City, except as provided in the following exemptions.

1. Exemptions. The following vehicles are exemptions to the restricted parking regulations;

- a. A recreational trailer (RV), boat or trailer if:
 - (1) It is parked only for a period that does not in any event exceed 72 consecutive hours.
 - (2) Any trailer parked on the public roadway shall be attached to a motor vehicle, and the period of time the trailer and vehicle are parked on the public

roadway shall not exceed 72 consecutive hours in compliance with the other subsections of the Code.

(3) A new 72-hour period allowed in subsections (1) and (2) is never initiated without an intervening minimum 48-hour period during which time the vehicle must be removed from, and remain off of, the street.

(4) No part of the recreational vehicle (RV), boat, or trailer may be on or over the sidewalk or right of way, including, without limitation, tires, slide outs, awnings, other protrusions from the body of the recreational vehicle (RV), boat or trailer, cords, wires, hoses, or other appurtenances.

(5) No tarps or vehicle covers shall be placed upon any recreational vehicle (RV) or trailer parked on any public roadway. This section shall not apply to covers offering interior protections for boats.

Any recreational vehicle (RV) parked in accordance with this section shall not be occupied or used as sleeping quarters or for other housekeeping purposes.

b. A commercial vehicle, semi-tractor and attached semi-trailer, or truck temporarily parked for only that period of time necessary to expeditiously complete rendering services to real property located within 200 feet of the commercial vehicle. This provision applies to the trailer when disconnected from the tractor or from the vehicle meant to tow or pull the trailer.

5. Public Parking Lot.

a. No person shall park a motor truck, semi-trailer or other motor vehicle with trailer attached in the City public parking lot located at the north end of Hanson Street behind the City garage unless the trailer is first cleaned so as not to emit any offensive odors and in any event for no longer a period of time than 72 hours.

b. No person shall park a motor truck, semi-trailer, or other motor vehicle in the Hanson Street City Public Parking lot for a period of no longer than 72 hours.

6. Town Bay Parking lot. No person shall park a commercial vehicle, semi-trailer, truck, trailer, camper, camping trailer, motor home, bus, recreational vehicle (RV), or boat, whether or not attached to a motorized vehicle in the Town Bay Parking Lot in any event no longer than a period of time no longer than 72 hours. Exception shall be made for a Camp Crescent seasonal camper's boat/pontoon trailers having a Camp Crescent issued annual parking permit sticker placed on the driver's side of the trailer hitch.

7. McClure & Fifth Street Parking Lot. No person shall park a commercial vehicle, semi-trailer, truck, trailer, camper, camping trailer, motor home, bus, recreational vehicle (RV), or boat, whether or not attached to a motorized vehicle in the Vine Street Parking Lot in any event no longer than a period of time no longer than 72 hours.

8. No person shall park any non-licensed construction equipment on a street in a residential neighborhood for any period longer than 72 hours, except while actively using the equipment during normal working hours.

Special permits for parking contrary to the provisions of this Section may be issued by the Mayor, City Clerk, City Administrator, or Police Chief upon a showing by the applicant that due to unusual circumstances permitting such parking is in the public interest. Such permits shall only be issued when public health, safety and welfare will not be seriously affected by the issuance of the special permit.

3-3-48 TRAILERS. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.

3-3-49 ELECTRIC VEHICLE CHARGING. It shall be unlawful for any person to park or stand a non-electric vehicle in any municipal parking space that has been designated as a public electric vehicle charging station. Further, it shall be unlawful for any person to park or stand an electric vehicle in a municipal parking space that has been designated as a public electric vehicle charging station when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this section, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

MISCELLANEOUS DRIVING RULES

3-3-50 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-51 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-52 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon public property for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established marketplace or when so authorized or licensed under the Ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight (48) hours.

3-3-53 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-54 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-55 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-56 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-3-57 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or City ordinance over those streets named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

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

3-3-58 TRUCK ROUTES.

1. Every motor vehicle licensed for five (5) tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other:

- a. Madison Street from Highway 471 & 175 to Third Street;
- b. Third Street from Madison Street to Lake Street;
- c. Fifth Street from Blackhawk Lifecare to Lake Street;
- d. Lake Street from Lake View Concrete to Highway 71 & 175;
- e. Vine Street from Third Street to Fifth Street;
- f. First Street from High Street to Lake Street;
- g. Blossom Street from South State Road to First Street;
- h. All of High Street, North State Road, South State Road, and Highway 471

& 175.

2. Any motor vehicle licensed for five (5) tons or more, 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 the designated route.

3. 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.

3-3-59 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred feet (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-60 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate, or 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 that results in excessive, loud, unusual or explosive noise from such vehicle.

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 three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

BICYCLE REGULATIONS

3-3-61 DEFINITIONS. For the purpose of this Chapter, the following terms are defined:

1. "Bicycles" shall mean either of the following:
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A low-speed electric bicycle.

(Code of Iowa, Sec. 321.1)

3-3-62 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. 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 drivers of vehicles by the laws of this State regarding rules of the road

applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

3-3-63 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-64 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

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

3-3-65 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-66 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-67 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

3-3-68 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-69 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

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

3-3-70 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.

3-3-71 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.

3-3-72 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

3-3-73 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

SNOWMOBILES

3-3-74 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis, or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-75 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

1. Unplowed Streets. Snowmobiles shall not be operated on the following designated street, alley, or specified areas except when the streets have not been plowed during the snow season and are impassable

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

- a. In Speaker Park and Camp Crescent;
- b. On Main Street from the north side of Fifth Street to the south side of Third Street;
- c. On Vine Street from the north side of Fifth Street to the south side of Third Street;

- d. On Fifth Street from the east side of High Street to the east side of Vine Street;
- e. On Fourth Street from the east side of High Street to the east side of Vine Street;
- f. On Third Street from the east side of High Street to the east side of Vine Street.

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

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

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

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

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

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

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

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

3. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4]7)

4. 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.

5. 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.

3-3-76 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.
7. No person shall operate a snowmobile in the City except for the purpose of loading and unloading a snowmobile from another vehicle or trailer or passing through.

3-3-77 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached, and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut out, by pass or similar device on said vehicle.
2. Adequate brakes in good operating condition and at least one headlight and one taillight in good operating condition.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-78 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-79 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-80 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

3-3-81 PENALTIES. Violation of this Ordinance shall constitute a simple misdemeanor punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable surcharges and court costs, and/or up to thirty (30) days in jail.

3-3-82 CHARGES FOR SERVICES. When the Police Department or Fire Department responds to a call involving snowmobile(s) or any other vehicle crossing open water on Black Hawk Lake, or when a Police or Fire Officer observes said action and responds, a response fee may be assessed. The Police Chief may assess a fee for all services rendered by the Police and/or Fire Department under this section against the operator/owner of the snowmobile. The minimum charge/fee shall be \$500.00.

3-3-83 PAYMENT OF FEES. All fees assessed shall be due and payable upon presentation of a statement for said fees and charges to the snowmobile operator, and shall be paid to the City Clerk. Actions for collection of fees and charges shall be brought in the name of the City in the same manner as other actions at law. The City shall be entitled to receive interest on the assessed costs and reasonable attorney fees and costs for enforcing and collecting the same.

OFF-ROAD VEHICLES

3-3-84 DEFINITIONS. For use in this Chapter the following terms are defined:

1. “All-terrain vehicle” (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.
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, but which contains design features that enable operation over natural terrain. Off-road motorcycles shall be considered all-terrain vehicles for the purposes of registration. All off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling. An operator of an off-road motorcycle is subject to the provisions governing the operation of all-terrain vehicles.
3. “Off-road utility vehicle (UTV)” means a motorized vehicle with no 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 as defined in Section 321I.1(17), Iowa Code.

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

3-3-85 OPERATION OF OFF-ROAD VEHICLES. The operation of ATV, UTV, or off-road motorcycles shall comply with the following restrictions:

1. Prohibited Operation.
 - a. Shall not be operated on sidewalks or other City land or property,
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. Under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - e. On any state roads located within the City
 - f. On any public land, ice, or snow, in violation of official signs prohibiting such operation in the interest of safety for persons, property, or the environment. The Police Chief may post an official sign in an emergency for the protection of persons, property, or the environment.
 - g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream., which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossing of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of all-terrain vehicles on ice.
 - h. On a designated riding area or designated trail unless the riding area or trail is signed as open to Off Road Utility Vehicle operation. and is signed as open.
 - i. With more persons on the vehicle than it was designed to carry. This does not apply to a person who operates said vehicle as part of a farm operation as defined by Iowa Code Sec. 352.2
 - j. With a firearm unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding in the vehicle.
2. Time of Operation. Shall only be operated between sunrise and sunset.

(Code of Iowa 321I.13)
3. Compliance with State Code. All operation shall comply with Iowa Code Chapter 321I.

4. Use of any ATV or UTV within the City must first be registered with the proper State authority. The operator must carry the registration certificate whenever the ATV or UTV is in use. The State registration decal must be displayed on the ATV or UTV and remain clearly visible. All ATVs and UTVs operated within the City must have operational headlights, taillights, break lights, horn, brakes, muffler, and rearview mirrors.

5. ATVs and UTVs operating within the City must not exceed the posted speed limit or exceed a maximum speed of 35 miles per hour.

6. An individual operating an ATV or UTV within the City must be at least 18 years old with a valid driver's license and valid proof of insurance.

3-3-86 PENALTIES. Violation of this Ordinance shall constitute a simple misdemeanor punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable surcharges and court costs, and/or up to thirty (30) days in jail.

3-3-87 RESERVED

3-3-88 RESERVED

GOLF CARTS

3-3-89 DEFINITIONS. For use in this ordinance "golf cart" is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-90 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver's license provided that a special permit is obtained from the Police Department. The application for a permit shall set forth that the applicant meets the requirements of this section and the proposed routes of the applicant. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, adequate brake lights, turn signals, rearview mirror, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa.

No golf cart shall be operated at a speed in excess of twenty (20) mph on any street within the City.

3-3-91 REGISTRATION OF GOLF CARTS. Registration is required with the Police Department of the City. The Police Department shall conduct an inspection of the golf cart prior to registration to verify that the golf cart complies with the provisions of this chapter and that the owner has proof of financial liability coverage. An annual registration fee of twenty dollars (\$20.00) is required.

PENALTIES AND PROCEDURE

3-3-92 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 and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

3-3-93 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-94 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-95 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

1. Overtime parking	\$	20
2. Prohibited parking	\$	20
3. No parking zone	\$	20
4. Blocking alley	\$	20
5. Illegal parking	\$	20
6. Street cleaning	\$	20
7. Snow removal ban	\$	20
8. Persons with disabilities parking	\$	200

(Code of Iowa, Sec. 321L.4(2))

3-3-96 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 NOISE CONTROL

- 3-4-1 Purpose
- 3-4-2 Scope of Regulations
- 3-4-3 Definitions
- 3-4-4 Noise Disturbance Prohibited
- 3-4-5 Sounds Not Allowed
- 3-4-6 Noise Permit for Sound Equipment
- 3-4-7 Exceptions
- 3-4-8 Power and Duties of the Police Chief
- 3-4-9 Suspension or Revocation of Permit
- 3-4-10 Penalty

3-4-1 PURPOSE. The purpose of this chapter is to establish standards for the control of excessive sound and vibration in the City of Lake View thereby protecting the public's health, safety, and general welfare.

3-4-2 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City of Lake View, except in the following cases:

1. A State or Federal agency has adopted a different standard or rule than prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable; or
2. The City Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

3-4-3 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "Application" means the application submitted to the City requesting a noise permit.
2. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. "Emergency work" means any work performed for the purpose of alleviating or resolving an emergency.
4. "Motorcycle" means any two or three-wheeled motor vehicle.

5. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: “motor vehicle” includes most motorcycles)

6. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

7. “Noise Control Officer” means the official of the Lake View Police Department having lead responsibility for administration and enforcement of this chapter.

8. “Noise disturbance” means those sounds defined as “sounds not allowed” in Section 3-4-5 of this Chapter.

9. “Persons” means unless used in such a manner to denote only a human being, any firm, partnership, domestic or foreign corporation, association, joint stock company, trust or other association or entity, City, County, or State government and subdivisions or agencies thereof, and the Federal government and subdivisions and agencies thereof.

10. “Powered model vehicle” means any self-propelled, airborne, waterborne, or land-borne model plane, vessel, or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.

11. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

12. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.

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

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

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

16. “Sound equipment” means any radio, record player, tape deck or CD player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound,

except; however, “sound equipment” does not include sirens and other equipment used to alert persons to the existence of an emergency; equipment used by law enforcement and other public safety officials in the performance of their official duties’ church carillons, bells or chimes; mobile radio or telephone signaling devices; and automobile and truck radios, tape decks or CD players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than fifty (50) feet from such automobile or truck.

17. “Sound level” means the weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network, such as A or C, as specified in the American National Standards Institute (ANSI) specifications for sound level meters, or latest approved revision thereof.

18. “Sound level meter” means an ANSI Type 1 or Type 2 approved instrument which includes a microphone, sound pressure detector, integrator or time averaging device, output meter, and weighting networks used to measure different kinds or noise.

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

20. “Vibration” means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

3-4-4 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make, continue, cause, or allow any noise disturbance within the City of Lake View.

3-4-5 SOUNDS NOT ALLOWED. The term “noise disturbance” means any of the following sounds:

1. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately-owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of 5:00 p.m. and 8:00 a.m.

2. Motor Vehicle Radios. The sound emitted by an automobile or truck radio, tape deck or compact disk player, or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants, if the sound emitted therefrom is audible for more than 50 feet, at all times.

3. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of 8:30 p.m. and 7:00 a.m.

4. Construction Noise. The sound made by privately owned and operated tools or equipment in the erection, demolition, excavation, drilling, or other such construction work, which is received between the hours of 8:30 p.m. and 7:00 a.m. on weeknights and between the hours of 6:00 p.m. and 9:00 a.m. on Saturday and Sunday.

5. Engine Brake Noise. The sound made by an engine brake device of a diesel engine truck, at all times.

6. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle or recreational vehicle which is received between the hours of 8:30 p.m. and 7:00 a.m.

7. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the health, safety or welfare of a human being, disturbs a reasonable human being of normal sensitivities, or causes or tends to cause an adverse physiological or physical effect on human beings, or devalues or injures property, at all times.

8. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped, lawn and garden equipment operated between the hours of 8:30 p.m. and 7:00 a.m. Golf courses are exempt from lawn mower operation restrictions.

9. Power Snow Removal Equipment. The sound of power snow-removal equipment in residential areas, between 12:00 midnight and 4:00 a.m.

10. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, trash cans, receptacles, and/or dumpsters, between the hours of 8:30 p.m. and 7:00 a.m. unless the activity is occurring on property zoned as retail, commercial or industrial which shall be exempt from time provisions.

11. Musical Instruments. The sound made by a drum, horn, reed and/or string instrument, the other musical instrument or devices, which is received between the hours of 8:30 p.m. and 7:00 a.m.

12. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system is defective or has been modified by the installation of a muffler cutout or bypass, at all times.

13. Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private or City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 8:30 p.m. and 7:00 a.m., provided; however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a "noise disturbance" unless made so by some provisions of this section.

14. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of 8:30 p.m. and 7:00 a.m.

15. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized, at all times.

16. Screeching Tires, The sound made by the intentional screeching or squealing of the tires of a motor vehicle, at all times.

17. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial, at all times.

18. Sound Equipment. The sound made by sound equipment (see definition 16) operated upon the right-of-way, or in any building, or upon any public or private premises, if plainly audible from any public right-of-way within the City, unless the person using, operating, or causing to be used or operated, the sound equipment possesses a current noise permit and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application, the conditions imposed in the noise permit, or the limitation specified in Section 3-4-6 of this chapter, at all times.

All violations of any of the above provisions are hereby declared simple misdemeanors punishable by a fine of at least \$100 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in 1-3-2 of this Code of Ordinances.

3-4-6 SOUND EQUIPMENT. No person shall operate or cause to be operated on public or private property any source of sound in such a manner as to create a sound level that exceeds the following limits on receiving land:

RECEIVING	MAXIMUM dB PERMITTED
Residential:	110 dB between 7 a.m. and 8 p.m. 80 dB after 8 p.m.
Commercial:	110 dB between 7 a.m. and 8 p.m. 80 dB after 8 p.m.

a. The measurement of sound shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI). The instrument shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the noise source.

b. If there is no voluntary compliance within a reasonable amount of time, the Noise Control Officer is given the authority to issue a municipal citation to shut down the event, to turn off the sound equipment, or to reduce the sound to the level authorized by the Noise Permit.

c. An event for which a Noise Permit either has not been obtained or which is in violation of the maximum decibel levels will also be subject to those penalties established elsewhere in this Code.

3-4-7 EXCEPTIONS. This chapter does not apply to the following:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency. This is to include the public address systems.
2. The emission of sound in the performance of emergency work.

3. The emission of sound from church bells, carillons, or chimes.
4. The emission of sounds from sound equipment made by students, employees or the general public while in attendance at any school-sponsored event or any City sponsored, hosted, or funded events using sound equipment with approval from the City Administrator.
5. The emission of sounds made by participants and observers of any parade that has been approved by the City Council.
6. The sound made or caused to be made by City, school, or State-owned or hired equipment or facilities for the conduct of City, school, or State operations.
7. The emission of sound associated with the business operations of a company located on property zoned as retail, commercial or industrial during the hours in which the company conducts business operations to include loading and unloading at any time. This exception does not include amplified sound or music.

3-4-8 POWERS AND DUTIES OF THE NOISE CONTROL OFFICER.

1. In order to implement and enforce this chapter and for the general purpose of sound and vibration abatement and control, the Noise Control Officer (NCO) shall have, in addition to any other authority vested, the power to:
 - a. Conduct, or cause to be conducted, research, monitoring, and other studies related to sound and vibration.
 - b. Conduct programs of public education regarding:
 1. The causes, effects and general methods of abatement and control of noise and vibration; and
 2. The actions prohibited by this chapter and the procedures for reporting violations; and
 3. Encourage the participation of public interest groups in related public information efforts.
 - c. Coordinate the noise and vibration control activities of all municipal departments.
 - d. Cooperate to the extent practicable with appropriate County and municipal agencies.
2. In order to implement and enforce this chapter effectively, the NCO shall within a reasonable time after the effective date of this Chapter,

- a. Develop and promulgate standards, testing methods and procedures, subject to approval of the City Council;
- b. Investigate and pursue possible violations of this chapter;
- c. Delegate functions, where appropriate under this chapter, to personnel within the NCO and to other departments of the City.

3-4-9 SUSPENSION OR REVOCATION OF PERMIT. Any permit issued under the provisions of this chapter may be suspended or revoked by the City as follows:

1. Grounds. The City Clerk's Office may suspend or revoke any license issued under this chapter for any of, but not limited to, the following reasons:

- a. The permit holder has made fraudulent statements in his/her application for the license or in the conduct of his/her business.
- b. The permit holder has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.
- c. The permit holder has conducted his/her business in such a manner as to endanger the public welfare, safety, order, or morals.
- d. The City Clerk's Office has received and investigated three (3) or more found complaints during the permitted period.

2. Notice of Suspension or Revocation; Right to Appeal. The City Clerk or Clerk's designee shall cause notice of the permit revocation to be served in person by a City official or by mail to the licensee's local address. Which notice shall specify the reason(s) for such action. The permit holder may appeal the revocation of the permit to the City Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision of the Clerk to revoke such permit. If a permit is revoked, no refund of any permit fee paid shall be made. Upon the revocation of a permit, the permit holder is not eligible for the issuance of a new permit under this chapter for a period of one year from the date the revocation is served in person or deposited in the U.S. mail.

3-4-10 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this Code. Police officers, code enforcement officers, or the Police Chief's designee shall have the authority to issue citations for violations of this chapter and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 REGISTRY OF DRUG PRECURSOR SALES

- 3-5-1 Definitions
- 3-5-2 Registry Requirements
- 3-5-3 Violations

3-5-1 DEFINITIONS. For use in this chapter, a “controlled substance precursor” is any product containing the following items:

1. Muriatic acid
2. Anhydrous ammonia
3. Red Phosphorus
4. Substances containing lithium
5. Ether
6. Ephedrine

3-5-2 REGISTRY REQUIREMENTS. All persons and/or businesses selling, transferring or otherwise passing for consideration any substances containing the above-described controlled substance precursors shall require the purchaser or person receiving said substance to provide his or her name, address and telephone number and to produce photo identification. Said information shall be kept in a log that shall be accessible to any law enforcement officer upon request.

3-5-3 VIOLATIONS. Any person or business violating this chapter shall be committing a municipal infraction or punishable by any other injunctive remedies that the court may impose, pursuant to Iowa’s municipal infraction authority.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 FIRE PROTECTION

- 3-6-1 Establishment and Purpose
- 3-6-2 Organization
- 3-6-3 Approved by Council
- 3-6-4 Compensation
- 3-6-5 Election of Officers
- 3-6-6 Volunteer Fire Fighters
- 3-6-7 Fire Fighter's Duties
- 3-6-8 Constitution
- 3-6-9 Worker's Compensation and Hospitalization Insurance
- 3-6-10 Liability Insurance
- 3-6-11 Fires Outside City Limits
- 3-6-12 Mutual Aid
- 3-6-13 Authority to Cite Violations

3-6-1 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)

3-6-2 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

3-6-3 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.

3-6-4 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])

3-6-5 ELECTION OF OFFICERS. The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of the Fire Chief.

3-6-6 VOLUNTEER FIRE FIGHTERS. 25 residents of the Lake View fire district, at least age eighteen (18) shall be appointed to serve as a volunteer fire fighter. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

3-6-7 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Fire Chief. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

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

3-6-8 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.

3-6-9 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City 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 fire fighters. All volunteer fire fighters shall be covered by the contract.

3-6-10 LIABILITY INSURANCE. The City 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.

3-6-11 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

3-6-12 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

3-6-13 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 CURFEW FOR MINORS

- 3-7-1 Preamble
- 3-7-2 Findings and Purpose
- 3-7-3 Definitions
- 3-7-4 Offenses
- 3-7-5 Defenses
- 3-7-6 Enforcement

3-7-1 PREAMBLE. The City of Lake View recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-7-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Lake View; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Lake View has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-7-3 DEFINITIONS. In this chapter:

1. Curfew hours means 11:00 p.m. until 5:00 a.m. on Monday through Fridays and 12:00 a.m. until 5:00 a.m. on Saturdays and Sundays.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:

a. A person who, under court order, is the guardian of the person of a minor;
or

b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 17 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:

a. A biological parent, adoptive parent, or step-parent of another person; or

b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remain means to:

a. Linger or stay; or

b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-7-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-7-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Lake View, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Lake View, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-7-6 ENFORCEMENT.

“Editor’s Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See Maquoketa v. Russell, 484 NW2d, 179 (Iowa 1992) and Quit v. Strauss, 8 F2d 260 (1993).”

TITLE III COMMUNITY PROTECTION

CHAPTER 8 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

- 3-8-1 Definitions
- 3-8-2 Exemptions
- 3-8-3 Permits
- 3-8-4 Permit Fees
- 3-8-5 Requirements
- 3-8-6 Hours of Solicitation
- 3-8-7 Consumer Protection Law
- 3-8-8 Bond Required
- 3-8-9 Obstruction of Pedestrian or Vehicular Traffic
- 3-8-10 Display of Permit
- 3-8-11 Permit Not Transferable
- 3-8-12 Revocation of Permit
- 3-8-13 Notice
- 3-8-14 Hearing
- 3-8-15 Record and Determination
- 3-8-16 Appeal
- 3-8-17 Effect of Revocation
- 3-8-18 Rebates
- 3-8-19 Permit Exemptions
- 3-8-20 Charitable and Nonprofit Organization

3-8-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. A “peddler” is any person carrying or transporting 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. A “solicitor” is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, “solicitor” does not include a person who contacts another person at such person’s residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A “transient merchant” includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer for conducting such transient business in connection with, as part of, or in the name of any local

merchant, dealer, trader, or auctioneer does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-8-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-8-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of Sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$5.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

3-8-4 PERMIT FEES. The following permit fees shall be paid to the Clerk prior to the issuance of any permit.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Transient Merchants.
 - a. For one day- \$25.00
 - b. For all or part of a calendar year-\$100.00

Permits for all or part of a calendar year expire on December 31st.

3. Peddlers.
 - a. For one day-\$25.00
 - b. For one week-\$100.00

(Code of Iowa, Sec. 9C.2)

3-8-5 REQUIREMENTS. Any applicant engaged in any activity described in 3-8-1 of this chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.

4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.

5. Length of time for which the permit is desired.

6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.

7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-8-6 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-8-1 except between the hours of 8:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-8-7 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and comply with the other requirements of the law.

3-8-8 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-8-9 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-8-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-8-10 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-8-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-8-11 PERMIT NOT TRANSFERABLE. Permits 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.

3-8-12 REVOCATION OF PERMIT. The City Council after notice and hearing, may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has

violated this Ordinance or has otherwise conducted business in an unlawful manner, or endangered public welfare, safety, order or morals.

3-8-13 NOTICE. The clerk shall send a notice to the permittee at the permittee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the permittee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

3-8-14 HEARING. The Clerk shall conduct a hearing at which both the permittee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the permittee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

3-8-15 RECORD AND DETERMINATION. The Clerk shall make a record finding 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.

3-8-16 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the Council at 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.

3-8-17 EFFECT OF REVOCATION. Revocation of any permit shall bar the permittee from being eligible for any permit under this chapter for a period of one year from the date of the revocation.

3-8-18 REBATES. Any permittee, except in the case of a revoked permit, shall be entitled to a rebate of part of the fee paid if the permit is surrendered before it expires. The amount of the rebate shall be determined by dividing the total permit fee by the number of days for which the permit was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

3-8-19 PERMIT 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 East Sac 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.

3-8-20 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of 3-8-3. 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 permit containing the above information to the applicant. In the event the Clerk denies the exemptions, the authorized representatives of the organization may appeal the decision to the Council, as provided in 3-8-16.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 JUNK AND ABANDONED VEHICLES

- 3-9-1 Purpose
- 3-9-2 Definitions
- 3-9-3 Removal of Abandoned Vehicles
- 3-9-4 Notification of Owners and Lienholders
- 3-9-5 Impoundment Fees and Bonds
- 3-9-6 Hearing Procedures
- 3-9-7 Auction or Disposal of Abandoned Vehicles
- 3-9-8 Junk Vehicles Declared a Nuisance
- 3-9-9 Notice to Abate
- 3-9-10 Abatement by Municipality
- 3-9-11 Collection of Cost of Abatement
- 3-9-12 Exceptions
- 3-9-13 Interference with Enforcement

3-9-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 364.1)

3-9-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. “Abandoned vehicle” means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of ten days; or
 - e. Any vehicle parked on the street determined by the Chief of Police to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(b))

2. “Private property” means any real property within the City which is not public property as defined in this section.

3. “Public property” means any public right-of-way open for the purposes of vehicular travel.

4. A “junk vehicle” means any vehicle without current license plates or which has any one of the following characteristics:

a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.

c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

f. Any vehicle left unattended on jacks, blocks, or elevated in any way constituting a safety hazard or threat to the public health or welfare.

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

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

3-9-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police or designee may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-109-2 (1). The Chief of Police or designee may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or designee if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Code of Iowa, Sec. 321.89(2))

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-9-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Chief of Police or designee if the Chief of Police is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police, or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-9-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten-day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-9-5.

(Code of Iowa, Sec. 321.89(3)(a))

2. The owner, lienholders or any person receiving notice may, by written request received by the Chief of Police prior to the expiration of the ten-day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

(Code of Iowa, Sec. 321.89(3)(c))

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

- a. the identity of the last registered owner cannot be determined, or
- b. the registration contains no address for the owner, or
- c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

(Code of Iowa, Sec. 321.89(3)(b))

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten-day reclaiming period.

(Code of Iowa, Sec. 321.89(3))

3-9-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police or City Administrator if the Chief of Police is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

- a. an impoundment fee

- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

(Code of Iowa, Sec. 321.89(3)(a))

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-9-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

- a. the fees required by Section 3-9-5(1)
- b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-9-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

(Code of Iowa, Sec. 321.89(3))

3-9-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

3-9-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Lake View, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-9-9 NOTICE TO ABATE.

1. Whenever the Chief of Police or designee if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-

9-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

- a. the owner of the property.
 - b. the occupant of the property.
2. The notice to abate shall:
- a. describe, to the extent possible, the year, make, model, and color of the vehicle.
 - b. describe the location of the vehicle.
 - c. state that the vehicle constitutes a nuisance under the provisions of this chapter.
 - d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-9-10 ABATEMENT BY MUNICIPALITY. 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 City Clerk who shall pay such expenses on behalf of the municipality.

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

3-9-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-9-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefore, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-9-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 PARK REGULATIONS

- 3-10-1 Purpose
- 3-10-2 Parking
- 3-10-3 Use of Drives Required
- 3-10-4 Fires
- 3-10-5 Littering
- 3-10-6 Camping Fees
- 3-10-7 Camp Registration
- 3-10-8 Camping Refused
- 3-10-9 Crescent Beach Concessions
- 3-10-10 Crescent Beach Hours
- 3-10-11 Campground Manager

3-10-1 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)

3-10-2 PARKING. All vehicles must be parked in designated parking areas, and no vehicle shall be left unattended on any park drive, road or street, except in the case of an emergency.

3-10-3 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of the park or on any City or school property except upon the established drives or roadways therein or such other places as may be officially designated by the City.

3-10-4 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

3-10-5 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.

3-10-6 CAMPING FEES. The Council may establish, by resolution, such fees for camping and other special privileges as it deems appropriate and reasonable.

3-10-7 CAMP REGISTRATION. Any person who camps in any park shall register his or her name and address with the supervisor and advise such official when camp is vacated.

3-10-8 CAMPING REFUSED. The City may refuse camping privileges or rescind any and all camping privileges for cause.

3-10-9 CRESCENT BEACH CONCESSIONS. Any person wishing to operate a concession selling products of any type at Crescent Beach must first obtain permission from the Council,

sign an agreement mutually arrived at, and pay a fee as determined by the Council. Permission must be secured annually on or before May 1 of each year.

3-10-10 CRESCENT BEACH HOURS. No person shall enter or remain in the Crescent Beach area or boat ramp area between the hours of 10:30 p.m. and 4:00 a.m.

3-10-11 CAMPGROUND MANAGER. Annually the City Council shall appoint a Campground Manager. The City Council shall adopt by resolution the Campground policies, including those stated above, and those regulations contained in the Campground Policy & Rules Handbook. The City Council shall adopt by resolution the grant of power given to the Manager, authorizing the enforcement of said policies, rules and regulations, whether by citation, warning notices, or other policing policies.

TITLE III COMMUNITY PROTECTION
CHAPTER 11 FIREWORKS ORDINANCE

- 3-11-1 Definitions
- 3-11-2 Violations
- 3-11-3 Prohibitions
- 3-11-4 Sale of Consumer Fireworks
- 3-11-5 Restrictions on the Use of Consumer Fireworks
- 3-11-6 Permits Required
- 3-11-7 Seizure of Fireworks
- 3-11-8 Emergency

3-11-1 DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

1. “Consumer Fireworks” means First-Class Consumer Fireworks and Second-Class Consumer Fireworks described in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association’s Standard 87-1.

2. “Display Fireworks” include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1.

3. “Fireworks” means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association’s Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-11-2 VIOLATIONS.

1. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be punishable as a municipal infraction civil penalty as set forth in this Code.

2. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

4. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

5. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

6. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-11-3 PROHIBITIONS.

1. It shall be unlawful to manufacture fireworks within the City limits.

2. It shall be unlawful to sell Display Fireworks within the City limits.

3. It shall be unlawful for a person to possess, use, or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-11-4 SALE OF CONSUMER FIREWORKS.

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshall.

2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3-11-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks except on days permitted under the State Code of Iowa (or as determined and established by the City Council).

2. A person shall not use or explode Consumer Fireworks at times other than between the hours of

a. July 3rd from 9:00 a.m. and 10:00 p.m.

b. July 4th from 9:00 a.m. and 11:00 p.m.

c. December 31st from 9:00 a.m. and 12:30 a.m. on January 1st.

3. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

4. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.

5. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more, or while having any amount of a controlled substance in the person's body.

6. Any use or explosion of Consumer Fireworks must be more than 200 yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.

7. Any use or explosion of Display Fireworks must be more than 200 yards from an assisted living facility, nursing home, hospital, retirement home, or hospice.

8. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.

9. A person who violates this subsection commits a simple misdemeanor punishable as a municipal infraction civil penalty.

(Code of Iowa, Sec. 727.2)

3-11-6 PERMITS REQUIRED.

1. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.

2. Application for a permit must be made in writing, and filed at the Office of the City Clerk at least thirty (30) days in advance of the proposed display.

3-11-7 SEIZURE OF FIREWORKS.

1. The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-11-8 EMERGENCY.

1. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE III COMMUNITY PROTECTION

CHAPTER 12 LIQUOR LICENSES AND WINE AND BEER PERMITS

3-12-1 License or Permit Required

3-12-2 General Prohibition

3-12-3 Investigation

3-12-4 Action by Council

3-12-5 Prohibited Sale and Acts

3-12-6 Permit Revocation

3-12-1 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)

3-12-2 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)

3-12-3 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 conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the Council as to the approval of the license or permit. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall take no action on any application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

3-12-4 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])

3-12-5 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage 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 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday.

(Code of Iowa, Sec. 123.49 [2b])

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. Sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine or beer.

(Code of Iowa, Sec. 123.49 [2h])

6. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

7. 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])

8. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

9. 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.

(Code of Iowa, Sec. 123.49 [2d])

10. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

11. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

3-12-6 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 123 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 Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 123.39)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 CIGARETTE PERMITS

- 3-13-1 Definitions
- 3-13-2 Permit Required
- 3-13-3 Application
- 3-13-4 Fees
- 3-13-5 Issuance and Expiration
- 3-13-6 Refunds
- 3-13-7 Persons Under Legal Age
- 3-13-8 Self-service Sales Prohibited
- 3-13-9 Permit Revocation

3-13-1 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.

4. “Place of business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.

5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.

6. “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.

7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

3-13-2 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

3-13-3 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13)

3-13-4 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

3-13-5 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

3-13-6 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 of the Code of Iowa.

(Code of Iowa, 453A.13)

3-13-7 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under twenty-one (21) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

3-13-8 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, 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 cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

3-13-9 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 Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

- 4-1-1 Definitions
- 4-1-2 Animal Neglect
- 4-1-3 Cruelty to Animals
- 4-1-4 Animals Contests
- 4-1-5 Injuries to Animals
- 4-1-6 Livestock
- 4-1-7 Immunization
- 4-1-8 At Large Prohibited
- 4-1-9 Animal Nuisances
- 4-1-10 Number of Animals
- 4-1-11 Impounding
- 4-1-12 Disposition of Animals
- 4-1-13 Dangerous Animals
- 4-1-14 Keeping a Vicious Animal
- 4-1-15 Disposition of Dangerous or Vicious Animals
- 4-1-16 Disposal of Other Animals
- 4-1-17 Owner's Duty
- 4-1-18 Confinement
- 4-1-19 Right to Kill
- 4-1-20 Abandonment of Cats and Dogs
- 4-1-21 Dog Ownership
- 4-1-22 Violation and Penalty
- 4-1-23 Kennels

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term “dogs” shall mean animals of the canine species whether altered or not.
2. The term “at large” shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or “at heel” beside a competent person and obedient to that person’s command.
3. The term “owner” shall mean any person owning, keeping, sheltering or harboring an animal.
4. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.

4-1-2 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 which causes unjustified pain, distress, or suffering.

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

4-1-3 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise, or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animals, whether the acts or omissions herein contemplated be committed either intentionally or negligently.

(Code of Iowa, Sec. 717.2)

4-1-4 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, Sec. 717.3)

4-1-5 INJURIES TO ANIMALS. No persons, having no right to do so, shall maliciously kill, main, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.

4-1-6 LIVESTOCK It is unlawful for a person to keep livestock within the City.

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

(Code of Iowa, Sec. 717.2)

4-1-7 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-8 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-9 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance or allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by observed continuous barking for ten minutes or other noisemaking) or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

4-1-10 NUMBER OF ANIMALS. No person shall harbor or maintain such number of dogs or cats, or combination thereof, to create unhealthful or unsanitary conditions for the humans or animals occupying the premises, or create any other conditions constituting a nuisance. If such conditions exists, the Chief of Police is authorized to make an investigation, and after notice to the person or persons occupying or maintaining the residence or premises, or the persons harboring or maintaining the animals, and hearing, the Chief of Police may order such number of the animals be moved from the residence or constituting a nuisance. Upon the failure of the person or persons to follow the orders, appropriate action may be pursued in the courts to either enforce the order and/or correct the conditions and/or abate the nuisance.

4-1-11 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large, or any licensed dog found at large in violation of Sections 4-1-7 and 4-1-8 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-7. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Police Chief.

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

6. Dogs found at large shall be seized and impounded, and/or the owner may be served a summons to appear before a proper court to answer charges made. The fee for impoundment shall be the actual expenses incurred by the City of Lake View for the impoundment of the dog plus Cost Recovery Fee of \$35.00 for City time spent on the impoundment of the dog. Upon payment of these fees, the owner may claim any impounded dog. If the animal is not claimed, the ownership of the dog can be established, these expenses and fees may be recovered from the owner of the dog.

4-1-12 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, 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 (7) days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

4-1-13 DANGEROUS ANIMALS.

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

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

- (3) Badgers, wolverines, weasels, skunks and mink;
- (4) Raccoons;
- (5) Bears;
- (6) Monkeys, chimpanzees, and apes;
- (7) Alligators and crocodiles;
- (8) Scorpions; gila monsters;
- (9) Snakes that are venomous or constrictors;

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall be permitted only under the following circumstances:

a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

b. The keeping of dangerous animals in a bona fide, licensed veterinary hospitals or animal shelter for treatment or boarding.

c. Any dangerous animals under the jurisdiction of and in the possession of the Department of Natural Resources, pursuant to Chapters 109 and 109A of the Code of Iowa.

4-1-14 KEEPING A VICIOUS ANIMAL. Keeping a vicious animal is prohibited. An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

1. An animal is deemed vicious under the following circumstances:

a. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.

b. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.

c. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.

d. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.

e. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

2. Exception. The prohibition contained in this section shall not apply to the keeping of vicious animals, which are under the control of a law enforcement or military agency.

4-1-15 DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS. It shall be unlawful for any person to harbor or keep a dangerous or vicious animal within the City limits. In the event that a dangerous or vicious animal is found at large and unattended, it shall be lawful and the duty of all peace officers within their jurisdiction to kill any animal that has been determined to be dangerous or vicious through violations of this chapter. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction. The City will take immediate action in the proper disposal of the remains of the destroyed animal. Any costs incurred by the City in the destruction and disposal of the animal will be the responsibility of the animal owner.

4-1-16 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

4-1-17 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

4-1-18 CONFINEMENT. When a Peace Officer, Employee, City Council Member, or Mayor of the City of Lake View receives information that an animal has bitten any person or that a dog or animal is suspected of having rabies, the owner shall be ordered to confine such animal in the manner directed. If the owner fails to confine such animal in the manner direct, the animal shall be apprehended and impounded by the City of Lake View, and after ten days the City may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

4-1-19 RIGHT TO KILL.

1. Untagged Dogs. It shall be lawful for a peace officer to kill any dog for which a rabies vaccination tag is required, when such dog is not wearing a collar with vaccination tag attached as herein provided.

(Code of Iowa, Sec. 351.26)

2. Tagged Dogs. It shall be lawful for a peace officer to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

(Code of Iowa, Sec. 351.27)

4-1-20 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)

4-1-21 DOG OWNERSHIP. If after two (2) written citations by the police department for any violation of this chapter on animal control and protection, the dog owner or other persons residing at the same residence is no longer allowed to own or possess a dog for a minimum of two (2) years.

4-1-22 VIOLATION AND PENALTY. Any person who violates a section as contained in this chapter will be subject to a civil penalty of \$50.00 per occurrence.

4-1-23 KENNELS. Dogs kept in State or Federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

- 5-1-1 Public Library
- 5-1-2 Library Trustees
- 5-1-3 Qualifications of Trustees
- 5-1-4 Organization of the Board
- 5-1-5 Powers and Duties
- 5-1-6 Power to Contract with Others for the Use of the Library
- 5-1-7 Non-Resident Use of the Library
- 5-1-8 Library Accounts
- 5-1-9 Annual Report
- 5-1-10 Injury to Books or Property
- 5-1-11 Theft
- 5-1-12 Notice Posted

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Lake View Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Lake View Public Library, hereinafter referred to as the board, consists of six (6) resident members and one (1) nonresident member. All resident board members shall be appointed by the mayor with the approval of the City Council. The nonresident member shall be appointed by the Mayor with the approval of the County Board of Supervisors.

(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. The 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 eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

2. Vacancies. The position of any resident trustee shall be declared vacant if said trustee moves permanently from the City. The position of the 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 vacant if such member is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City or County. Vacancies in the board shall be filled in the same manner as an original appointment except the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

3. Compensation. Trustees shall receive ten dollars (\$10.00) per meeting attended as compensation for their services. Trustees may be reimbursed for their actual expenses, which shall be subject to approval of the Council.

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.

(Code of Iowa Sec. 336.8(1))

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

3. To direct and control all the affairs of the library.

4. To employ a librarian and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.

(Code of Iowa Sec. 336.8(3))

5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.

(Code of Iowa Sec. 336.8(4))

6. 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.

(Code of Iowa Sec. 336.8(5))

7. To authorize the use of the library by non-residents of the City and to fix charges therefore.

(Code of Iowa Sec. 336.8(6))

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with 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.

(Code of Iowa Sec. 336.8(7))

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

10. 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.

(Code of Iowa, Sec. 336.8(9))

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

13. To have authority to make agreements with the local County historical associations, 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.

(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private 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. 336.18(1))

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 no less than five (5) percent in number of electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.
5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

5-1-10 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.

5-1-11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

5-1-12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

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

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

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1972. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 PARKS AND RECREATION COMMISSION

- 5-2-1 Parks and Recreation Commission
- 5-2-2 Term of Office
- 5-2-3 Vacancies
- 5-2-4 Organization
- 5-2-5 Compensation
- 5-2-6 Budget Certified
- 5-2-7 Records and Reports
- 5-2-8 Jurisdiction and Authority
- 5-2-9 Poles and Wires
- 5-2-10 Acquisition of Land
- 5-2-11 Sale or Lease of Property
- 5-2-12 Limited Leases
- 5-2-13 Rules and Regulations
- 5-2-14 Penalties

5-2-1 PARKS AND RECREATION COMMISSION. There shall be appointed by the Council a Parks and Recreation Commission, hereinafter referred to as the Commission, consisting of five (5) members, who shall be residents of the City and who shall not hold any elective office in the City government.

5-2-2 TERM OF OFFICE. The term of office of the members of the Commission shall be six (6) years. Each term shall commence on January first. Appointments shall be made every two (2) years of one third (1/3) the total number, or as near as possible, to stagger terms.

5-2-3 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.

5-2-4 ORGANIZATION. Following each regular City election, the Commission shall meet and elect one of its members as Chairperson and one as Secretary.

5-2-5 COMPENSATION. All members of the Commission shall receive ten dollars (\$10.00) per meeting attended in compensation as established by resolution of the Council and may be reimbursed for their actual expenses, which shall be subject to the approval of the Council.

5-2-6 BUDGET CERTIFIED. The Commission shall submit to the Council a proposed budget and tax levy for general park purposes for the ensuing fiscal year. The Council shall include such tax levy, or so much thereof as it may deem necessary, in the levy for the General Fund of the City as certified to the County Auditor.

5-2-7 RECORDS AND REPORTS. The Commission shall keep a record of all its transactions and proceedings and submit a detailed annual report to the Council no later than November 1 of each year of the amount of money expended and the purposes for which used.

5-2-8 JURISDICTION AND AUTHORITY. The Commission has exclusive control of all parks and pleasure grounds or of any other ground owned by the City and set apart for like purposes within the City. All ordinances of the City shall be in full force and effect in and over the territory occupied by such parks.

5-2-9 POLES AND WIRES. The Commission may regulate or forbid the erection of poles or the stretching of wire for electric light, street railway, or other corporations or persons in such parks or in or along streets or highways or over public places laid out or controlled by it.

5-2-10 ACQUISITION OF LAND. The Commission may acquire real estate within or without the City for park purposes by donation, lease, purchase, or condemnation, take the title to real estate in the name of the Commission in trust for the public and hold it exempt from taxation, with approval of the Council.

5-2-11 SALE OR LEASE OF PROPERTY. The Commission may sell, subject to the approval of the Council, exchange, or lease any real estate acquired by it which in its discretion is unfit, not desirable, unnecessary, or not required for park purposes.

5-2-12 LIMITED LEASES. The Commission may lease under reasonable rates and requirements a particular park or portion thereof, as follows:

1. Organizations. For a period not in excess of ten (10) days to charitable, fraternal, and patriotic organizations for the conduct of celebrations, anniversaries, and entertainment.

2. Professional Games. For such time or times, not to exceed six (6) consecutive months, for the purpose of permitting the playing of professional baseball or other professional games.

5-2-13 RULES AND REGULATIONS. The Commission shall have the power to make rules and regulations for the use of park or other facilities under its control, such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.

5-2-14 PENALTIES. Any person who violates a Commission rule or regulation which has been approved by the Council and adopted by ordinance may be subjected to the penalties provided for in the ordinance adopting the rule or regulation.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 3 HISTORIC PRESERVATION COMMISSION

- 5-3-1 Purpose and Intent
- 5-3-2 Definitions
- 5-3-3 Structure of the Commission
- 5-3-4 Powers of the Commission

5-3-1 PURPOSE AND INTENT. The purposes of this chapter are to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts or historical and cultural significance;
2. Safeguard the City's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance.
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past'
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

5-3-2 DEFINITIONS. For use of this chapter, the following terms are defined:

1. "Commission" means the Lake View Historic Preservation Commission, as established by this chapter.
2. "Historic district" means an area which contains a significant portion of buildings, structures, or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
 - a. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinctions; or
 - b. Is associated with events that have made significant contributions to the broad patterns or our local, state or national history; or

c. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area' or

d. Is associated with the lives of persons significant in our past; or

e. Has yielded, or may be likely to yield, information important in prehistory or history.

3. "Historic site" means a structure or building which:

a. Is associated with events that have made a significant contribution to the broad patterns of our history; or

b. Is the lives of persons significant in our past; or

c. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

d. Has yielded, or may be likely to yield, information important in prehistory or history.

5-3-3 STRUCTURES OF COMMISSION.

1. The Commission consists of seven (7) members who are residents of the community.

2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council for staggered terms of three (3) years. Each term shall commence on January 1. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architectures, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

3. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced. Members may serve for more than one term and each member shall serve until the appointment of a successor. Vacancies shall be filled by the Mayor according to the original selection as aforesaid.

4. All members shall receive such compensation as may be established by resolution of the Council and may be reimbursed for their actual expenses, which shall be subject to the approval of the Council.

5. A simple majority of the Commission shall constitute a quorum for the transaction of business.

6. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commissions proceedings.

7. The Commission shall meet at least three (3) times a year.

5-3-4 POWERS OF THE COMMISSION.

1. The Commission may conduct inventory studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

3. The commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

a. Accept gifts and donations of real and personal property with Council approval, including money, for the purpose of historic preservation

b. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;

c. Preserve, restore, or maintain and operate historic properties under the ownership or control of the Commission;

d. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;

e. Contract, with approval of the Council, with State or Federal government or other organizations;

f. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;

g. Provide information for the purpose of historic preservation to the Council;
and

h. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

- 6-1-1 Definitions
- 6-1-2 Location of Mobile Homes
- 6-1-3 Emergency and Temporary Parking
- 6-1-4 Traffic Code Applicable
- 6-1-5 Building Requirements
- 6-1-6 Conversion Requirements
- 6-1-7 Mobile Home Hookups

6-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure 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 structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8))

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that 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.

(Code of Iowa, Sec. 435.1(3))

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 shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. “Mobile home park” means a 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.

(Code of Iowa, Sec. 435.1(6))

5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

(Code of Iowa, Sec. 414.28)

6-1-3 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-4 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-5 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home and shall be assessed for real estate taxes except in the following cases:

1. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated or there is a change in ownership.

6-1-6 CONVERSION REQUIREMENTS. A mobile home, modular home or manufactured home located outside of a mobile home park and converted to real property shall comply with the following requirements:

1. The home shall have a minimum width of twenty (20) feet.

2. The home shall be placed on a permanent foundation which is visually compatible with surrounding residential structures.

(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the mobile home dealer shall pay an inspection fee of \$35.00. No additional permits shall be required.

(Code of Iowa, Sec. 322B.3)

*Editor's note. The section in parenthesis should be included at the time the section is first adopted and not during a recodification. In other words, do not add this language to Ordinances already in effect unless you know the exact date the chapter went into effect.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

- 6-2-1 Definitions
- 6-2-2 Use of Public Sewers Required
- 6-2-3 Private Sewage Disposal
- 6-2-4 Building Sewers and Connections
- 6-2-5 Use of the Public Sewers
- 6-2-6 Sewer Extensions
- 6-2-7 Protection from Damage
- 6-2-8 Powers and Authority to Inspectors
- 6-2-9 Penalties

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

4. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

5. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. “Natural Outlet” shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. “Person” shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded 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 (1/2) inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. "Director" shall mean the Utilities Director of the City of Lake View or the Director's authorized deputy, agent, or representative.

20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of any house, building, or property 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 of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12(3)(f))
(IAC 567-69.3(3))

6-2-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Director.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director. The Director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Director.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal

system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of \$35.00 for a residential or commercial building sewer permit and \$35.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Lake View and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Lake View pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Lake View and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection 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.

4. A separate and independent building sewer shall be provided for every 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Director, to meet all requirements of this Ordinance. The Director may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located and drained in a manner approved by the Director and removed or filled with sand, crushed rock or any other solid material approved by the Director, except as exempted by the Director.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9.”

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Director. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1) Pipe and Fittings – CR900 or equal

(2) Coupling and Joints - ASTM C 425 “Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings”.

Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A 74 “Standard Specification for Cast Iron Soil Pipe and Fittings.”

(2) Joints - ASTM C 564 “Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings.”

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

- (1) Pipe - A.S.T.M. D 3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

- (2) Joints - A.S.T.M. D 1869, A.S.T.M. D 1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Director. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Director. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Director. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Director or the Director's representative. In all buildings in which any

building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

10. Each and every part of the building sewer shall be inspected and approved by the Director before being concealed or back filled. The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or the Director's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-2-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.

- b. Non-payment of bills.
- c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

- c. 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.

- d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of 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, flushable wipes, feminine hygiene products, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Director. Where necessary in the opinion of the Director, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) 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 Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. 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 Director 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 Director 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 prohibited are:

a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. 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 Director for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the Director as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

(1) 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waters constituting “slugs” as defined herein.

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. 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 6-2-5(4), and which in the judgment of the Director, 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 Director may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the Director 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 Director, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.

7. 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.

8. When required by the Director, 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 Director. 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.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance 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 twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

11. A customer may request the relocation of sanitary sewer facilities. The Director may authorize the movement of the sewer facility if moving the facility does not result in damage to the sanitary sewer system infrastructure. The customer shall be billed for all of the costs of moving an existing facility on a time and material basis. If at the discretion of the Director, the sewer utility facility needs to be replaced with a new facility, one-half of the costs of the new materials shall be borne by the customer. An advance deposit equal to the total estimated cost shall be required where the estimate exceeds one hundred dollars (\$100.00).

6-2-6 SEWER EXTENSIONS.

1. An owner of land abutting or adjoining a property or a public street where no sanitary sewer has been installed may make application to the Council for the installation of a sanitary sewer in said street for the purpose of serving the property in accordance with the following:

a. **Application and Deposit.** A written request for such installation, and a sum equal to the cost as estimated by the City of construction from the point where the sanitary sewer is presently installed and terminates to the point where the most distance boundary of the owner's lot abuts the said public street, shall be submitted to the Council.

b. **Construction.** Upon receipt of the deposit, the City shall construct the sanitary sewer for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonably be accomplished.

c. **Additional Costs.** In the event the actual cost to the City of installation of the sanitary sewer is in excess of the estimated cost, the builder agrees to reimburse the City for the actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.

d. Lien Authorized. In the event of the failure of the builder to reimburse the City, as specified in subsection c above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder's real estate. In the written request for installation of the sanitary sewer, the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.

e. Connecting Property. The expense of connecting the property of the builder to the sanitary sewer laid in the public street shall be borne by the builder, in addition to the cost of constructing said sewer, but such connection shall be under the supervision of the City.

2. In the event an owner of land abutting or adjoining a public street in which a sewer has been previously installed desires to construct said sewer at the owner's own expense, the owner may do so, after making proper application to the City and receiving a permit to install such a sewer, in accordance with the following:

a. City Supervision. The installation of such a sewer by a landowner at the owner's expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirements and specifications of the City.

b. Surety Bond. When making application to the City for a permit to install such a sewer, the applicant shall post with the City a surety bond, in an amount to be set by the Council and made a matter of record in the minutes of the Council, which shall be in an amount equal to but not less than one hundred ten percent (110%) of the total estimated cost of the installation for the full distance from the termination point of the presently existing sewer to the point where the farthest boundary of the applicant's land abuts the public street, and the bond shall guarantee the installation of the sewer in as short a time as reasonably possible and shall further indemnify the City for the cost of completing the project in the event the applicant fails to complete the project within a reasonable time, and shall further indemnify the City for all damages to the public street incurred in the installation, and shall further hold the City harmless for any and all other damages arising from the installation of the sanitary sewer.

c. Ownership of Sewer Line. After the sewer has been installed, it shall become the property of the City.

3. Following the installation of a sanitary sewer under the above provisions, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewage generating facilities into said sewer.

4. Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the City or by a private party, shall include a stub to each abutting or adjoining lot line on the street or right-of-way on which the sewer is installed. Each party responsible for installing such sewer shall provide the City with an accurate map showing the location of each of such stubs within thirty (30) days of the completion of the installation.

6-2-7 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

2. No person shall connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. No person shall open or enter any manhole of the sewer system, except by authority of the Director.

4. No person shall 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. No person shall 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 this chapter.

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

6-2-8 POWERS AND AUTHORITY TO INSPECTORS.

1. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Director or the Director's designee 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.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

3. The Director 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.

6-2-9 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who 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. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

- 6-3-1 Enforcement/Purposes
- 6-3-2 Definition of Terms
- 6-3-3 Service Connections
- 6-3-4 Mandatory Connections
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- 6-3-6 Permit
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- 6-3-25 Supply Other than City Water
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- 6-3-27 Fire Hydrants Not to be Used
- 6-3-28 Water Works Property
- 6-3-29 Water Well Protection

6-3-1 ENFORCEMENT/PURPOSES.

1. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

2. The Utilities Director shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Director may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-3-2 DEFINITION OF TERMS.

1. In this ordinance the words Water Works of City shall mean the City of Lake View acting through its qualified officers or employees.

2. A water main shall be defined as any pipe laid by the City of Lake View or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.

4. A consumer shall be any person using water furnished by the City of Lake View, Iowa.

6-3-3 SERVICE CONNECTIONS.

a. The City is responsible only for costs and expenses related to the maintenance of the water service line from the public water source to the main connection. All costs and expenses incident to the installation, connection, disconnection, or maintenance of the water service line from the main to the individual building served shall be borne by the property owner.

b. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

c. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.

d. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.

e. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.

f. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

g. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and

provision is made so that each house, building or premises may be shut off independently of the other.

6-3-4 MANDATORY CONNECTIONS.

1. Definitions. For use in this section the following terms are defined:

a. “Contaminated area” means a point within an area that has groundwater contamination or that, in accordance with design models of the Iowa Department of Natural Resources, may become contaminated due to percolation of groundwater contamination in the vicinity of the well site.

b. “Human habitation or occupancy” means use of water in the plumbing system of a residence or business used or occupied by humans.

c. “Private well” means any groundwater well, except a monitoring well used as a part of a remediation system, used both for drinking water and for non-drinking water purposes, including a groundwater well which is not properly plugged in accordance with rules of the Iowa Department of Natural Resources.

2. Connections to the Public Water System. Except as otherwise provided therein, all residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

3. Exceptions. A residence or business establishment within the City using water for human habitation or occupancy may obtain its water from a private well as follows:

a. Existing Wells. A well in existence on the effective date of this section (October 2011) may continue to obtain water from a private well as follows:

(1) For irrigation of grass and landscape planting upon the property for so long as desired;

(2) For human habitation or occupancy until the date established in 6-3-4-3-b-3 herein.

b. New Wells. A well may be drilled only upon property that does not have access to the City water system within 200 feet of the property, and use of the well for human habitation or occupancy may continue until the date established in 6-3-4-b-4 herein.

(1) Permit. No person shall install or maintain a private well after the date of enactment of the ordinance codified by this section (October 2011), or own or use a private well within the City after such date.

(2) Contaminated Area. Notwithstanding anything to the contrary which permits a private well to remain in existence within the City, no new private well be drilled nor shall repairs to an existing private well be made after the date of enactment of the ordinance codified by this section (October 2011), if the well is located within a contaminated area.

(3) Termination of Use of Existing Wells. The use of any private well not permitted to continue under this section shall cease and the well shall be plugged in accordance with rules of the Iowa Department of Natural Resources on July 1, 2012, or 90 days after the date the public water system is extended to within 200 feet of the affected property, whichever is later.

6-3-5 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 cock and made absolutely watertight.

6-3-6 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Director. The application for the permit shall be filed with the Director on blanks furnished by the Director. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Director. The Director shall issue the permit, bearing the Director's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Director may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped.

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

6-3-7 APPLICATION FOR WATER SERVICE CONNECTIONS.

1. Taps or connections to the water mains shall be made by only authorized City employees of the City of Lake View, upon request for service by the property owner. An access fee of \$250.00 must accompany each application for single-family residential and \$750.00 for commercial and all other residential uses and \$1000.00 for industrial uses.

2. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

6-3-8 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water service pipe near the curb with a suitable lock of a pattern approved by the Director. The shut off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a ball valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

6-3-9 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Director or the Director's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

1. Service Pipe.

a. No water service pipe or tap for any building shall be less than three-quarter (3/4) inches in diameter. All pipe up to and including one and one-half (1½) inch inside diameter shall be "Type K." All pipe over one and one-half (1½) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

b. All water service pipes and their connections to the water system must be inspected and approved by the Public Works Director, before they are covered, and the Director shall keep a record of such approvals. If the Director 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 Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

c. **No Connection Between Different Services.** When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

d. **Depth of Service Pipe.** Service pipe must be laid at least five and one-half (5 ½) feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.

e. **Maintenance of Service Pipes.** All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the curb stop 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.

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

6-3-10 EXCAVATIONS.

1. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the Utilities Director for three months after refilling. All water service pipes must be laid so as to prevent

rupture by settlement of freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Director.

2. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk a affidavit of their insurance in the amount of \$1,000,000 of liability approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

6-3-11 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Director before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Director's approval. Every person who uses or intends to use the municipal water system shall permit the Director or the Director's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-3-12 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Director shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-13 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Director or the Director's assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of 1.5% or more, the cost of the tests 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 12 months. If the meter is found to be accurate or slow less than 1.5% fast, the patron shall pay \$100 for the cost of the tests.

Compulsory Check. Every meter shall be removed from service at least once each ten years and thoroughly tested for accuracy. Any meter found inaccurate beyond a tolerance of 1.5% shall not be returned to service until properly adjusted.

Footnote: See 384.38(3) concerning establishing districts and connection fees.

6-3-14 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining

premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

6-3-15 SEPARATE CONNECTIONS. There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and connections made within two lines drawn parallel to the sides of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

6-3-16 SERVICE CUT-OFF.

1. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

2. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.

3. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box or turn on or off the water. No plumbers may turn off or on the water for testing plumbing or making repairs.

4. The stop box in every service must be kept flush with the surrounding ground or surface and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused, the payment thereof may be enforced in the same manner as that provided in the case of delinquent water bills.

5. 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 customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

6-3-17 BREAKS IN SERVICE OF FIXTURES. The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

6-3-18 ABANDONED SERVICE PIPES. If a service pipe or connection, which is not being used, is found to be leaking, the City may without notice, repair or turn off the same, and charge the expense thereof to the owner of the property last served by this connection.

6-3-19 RIGHT TO SHUT OFF WATER.

1. The City reserves the right to at any time, when necessary, without notice, to shut the water off at mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.

2. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

6-3-20 RESPONSIBILITY IN TURNING ON WATER. In turning on water the city shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or from any other cause.

6-3-21 DISCONTINUE USE OF WATER. Owners or consumers desiring to discontinue the use of water shall give notice thereof in writing to the City who shall then cause the water to be turned off and the meter removed. A service charge of Fifty Dollars (\$50.00) shall be made to shut off and reconnect the service. Water rents or charges for services shall be made until notice is given. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full. If for any reason, a meter is removed from a house temporarily because of an owner's absence or danger of the meter freezing, a charge of Fifty Dollars (\$50.00) shall be made to cover the cost of removing and reconnecting the meter.

6-3-22 WATER METERS.

1. The City shall provide one (1") water meter per residential service line. All water meters furnished to the customers shall be metered. All meters shall be set and installed by a plumber licensed through the State of Iowa, at the owner's expense, at a suitable location in the piping system for same. Meters shall be placed on service pipe not to exceed two (2) feet from the location in the wall or floor where such pipe enters the premises.

In the event a meter larger than 1" for a single-family residence is needed, the full cost of such larger meter shall be paid by the customer requesting or needing such larger meter. The cost of the meter shall be paid to the City, by the property owner or customer, prior to the installation of the meter.

Exception. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Director. No open connection can be under the direct supervision of the Director. No open connection can be incorporated in the system,

and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

2. The piping system shall be so constructed and the meters placed so that all water supplied by the City to be used in or about the premises shall pass through the water meter, and the owner of the premises shall be responsible for compliance with this provision of this Ordinance, and he or she shall be liable for the payment for water used in violation of this Ordinance. The first offense for violating this provision will be a fine of up to Five Hundred Dollars (\$500.00). For each subsequent offense, a civil penalty of up to Seven Hundred Fifty Dollars (\$750.00) shall be imposed. The amount of such water used shall be determined by the City, but in every case where City water is used in violation hereof, the water bill shall be increased not less than one and a half (1½) times the average monthly usage.

3. There shall be a stop and waste between the meter and the wall, and a suitable place provided for the meter so as to keep it safe and clean and readily accessible at all times to the meter reader and inspectors of the City. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served. In case that two or more meters are desired for measuring water to two different tenants in the same building from one service connection, they shall be so placed that neither of the meters shall measure water which has passed through another one.

All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing. It is the goal of the City to have all water meters located inside the principle residence/building site where water is provided by the City.

Existing meters located within a water pit shall be moved and relocated inside the residence/building. All costs to move an existing water meter from a pit to a residence/building shall be the customer's sole responsibility.

In the event a customer elects not to move their water meter from a pit to the inside of a structure or an exception exists as stated in 6-3-23-a, the customer shall be responsible for all costs including, but not limited to, the cost of the meter, maintenance and replacement labor costs, and additional hardware/fixing machinery.

Whenever a water meter is found to be out of order, the Director shall have it repaired. If it is found that damage has occurred due to the carelessness or negligence of the customer, then the customer shall be liable for the cost of repairs.

6-3-23 UNNECESSARY WASTE. The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

6-3-24 OWNERS TO PROTECT METERS.

1. The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or

interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be added to the consumer's water bill and payment thereof enforced as provided for delinquent water bills. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

2. No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal. The owner of the property may be charged a civil penalty of up to Five Hundred Dollars (\$500.00) for the first offense and up to a Seven Hundred Fifty Dollar (\$750.00) civil penalty for each subsequent violation of this section.

3. Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.

6-3-25 OTHER SUPPLY THAN CITY WATER. On premises where water is supplied from two (2) sources, the City water being one of them, the piping system of the City water must be entirely separated from that of the other source.

6-3-26 INSPECTION OF METERS, PIPES AND FIXTURES. The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

6-3-27 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Lake View, Iowa, or employees of the City acting in regular performance of their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

6-3-28 WATER WORKS PROPERTY. It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

6-3-29 WATER WELL PROTECTION. For the purposes of this ordinance, a deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, on top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

To prevent the contamination of public wells, no potential source of contamination shall be constructed nearer to any such public well than the distances shown in Table A of IAC 567.43 for each such possible source of contamination. A copy of Table A from IAC 567.43 (2025) is included below for reference.

TABLE A: PUBLIC WELL AND BELOWGROUND LEVEL FINISHED WATER STORAGE FACILITY SEPARATION DISTANCES

Structure or Source of Contamination	Required Minimum Lateral Distance, as Measured Horizontally on the Ground Surface, in feet		
	Public Wells		Belowground level finished water storage facility
	Deep Well ¹	Shallow Well ¹	
PRIVATE WELLS:			
Private wells (new or existing, deep or shallow)	200	400	50
GHEX loop boreholes ²	200		50
WASTEWATER STRUCTURES:			
Land Disposal of Treated Wastes:			
Irrigation of wastewater	200	400	50
Land application of solid wastes ³	200	400	50
Land application of septage ⁴	500		50
Water treatment plant waste discharged to the ground surface	50		50
Other sanitary and industrial discharges to the ground surface	400		50
Wastewater Disposal Systems:			
Water treatment plant waste treatment structures ⁵	50		50
PSDSs and onsite treatment systems – closed portion ⁶	100	200	50
PSDSs and onsite treatment systems – open portion ⁶	200	400	50

Structure or Source of Contamination	Required Minimum Lateral Distance, as Measured Horizontally on the Ground Surface, in feet		
	Public Wells		Belowground level finished water storage facility
	Deep Well ¹	Shallow Well ¹	
Lagoons ⁷	400	1000	50
Mechanical wastewater treatment plants ⁸	200	400	50
CHEMICALS:			
Transmission pipelines (including, but not limited to, fertilizer, liquid petroleum, or anhydrous ammonia)	200	400	50
Chemical applications to ground surface	100	200	50
Chemical and mineral storage, except for liquid propane gas (LPG)			
Above ground storage ⁹	100	200	50
On or under ground storage	200	400	50
Liquid propane gas (LPG) storage tanks	15		15
ANIMALS:			
Animal pasturage	50		50
Animal enclosures (such as confinement buildings or open feedlots)	200	400	50
Earthen silage storage trenches or pits	100	200	50
Animal Wastes:			
Storage basins or lagoons or runoff control basins	400	1000	50
Solids stockpiles, solids settling facilities, or storage tanks	200	400	50
Land application of liquid, slurry, or solids	200	400	50
WATERBODIES:			
Flowing streams, ponds, lakes, reservoirs, wetlands, or drainage channels ¹⁰	50		50
MISCELLANEOUS STRUCTURES:			
Basements, pits, or sumps ¹¹	10		10
Cemeteries	200		50
Cisterns	50	100	50
Railroads	100	200	50
Solid waste landfills and disposal sites ¹²	1000		50
GRAVITY SANITARY SEWER MAINS AND STORM SEWERS¹³			
Includes sewers carrying water treatment plant wastes, building sewer service lines, and laterals ¹⁴			
General gravity sanitary and storm sewer minimums	0-25: prohibited		0-25: prohibited
Water main materials ¹⁵	25-75		25
Standard sanitary sewer materials ¹⁵	75-200		50
SANITARY SEWER FORCE MAINS:¹³			
General sanitary sewer force main minimums	0-75: prohibited		0-50: prohibited
Water main materials ¹⁵	75-400		50
Standard sanitary sewer materials ¹⁵	400-1000		50
DRAINS:¹³			
General drains, including well house floor drains to sewers:			
General drain minimums	0-25: prohibited		0-25: prohibited
General drains - water main materials ¹⁵	25-75		25-50
General drains - sanitary sewer materials ¹⁵	75-200		50
Well house floor drains to surface:			
General well house floor drains to surface minimums	0-5: prohibited		0-5: prohibited
Standard sanitary sewer material ¹⁵	5-50		5-50

Structure or Source of Contamination	Required Minimum Lateral Distance, as Measured Horizontally on the Ground Surface, in feet		
	Public Wells		Belowground level finished water storage facility
	Deep Well ¹	Shallow Well ¹	
MISCELLANEOUS CONVEYANCES:¹³			
Internal conveyance piping for water plant treatment process wastes treated onsite:			
Internal conveyance piping minimums	0-5: prohibited		0-5: prohibited
Standard sanitary sewer materials ¹⁵	5-50		5-50

¹Deep and shallow wells are defined in 567—40.2(455B).

²GHEX loop boreholes are defined in 567—49.2(455B).

³Solid wastes, for the purpose of land application, are those derived from the treatment of water or wastewater, including sewage sludge, as defined in 567—Chapter 67. Certain types of solid wastes from water treatment processes may be land-applied within the SD on an individual, case-by-case basis.

⁴Septage shall be land applied in accordance with 567—Chapter 68.

⁵The term “water treatment plant waste treatment structures” includes lagoons that are used solely to store wastes or wastewater from drinking water treatment plants, such as lime sludge storage lagoons.

⁶PSDS (private sewage disposal system) is defined in 567—subrule 69.1(2). “Onsite treatment system” includes any wastewater treatment system not included in the definition of a private sewage disposal system (i.e., provides treatment or disposal of domestic sewage from more than four dwelling units or 16 or more individuals on a continuing basis) that is utilizing onsite wastewater treatment technologies described in 567—Chapter 69 to treat domestic waste. Closed portion refers to the part of a treatment system that is fully contained and does not allow effluent or pretreated effluent to enter soil or groundwater (e.g., septic tank or impervious vault toilet). Open portion refers to the part of a treatment system that allows effluent or pretreated effluent to discharge into soil or groundwater for treatment or disposal (e.g., soil absorption system or unlined ISSF system). These SDs also apply to septic systems that are not considered privately owned.

⁷The term “lagoons” includes aerated lagoon systems, advanced aerated lagoon systems, and waste stabilization lagoons as defined in 567—subrule 81.1(1) and holding ponds, equalization basins, and sludge digestion or holding tanks as described in the IWFDS. The term does not include lagoons used to dispose of water treatment plant wastes and anaerobic lagoons used for animal wastes. The SD from lagoons shall be measured from the water surface.

⁸The term “mechanical treatment plants” include activated sludge systems and fixed film biological treatment systems, as defined in 567—subrule 81.1(1), and any other wastewater disposal system that is not a PSDS, an onsite treatment system, or a lagoon.

⁹The minimum SD for liquid fuel storage associated with standby power generators shall be 50 feet if secondary containment is provided. Secondary containment shall provide for a minimum of 110 percent of the liquid fuel storage capacity. Double-walled storage tanks shall not be considered as secondary containment. Electrical power transformers mounted on a single utility pole are exempt from the SD requirements.

¹⁰Includes drainage channels that may have a direct connection to the groundwater table or a surface water.

¹¹The SDs from basements, pits, and sumps must be met in order for a well to be considered a protected source for the purposes of the coliform sampling frequency determination in 567—subparagraph 41.2(1)“e”(4).

¹²Solid waste, when referring to landfills and disposal sites, 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.

¹³The SDs are dependent upon the two following factors: the type of piping that is in the existing sewer or drain, as noted in the table, and whether the piping was properly installed in accordance with the standards.

¹⁴The distances for building sewer service lines and laterals shall be considered the minimum distances when constructing sewer lines and shall be increased where possible to provide better protection.

¹⁵These are the type of materials or pipe used to construct the type of sewer, main, or drain as specified in accordance with 43.3(2) and Section 2.4 of the IWFDS .

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

- 6-4-1 Definitions
- 6-4-2 Duty to Provide Container
- 6-4-3 Administration
- 6-4-4 Toxic Waste
- 6-4-5 Storage
- 6-4-6 Items Not to be Collected
- 6-4-7 Collectors Permit
- 6-4-8 Necessity of Permit
- 6-4-9 Right of Entry
- 6-4-10 Collection Vehicles
- 6-4-11 Loading and Hauling
- 6-4-12 Frequency of Collection
- 6-4-13 Withholding of Service
- 6-4-14 Burning of Refuse
- 6-4-15 Refuse Other than Garbage
- 6-4-16 Sanitary Landfill
- 6-4-17 Anti-Scavenging
- 6-4-18 Brush Piles

6-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. “Refuse”. Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health, or detrimental to the best interests of the community except dead animals not killed for food.
2. “Garbage”. Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
3. “Rubbish”. Includes all other refuse not falling within the term “garbage” except those objects too large to be placed in cans.
4. “Container”. Means a container for the storage of garbage or rubbish, which is:
 - a. Provided with a handle and tight-fitting cover.
 - b. Made of non-corrosive material.
 - c. Water tight.
 - d. With a capacity of no more than thirty-five (35) gallons.

6-4-2 DUTY TO PROVIDE CONTAINER. Each person shall provide approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such

owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

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

a. Residential. All residential refuse shall be stored for collection in an approved disposable solid waste container. Only residential refuse which is nonrecyclable as defined by this chapter and the regulations of the City shall be stored in this container and picked up by the collector. The disposable solid waste containers shall be sold at such prices and locations as determined by the Council and shall be available for purchase at such locations as are deemed to be convenient.

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 or collector.

2. Storage of Containers. Residential solid waste containers and recyclable containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained,; fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. All residential solid waste and recyclable containers shall be placed for collection at the curb or property line adjacent to the City street. Containers shall be placed at the curb or property line prior to six-thirty (6:30) a.m. on the morning of the regularly scheduled collection day. All containers shall be removed from the curb or property line on the same day that collection occurs. The collector is authorized to refuse collection of solid waste or recyclables that are not placed at the curb or property line in compliance with this chapter. Failure by the collector to collect solid waste or recyclables not in compliance with the provisions of this chapter shall not relieve the resident, owner, operator, or occupant of liability for violations of this chapter.

Interference 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.

6-4-3 ADMINISTRATION. Administration of this chapter shall be by the Director of refuse, or such employee designated by the Director.

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

6-4-4 TOXIC WASTE. No person shall deposit in a solid waste container or otherwise off for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director.

6-4-5 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

6-4-6 ITEMS NOT COLLECTED. The city will not be responsible for the collection of any of the following solid waste from any dwelling: hazardous waste, bulky rubbish, appliances, tires, yard waste, construction waste, commercial solid waste, any substance or material determined to be hazardous or otherwise unacceptable for collection.

6-4-7 COLLECTORS PERMIT. No person shall, for hire, collect and/or haul for the purpose of disposal any solid waste from any residential premises within the corporate limits of the City without first obtaining a permit therefore in accordance with the following:

1. Application. Application for permit shall be made to the Clerk and shall contain the following information:

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. The make, model and capacity of each piece of collecting and hauling equipment proposed to be used within the corporate limits of the City.

c. Experience. Prior experience and references.

d. Proposed Charges. An itemized list of the proposed charges to be made for residential solid waste collection service and such other information as shall be reasonable required by the Clerk

2. Insurance. No permit shall be issued until and unless the applicant therefore, 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 per person, \$300,000 per occurrence

Personal Property- \$50,000

3. Certificate of Insurance. The permit holder shall keep a current certificate of insurance on file with the Clerk. Any permit issued under this chapter shall be void, without notice to the permit holder, upon the expiration of the certificate of insurance on file with the Clerk. The permit may be validated by the filing of a new certificate of insurance.

4. 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.

5. Grading or Excavation Excepted. No 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.

6-4-8 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Director of refuse and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City, and a permit issued by the Clerk.

6-4-9 RIGHT OF ENTRY. Solid waste and recyclable collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste or recyclables therefrom as required by this chapter,; however, solid waste collectors shall not enter dwelling units or other residential buildings.

6-4-10 COLLECTION VEHICLES. The collector shall furnish a sufficient number of vehicles and equipment, together with the labor force necessary to collect and remove all solid waste and recyclables from all residential premises within the City. Said vehicles and equipment are to be of a type suitable for the collection of solid wastes and recyclables are to be in full compliance at all times with all legal requirements applicable to vehicles and equipment being so used, All vehicles and equipment shall be leakproof, durable, kept clean, disinfected as often as is needed, and maintained in good repair.

6-4-11 LOADING AND HAULING. 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.

6-4-12 FREQUENCY OF COLLECTION. All solid waste shall be collected and removed from each City site and from all residential premises as follows:

1. Once each week from September 1 through May 31.
2. Twice each week from June 1 through August 31.

Recyclables shall be collected once each week throughout the year. City sites include: City Hall, City Garage, City Parks, Camp Crescent, Fire Station, Library and all churches. Apartments and trailer courts located within the corporate limits of the City are considered residential premises.

6-4-13 WITHHOLDING OF SERVICE. In the event that any resident, owner, operator, or occupant is in violation of the provisions of this chapter, the City may elect, in addition to any other remedies, to withhold solid waste management services from that resident, owner, operator, occupant, or dwelling unit. Election to withhold services shall not prevent the City from taking additional action which is allowable under this chapter or other law. The City's election to

withhold services shall not relieve the responsible party from liability for payment of the monthly collection fee.

6-4-14 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City.

2. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-15 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-16 SANITARY LANDFILL. The sanitary landfill facilities operated by Sac County Landfill Association are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

6-4-17 ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge, or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

6-4-18 BRUSH PILE.

1. Site Designated. The City of Lake View’s official site for disposal of landscape waste shall be the City property as designated by signage and located west of South High Street and south of the lands owned by the Iowa Department of Natural Resources.

2. Brush Pile Use Regulated.

a. Items Accepted. The only items accepted at the brush pile site are trees, brush, leaves, grass clippings, and garden waste.

b. Generated in City Limits. The City’s brush pile site only accepts items which are grown or generated within the corporate limits of the City of Lake View.

c. Contractor Permit. Persons or firms who are compensated for the job of removing trees or disposing of yard waste shall obtain a permit authorizing the person or firm to use the City brush pile site. Permits will be valid until June 30 of the following year and shall cost two hundred fifty dollars (\$250.00) per year.

d. Access Limited. The gate to the brush pile site is to remain locked except when a person is in the site depositing waste or during designated hours when the site is open to the public.

e. Burning the Brush Pile Site. The brush pile site will be burned as needed. Only City staff may light the dump on fire.

f. Plastic Bags. No plastic bags or containers may be left at the brush pile site.

3. Penalty. Any person who violates 6-4-16 will be subject to a civil penalty of one hundred dollars (\$100.00) for the first offense; two hundred fifty dollars (\$250.00) for the second offense; and five hundred fifty dollars (\$500.00) for the third offense.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 ELECTRIC UTILITY

- 6-5-1 Purpose
- 6-5-2 Policy Direction
- 6-5-3 Rates
- 6-5-4 Reconnection Charge
- 6-5-5 Meter Seals; Penalty

6-5-1 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric system.

6-5-2 POLICY DIRECTION. The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the electric system. An official copy of the rules and regulations is on file in the office of the Clerk. The rules and regulations apply to all users of the municipal electric system.

6-5-3 RATES. The rates for electric service are as follows:

1. Residential Service. Residential electric service is applicable to all domestic uses in single-family dwellings and individually metered apartments within the corporate limits of the City, including use of motors of not more than 5 horsepower individual capacity. Space heating and air conditioning shall be served under this schedule.

a. Service Available. Single-phase, 60 Hertz, 120/240 volt, 400 amp max., 3-wire, single meter.

b. Monthly Rate.

Customer Charge (no KWH) \$17.50 plus

Energy Charge: First 1,000 KWH @ 9.20 cents
Over 1,000 KWH @ 6.98 cents

2. Rural Service. Rural electric service is applicable to all residential, farm and farm-related loads located outside the corporate limits of the City. Exceptions covered by other rates include commercial and three-phase.

a. Service Available. Single-phase, 60 Hertz, 120/240 volt, 400 amp max., 3-wire, single meter.

b. Monthly Rate:

Customer Charge (no KWH) \$35.00 plus

Energy Charge: First 2,000 KWH @ 10.93 cents
Over 2,000 KWH @ 6.68 cents

3. General Service. General electric service is applicable to any commercial load within the corporate limits of the City, for all purposes and also applies to commercial loads outside the corporate limits with the exception of residential, farm and farm-related loads.

a. Service Available. Single-phase, 60 Hertz, 120/240 volt, 400 amp max., 3-wire, single meter.

b. Monthly Rate:

Customer Charge (no KWH) \$35.00 plus

Energy Charge: First 2,000 KWH @ 10.81 cents
Over 2,000 KWH @ 6.68 cents

4. Three-phase Service. Three-phase electric service is applicable to any three-phase load within the Lake View service area, for all purposes, and includes all three-phase users except those qualifying under the Small Seasonal Rate.

g. Service Available. 60 Hertz, three-phase, 240/120 V, 208Y/120V, or 480 Y/277 V, 4-wire, or standard primary voltage available at point of delivery. Special voltages may be provided at the discretion of the utility. Utility furnishes only one transformer bank and/or one meter.

h. Monthly Rate:

(1) Customer Charge (no KWH) \$35.00 plus

Energy Charge All KWH @ 5.15cents
Demand Charge \$11.75

i. Metered Demand. The metered demand for any month shall be the maximum kilowatt demand established by the customer for any fifteen-minute interval during the month as indicated or recorded by a demand meter.

j. Power Factor Adjustment. If the customer's average monthly power factor falls below 90%, leading or lagging, the utility may adjust the metered demand by the ratio of 90% to the measured average monthly power factor in percent.

Example: Metered Demand=739 KW
Average Mo. Power Factor= 73%
Ratio=90/73=1.2329
Adjusted Demand=(739)(1.2329)=911 KW

k. Adjusted Demand. The adjusted demand consists of the metered demand adjusted for power factor, if applicable.

l. Billing Demand. The demand to be billed shall be the adjusted demand for the month but not less than 50% of the highest adjusted demand during the preceding 11 months.

After two consecutive months of minimum charges with no metered usage, a three-phase customer will be exempt from charges until the next month of metered usage.

m. Primary Metering. The utility will furnish and install primary metering when service is taken by the customer and metered at primary voltage. The customer owns and installs all necessary primary and transformers beyond point of service. A 2% discount will apply to demand and energy charges to allow for losses and investment return. IF service is taken at primary voltage (that is, customer owns primary and transformers) and metered at secondary voltage, a 1% discount will apply to demand and energy charges to allow for investment return.

5. Small Seasonal Service. Small seasonal service is applicable to any three-phase load within the Lake View service area which meets the following criteria:

a. Does not exceed 25 KWH of demand for more than three months of the calendar year.

b. Does not exceed 1,000 KWH of energy for more than three months of the calendar year.

c. Does not exceed 50 KW of demand during the calendar year

d. Does not exceed 5,000 KWH of energy at any time during the calendar year.

e. Three-phase customer's accounts will be examined during each January to determine if the customer is eligible for the Small Seasonal rate.

f. The determination of eligibility made each January shall apply for the remainder of the calendar year, or until the customer uses more than 50 KW of demand or 1,000 KWH of energy, at which time the customer shall be classified under Three-Phase Service.

g. Monthly Rate: The monthly rate shall be the same as the Commercial Rate.

6. Security Light Service. Security light service is applicable to all customers for dusk-to-dawn outdoor lighting in close proximity to existing secondary circuits.

a. Conditions of Service. The utility shall furnish, install, operate and maintain the outdoor lighting equipment, electrically connected so that the power for the operation of the light does not pass through the customer's meter on the metered rate. All equipment shall be located within two (2) feet of an existing 120 volt service. For other locations, the additional costs shall be paid for by the customer. The utility shall maintain the lighting equipment, including lamp replacement, at no additional cost to the customer within 24 hours after the customer notifies the utility of the need for maintenance of the lighting equipment. The lighting equipment shall remain the property of the utility. The customer shall protect the lighting equipment from deliberate damage.

b. Metered Rate:

LED and High Pressure Sodium		
Size	Metered	Unmetered
100W	\$ 4.75	\$ 6.50
150W	\$ 5.10	\$ 9.10
250W	\$ 9.20	\$13.85
400W	\$15.30	\$22.30

7. Public Authority. Public Authority service is applicable to all community services including street lighting.

a. Service Available. 60 Hertz, single meter, single-phase, 120/240 volt, 400 amp max., 3-wire; three-phase, 240/120 volt, 208 Y/140V. pr 480 Y/277V, 4-wire.

b. Customer Charge (no KWH) \$11.00/month

c. Monthly Rate All KWH @ 4.23 cents

8. Prompt Payment Provisions. All charges are net. If the bill is not paid or mailed and postmarked by the 20th day after the billing date, a late payment charge of 1.5% of the balance due shall apply.

9. Sales Tax. Sales tax is to be added to all electric bills so as to be in compliance with the provisions of the laws of Iowa.

ANNUAL RATE REVIEW. On or before March 1 of each year, the City Council shall review the current rates for electric service and may amend the rates in Section 6-5-3 above. The new rates will be in effect for 12 consecutive billing cycles beginning with the June billing payable in July. If no increase is warranted, the existing rates in effect for the fiscal year in review will remain in effect until the next yearly review or unless an ordinance adjusting the rates is thereafter passed by the City.

6-5-4 RECONNECTION CHARGE. If a customer whose service has been disconnected, either by the customer's order or by reason of delinquency, requests a reconnection of such service within twelve months of the time of disconnection, a reconnection charge of \$50 and a deposit of \$250 shall be paid to the City in addition to paying any past due bill.

6-5-5 METER SEALS; PENALTY. The Director shall cause a seal to be installed on each electric meter. The seal may be broken or removed only by the Director or designee. Customers found to have an unauthorized broken seal are subject to a scheduled fine of \$300.00.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 UTILITIES - BILLING CHARGES

- 6-6-1 Utility Defined
- 6-6-2 Districts
- 6-6-3 Disposition of Fees and Charges
- 6-6-4 Billing, Penalty
- 6-6-5 Discontinuing Services, Fees
- 6-6-6 Residential Rental Property
- 6-6-7 Temporary Vacancy
- 6-6-8 Customer Guarantee Deposits
- 6-6-9 Water Rates
- 6-6-10 Refuse Collection Rates
- 6-6-11 Rate of Sewer Use Fee and Manner of Payment
- 6-6-12 Lien for Nonpayment
- 6-6-13 Lien Exemption
- 6-6-14 Lien Notice

6-6-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-6-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Lake View, Iowa.

6-6-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-6-4 BILLING, PENALTY. Utility bills shall be due on the first of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the 20th of the month in which due. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of \$25.00 per account per month shall be added to each delinquent bill.

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

6-6-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The Utilities Director, or his or her authorized representative, shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for water on or before the tenth (10th) day after mailing of written notice that

the water supply will be shut off. The City Clerk shall send such notice within forty-eight (48) hours following the delinquent date, or on the first office day following such first day after the delinquent date. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Clerk shall notify each delinquent customer that service will be 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 discontinuance.

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 a hearing is requested, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

b. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

c. When a hearing is requested by a customer, the City Administrator or the City Clerk shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the City Administrator or City Clerk is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$50.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

a. If payment is tendered to the City Clerk or his or her authorized representative at the time of the posting of notice on door, there shall be added a service fee of twenty-five dollars (\$25.00) between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday. A turn-on fee of fifty dollars (\$50.00) shall be charged at the time of turn-on when separate turn-off and turn-on trips are made necessary, between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday, before payment is rendered and service is to be restored to the delinquent customer. Turn-on fee or service fee shall be charged for the usual or customary trips resulting from the regular changes in occupancies of property, whether the meter is removed for the safety of the meter, or not removed. There will be a twenty-five dollar (\$25.00) administrative charge for hand-delivered shutoff notices.

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

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account

holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

5. There will be no extension of water service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

6. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.

6-6-6 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs

related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))
(Code of Iowa, Sec. 384.84(3)(e))
(Amended in 2012)

6-6-7 TEMPORARY VACANCY. A property owner may request water service to be temporarily disconnected and shut off at the curb stop when the property is expected to be vacant for an extended period of time. During a period when service is temporarily disconnected as provided herein, the customer will be billed the monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies. There shall be a fee collected for shutting the meter off at the curb stop in accordance with the following:

1. Within the City. A fee of fifty dollars (\$50.00) will be charged for shutting off water at the curb stop.
2. Outside the City. A fee of seventy-five dollars (\$75.00) will be charged for shutting the water off at the curb stop.
3. After Hours. If disconnection is requested other than during regular working hours, the City will charge one and one-half times the regular rate for the service.

6-6-8 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers. Such deposit shall be two hundred fifty dollars (\$250.00). Deposits of customers having established acceptable payment record for one (1) year shall have their deposits applied to future billing. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

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

6-6-9 WATER RATES. Water shall be furnished at the following monthly rates per property serviced

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

1. Within the City:
 - a. \$1.50 Meter charge; and
 - b. \$24.69 monthly minimum service charge. Service charge includes the first 2,000 gallons of water metered; and
 - c. \$5.64 for every 1,000 gallons metered in excess of the first 2,000 gallons.
 - d. \$7.00 for every 1,000 gallons of bulk water sales through the water dispenser at the Fire Station.

e. \$18.67 for the first 1,000 gallons, \$10.14 per 1,000 gallons thereafter for bulk water.

2. Outside the City.

a. \$1.50 Meter charge; and

b. \$37.04 monthly minimum service charge. Service charge includes the first 2,000 gallons of water metered; and

c. \$8.46 for every 1,000 gallons metered in excess of the first 2,000 gallons.

In no case shall the minimum water service charge for water used be less than \$24.69 per month.

Sales tax is to be added to all water bills so as to be in compliance with the provisions of the Code of Iowa.

ANNUAL RATE REVIEW. On or before March 1 of each year, the City Council shall review the current water rates and may amend the water rates in Section 6-6-9 above. The new rates will be in effect for 12 consecutive billing cycles beginning with the June billing payable in July. If no increase is warranted, the existing rates in effect for the fiscal year in review will remain in effect until the next yearly review or unless an ordinance adjusting the rates is thereafter passed by the City Council and approved by the Mayor.

6-6-10 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Base Fee. The base fee for solid waste and recycling collection and disposal service, used or available, shall be nineteen dollars and fifty cents (\$19.50) per month for each unit of a single-family or multiple-family dwelling receiving residential electric service. For multi-family units, the base fee will be paid by the tenant. At the landlord's discretion, the base fee may be paid by the landlord upon the presentation of written notice to the City Clerk's office.

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

6-6-11 RATE OF SEWER USE FEES AND MANNER OF PAYMENT. The rate of sewer use fees shall be 100% of the water usage for each premise. The sewer use fees shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.

Sewer service shall be furnished at the following monthly rates within the City:

1. \$37.57 monthly minimum service charge. Service charge includes the first 2,000 gallons of water metered; and

2. \$10.30 for every 1,000 gallons metered in excess of the first 2,000 gallons.

Each contributor shall pay sewer use fees for the use of and for service supplied by the municipal wastewater system. In no case shall the minimum service charge be less than \$37.57 per month.

ANNUAL RATE REVIEW. On or before March 1 of each year, the City Council shall review the current sewer use fees and may amend the sewer use fees in Section 6-6-11 above. The new sewer use fees will be in effect for 12 consecutive billing cycles beginning with the June billing payable in July. If no increase is warranted, the existing sewer use fees in effect for the fiscal year in review will remain in effect until the next yearly review or unless an ordinance adjusting the rates is thereafter passed by the City.

Where in the judgement of the Utilities Director and the Council, special conditions exist to the extent that the application of the above sewer charges would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Director and submitted to the Council for approval by resolution.

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

6-6-12 LIEN FOR NONPAYMENT. The owner of the premises served, and any lessee or tenant thereof, shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

6-6-13 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential 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 rental property and that the tenant is liable for rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for the charges, the address of the rental property, and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit to the tenant if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to the water service.

6-6-14 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail, not less than thirty (30) days prior to certification of the lien to the County Treasurer.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 STREET CUTS AND EXCAVATIONS

- 6-7-1 Excavation Permit Required
- 6-7-2 Application for Permit
- 6-7-3 Permit Fees
- 6-7-4 Safety Measures
- 6-7-5 Backfilling and Restoration
- 6-7-6 Rules and Regulations

6-7-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-7-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-7-3 PERMIT FEES. The permit fee shall be \$75.00 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$75.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

6-7-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances

and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-7-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the permit holder. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the permit holder is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-7-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 SIDEWALK REGULATIONS

- 6-8-1 Purpose
- 6-8-2 Definitions
- 6-8-3 Cleaning Snow, Ice, and Accumulations
- 6-8-4 Maintenance Responsibility
- 6-8-5 Liability of Abutting Owner
- 6-8-6 Ordering Sidewalk Improvements
- 6-8-7 Repairing Defective Sidewalks
- 6-8-8 Notice of Inability to Repair or Barricade
- 6-8-9 Standard Sidewalk Specifications
- 6-8-10 Permits for Construction or Removal
- 6-8-11 Failure to Obtain Permit; Remedies
- 6-8-12 Inspection and Approval
- 6-8-13 Barricades and Warning Lights
- 6-8-14 Interference with Sidewalk Improvements
- 6-8-15 Special Assessments for Construction and Repair
- 6-8-16 Notice of Assessment for Repair or Cleaning Costs
- 6-8-17 Hearing and Assessment
- 6-8-18 Billing and Certifying to County
- 6-8-19 ADAAG Compliance

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-8-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:
 - a. vertical separations equal to three-fourths (3/4) inch or more.
 - b. horizontal separations equal to three-fourths (3/4) inch or more.
 - c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.

f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, “owner” shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner’s property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Police may have the natural accumulations of snow or ice removed without notice to the property owner. The Police shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-8-4 MAINTENANCE RESPONSIBILITY. In addition to the abutting property owner’s duty to remove snow and ice as described in the prior section, upon order and notice as provided in sections 6-8-6 and 6-8-7, the abutting property owner or owners shall be responsible for the repair, replacement, or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way, except that the abutting owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

(Code of Iowa, Sec. 364.12(2c); Splittgerber v. Bankers Trust Co., 8 N.W.3d 135(Iowa 2024))

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in, or the condition of said sidewalk, based on either the failure of the abutting owner to properly repair, replace, reconstruct, or otherwise maintain said sidewalk after being properly ordered and notified to do so, or the failure of the abutting owner to remove snow and ice regardless of notice from the City to do so, the City may notify in writing the said abutting owner that it claims the injury was caused by their said negligence. 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 condition 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; Splittgerber v. Bankers Trust Co., 8 N.W.3d 135(Iowa 2024))

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days of receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor or City Administrator shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor or City Administrator shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

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

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Utilities Director.

4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.
7. All elevations of sidewalks are to be established by the City Council with assistance from the Utilities Director on a case-by-case basis.
8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.
9. All sidewalks shall have a steel trowel finish followed by a “broom” or a “wood float” finish.
10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Utilities Director, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Utilities Director. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any

sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 INSPECTION AND APPROVAL. Upon final completion, the Utilities Director shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Utilities Director shall indicate this on both copies of the permit.

6-8-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

6-8-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-8-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor or City Administrator submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given

the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-8-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 TREES

- 6-9-1 Definition
- 6-9-2 Planting Restrictions
- 6-9-3 Duty to Trim Trees
- 6-9-4 Trimming Trees to be Supervised
- 6-9-5 Disease Control
- 6-9-6 Inspection and Removal

6-9-1 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.

6-9-2 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited Trees. No person shall plant in any street any fruit bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

6-9-3 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 fifteen (15) feet above the surface of the street and eight (8) 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 (5) days. If such action is not taken within the at 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])

6-9-4 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.

6-9-5 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

6-9-6 INSPECTION AND REMOVAL. The Utilities Director shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be infected with or damaged by any disease or insect or disease pests, and such trees and shrubs shall be subject to removal as follows:

1. Removal from 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, and that danger to other trees within the City is imminent, the Council shall immediately cause such condition to be corrected by treatment or removal so as to destroy or prevent as fully as possible the spread of the disease or the insect or disease pests. 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. Removal from Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that the danger to other trees within the City is imminent, the Council shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the council may cause the nuisance to be removed and the cost assessed against the property.

(Code of Iowa, Sec. 364.12[3b & 7h])

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 HOUSE MOVERS

- 6-10-1 House Mover Defined
- 6-10-2 Permit Required
- 6-10-3 Application
- 6-10-4 Bond Required
- 6-10-5 Insurance Required
- 6-10-6 Permit Fee
- 6-10-7 Permit Issued
- 6-10-8 Public Safety
- 6-10-9 Time Limit
- 6-10-10 Removal by City
- 6-10-11 Protect Pavement
- 6-10-12 Above Ground Wires

6-10-1 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 method other than upon a properly licensed motor vehicle.

6-10-2 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.

6-10-3 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 and Utilities Director. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

6-10-4 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

6-10-5 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:

1. Bodily Injury- \$50,000 per person; \$100,000 per accident.
2. Property Damage- \$50,000 per accident.

6-10-6 PERMIT FEE. A permit fee of ten dollars (\$10.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

6-10-7 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.

6-10-8 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

6-10-9 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

6-10-10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of 6-10-9, 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.

6-10-11 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 (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

6-10-12 ABOVE GROUND 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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 PROPERTY MAINTENANCE

- 6-11-1 Title
- 6-11-2 Purpose
- 6-11-3 Interpretation
- 6-11-4 Abrogation and Greater Restrictions
- 6-11-5 Definitions
- 6-11-6 General Maintenance Standards
- 6-11-7 Maintenance of Premises
- 6-11-8 Building Maintenance
- 6-11-9 Refuse and Inoperable Vehicles
- 6-11-10 Residing and Reconstruction
- 6-11-11 Exception for Farms and Existing Estates
- 6-11-12 Violations

6-11-1 TITLE. This chapter may be referred to as the *Property Maintenance Code* and is herein referred to as "this Code."

6-11-2 PURPOSES. The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

6-11-3 INTERPRETATION. The provisions of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the Code of Iowa. Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, or to grant powers to the City that are otherwise reserved by and for Federal and State government.

6-11-4 ABROGATION AND GREATER RESTRICTIONS. It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply, the higher standard shall prevail.

6-11-5 DEFINITIONS. Words used in this Code shall have the same meaning as those defined by the Zoning Ordinance, unless otherwise defined by this Code.

1. **Abandoned Building.** Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed

building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has structural deficiencies.

2. Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

3. Enforcement Officer. Chief of Police or the Police Chief's designee.

4. Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.

5. Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

6. Extermination. The control and elimination of insects, rodents, and vermin.

7. Farm. A tract of land having an area of two (2) or more acres devoted to raising of crops or domestic livestock.

8. Infestation. The presence of insects, rodents, vermin, or other pests on the premises to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.

9. Junk. 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.

10. Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exists, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

11. Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

12. Premises. A lot, plot, or parcel of land together with the structures thereon.

13. Public Authority. Any officer of any department or branch of the City, County, or State charged with regulating health, fire, zoning or building regulations, or other activities concerning property in the City.

14. Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or nonputrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including but not limited to junk; paper or cardboard; plastic;

metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

15. Responsible party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

16. Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

17. Vehicle, Inoperable. Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: broken, damaged, or missing windshield or other glass customary to the vehicle; a missing fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition, or has not moved in the past 30 days.

6-11-6 GENERAL MAINTENANCE STANDARDS. The exterior of every premises and structure shall be maintained in reasonable repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

6-11-7 MAINTENANCE OF PREMISES. Each and every premises shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than six (6) inches on the average, or any accumulation of dead weeds or grass on any non-farm property which is not within the jurisdiction of the County Weed Commissioner.

2. Accumulation of refuse not stored in suitable collection containers.

3. Any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed or kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof.

4. Any inoperable vehicle which is exposed to public view, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.

5. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations.

6. Failure to establish a permanent cover of perennial grasses or ornamental ground cover on any non-farm property as soon as practical after any construction, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water, provided, however, that exception shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control.

7. Any nuisance as defined herein or described as such by Chapter 657 of the Code of Iowa.

8. Conditions which are conducive to the harborage or breeding of vermin.

9. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Sac County Department of Health regulations. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed or emptied and filled with clean dirt or sand.

10. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

11. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety or buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 15 feet above the traveled portion of any public street, or less than eight feet vertically, or which protrudes into any public sidewalk.

12. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

6-11-8 BUILDING MAINTENANCE. Every building shall be maintained to be weather and watertight, and free from excessively peeling paint (which shall equal 50% of the exterior structure) or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin. Basements, cellars, and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards. Polystyrene board, Tyvek, and insulation board are not acceptable permanent finishes.

6-11-9 REFUSE AND INOPERABLE VEHICLES. Inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises. A fully enclosed wood slat or slatted chain link fence or wall sufficient to prevent unauthorized entrance, access and visibility of the motor vehicle and at least six (6) feet in height shall constitute “not exposed to public view.” All refuse shall be contained in suitable collection containers; kept free from infestation; and shall be removed weekly.

6-11-10 RESIDING AND RECONSTRUCTION. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of other properties in the vicinity of the premises. Their appearance, as judged under prevailing appraisal practices and standards, shall not depreciate the value of the adjoining premises or the neighborhood.

6-11-11 EXCEPTION FOR FARMS AND EXISTING ESTATES. Farms, and non-farm premises having an area of more than two acres on January 1, 2002, shall be exempted from this Code for such time that the area of the non-farm premises exceeds one acre.

6-11-12 VIOLATIONS.

1. Enforcement. The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a misdemeanor. Each day that a violation is permitted to continue constitutes a separate offense.

a. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premises upon which a violation is being maintained, or upon the person or persons causing or maintaining a violation.

b. If a violation is found to exist on an owner-occupied premises and the owners demonstrate that the cost of remedying such violation would exceed the households annual disposable income and thereby cause a financial hardship, enforcement shall be held in temporary abeyance until a means of financing or assistance can be identified.

c. The objective of this Code being the abatement and/or removal of violations of this Code. Violations may be addressed by maintenance of and administrative abatement process; the municipal infraction process; by court proceedings; or by City abatement and assessment of cost therefor against the responsible party or assessment of cost against the property, at the option and in the discretion of the City. In determining whether to use the administrative abatement process or court proceedings, consideration will be given to evidence of whether an eminent health or safety hazard exists or whether the person has previously been notified of or charged with violations of the same or other provisions of the Code in the past. The determination to proceed through the use of an administrative abatement process or the municipal infraction process, court proceedings or City abatement and assessment of cost shall be the prerogative of the City.

d. It is further provided by this Code that if the City determines that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

In the event the Enforcement Officer chooses to utilize administrative abatement to address violations of Section 6-11-7 of the Lake View Municipal Code, the said Enforcement Officer shall send a written notice via certified mail or personal service to the owner of the property wherein the violation exists, which notice shall advise the owner of the said property that such weeds or grasses shall be cut or destroyed within three (3) days of the date of the mailing or personal service of the notice. The owner may request a hearing before the City Administrator to contest existence of the violation. The request for hearing shall be in writing; shall identify the reasons why the owner contest the officer's determination and shall be delivered to the City Clerk before the end of the third (3rd) day after mailing of the notice to the property owner. If no request for hearing is filed, the officer may cut or destroy the weeds or grasses or vegetation and may assess the costs thereof against the property unless the cost is paid within thirty (30) days of the invoice date by the owner. If a request for hearing is made, no action shall be taken to cut or destroy the weeds or grasses, unless such weeds or grasses shall be located between the sidewalk and the traveled portion of any street in the City, which grasses or weeds may be cut immediately by the Enforcement Officer. Any hearing so requested shall be held within three (3) days of the date of the request therefore. Any appeal taken from the decision of the City Administrator shall be made to the City Council within five (5) days of the date of the decision by the City Administrator.

2. Notice. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

a. By personal service upon the owner or other responsible party of the property upon which the nuisance exists, or upon the person or persons causing or maintaining the violation.

b. If, after reasonable effort, personal service cannot be made, any two of the following methods of service shall be considered adequate: (1) sending the notice by certified mail, return receipt requested to the last known address; (2) publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in the City of Lake View, Iowa; or (3) by posting the notice in a conspicuous place on the property building deemed as nuisance.

3. Appeal. Any person affected by any notice to abate a violation of this Code may request a hearing on the matter before the City Council, provided that a written appeal shall be filed with the City Administrator within five days after the notice to abate was served. Failure to file a timely appeal as prescribed herein shall constitute a waiver of the right to a hearing, and the notice shall become final. The City Council's determination and order shall be appealable to the County District Court by writ of certiorari. Such appeal shall be filed within twenty (20) days from the date of the Council's decision. The Council's order shall not be carried out until the time for filing the writ of certiorari has expired.

4. Abatement Remedies and Penalties. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by any of the following means:

- a. By undertaking such abatement and assessing the costs therefore against the property,
- b. By issuance of a civil citation charging the owner or responsible party with a municipal infraction.

Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with State law. If an inoperable or obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage, and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax. Before the assessment of any charges for work done or caused to be done by the City, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the City Council. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing. The court may order any one or more of the following:

- c. Place a judgment against the person and/or property of defendant for the costs of abatement.
- d. Levy a civil penalty (fine) against the defendant of up to seven hundred fifty dollars (\$750.00) for the first offense and up to one thousand dollars (\$1,000.00) for repeat offenses.
- e. Order abatement of the violation in any manner.
- f. Assess costs of abatement against the premises.

5. Emergency Abatement Procedure. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the Enforcement Officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give the property owner notice and the opportunity for a hearing before the City Council in accordance with subsection 4. An appeal shall not stay the effect of a notice or order under the emergency provisions of this section unless so ordered by the City Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 NUMBERING OF BUILDINGS

6-12-1 Buildings to be Numbered

6-12-2 Numbering System

6-12-3 Type of Numbers, Size

6-12-4 Enforcement

6-12-1 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-12-2 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the east and north sides of all streets and the odd numbers shall be on the west and south sides of all streets.

6-12-3 TYPE OF NUMBERS, SIZE. The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

6-12-4 ENFORCEMENT. If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 NAMING OF STREETS

- 6-13-1 Naming New Streets
- 6-13-2 Changing Name of Street
- 6-13-3 Recording Street Names
- 6-13-4 Official Street Name Map
- 6-13-5 Revision of Street Name Map

6-13-1 NAMING OF NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

6-13-2 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

6-13-3 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)

6-13-4 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 Lake View, Iowa."

6-13-5 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be enter on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description), " which entry shall be signed by the Mayor and attested by the Clerk.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 STREET USE AND MAINTENANCE

- 6-14-1 Removal of Warning Devices
- 6-14-2 Obstructing or Defacing
- 6-14-3 Placing Debris On
- 6-14-4 Playing In
- 6-14-5 Traveling on Barricaded Street or Alley
- 6-14-6 Use for Business Purposes
- 6-14-7 Washing Vehicles
- 6-14-8 Burning Prohibited
- 6-14-9 Excavations
- 6-14-10 Maintenance of Parking or Terrace
- 6-14-11 Failure to Maintain Parking or Terrace
- 6-14-12 Dumping of Snow
- 6-14-13 Driveway Culverts

6-14-1 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)

6-14-2 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)

6-14-3 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)

6-14-4 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])

6-14-5 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.

6-14-6 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.

6-14-7 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.

6-14-8 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.

6-14-9 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person first obtains a permit therefore as hereinafter provided:

1. Application. Before such permit is granted, the person shall file with the City a written application. The application shall contain the following:

a. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;

b. A statement of the purpose, for whom and by whom the excavation is to be made;

c. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and

d. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) 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 one thousand dollars (\$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, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefore 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. 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.

6-14-10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

6-14-11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

6-14-12 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])

6-14-13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 PORTABLE STORAGE CONTAINERS/OUTDOOR FURNACES

6-15-1 Portable Storage Containers

6-15-2 Outdoor Furnaces

6-15-1 PORTABLE STORAGE CONTAINERS.

1. “Portable storage container” is defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, railcar, or ship, including cargo containers, steel cargo containers, shipping containers, freight containers, portable storage containers, cargo boxes, sea vans, or storage units that are placed on private property and used for storage of clothing, equipment, goods, household or office fixtures, furnishings, construction materials, and merchandise.

2. Residential Property. The use of portable storage containers on a property used for residential purposes is prohibited.

3. Commercial Property. Portable storage containers are prohibited on a property used for commercial purposes, except for those units legally in use on the effective date of this ordinance.

4. Industrial Property. The use of a portable storage container is permissible on an industrial/manufacturing property, provided the portable storage container is not stored on/in any aisle or driving lane, fire lane, public utility easement, public right-of-way, in the front of the property, or in any area visible from a public street, including streets, sidewalks, and parking.

5. Stacking. Portable storage containers may not be stacked on top of one another, and stacking of any other materials on top of or around any storage containers shall be prohibited in all districts.

6. Portable storage containers must be kept in good repair and be secured against unauthorized entry and comply with any state and local health regulations. A portable storage container is not in a state of good repair when it is incapable of being moved intact, contains holes in the container due to damage or rust, cannot be secured against unauthorized entry, or has become infested with vermin, insects, or other pests. A portable storage container that has deteriorated and is no longer in a state of good repair must be removed immediately.

7. Residential Use. A portable storage container may not be used as a dwelling or living quarters. A portable storage container may not be used for camping, cooking, or recreational purposes in any district.

8. Compliance. A portable storage container existing on any property in the city on the date of final passage of this ordinance shall either be removed from the property or brought into compliance with the provisions of this ordinance within thirty (30) days of the ordinance’s effective date.

6-15-2 OUTDOOR FURNACES

1. “Outdoor Furnace” means any equipment, device or apparatus which is installed, affixed or situated outdoors or within another structure for the primary purpose of burning fuel to produce heat or energy used in whole or in part as a heating system to provide heat and/or hot water to any structure.

2. The use of outdoor furnaces is prohibited.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 RECREATIONAL VEHICLE/TRAVEL TRAILER RESIDENCE

6-16-1 Definitions

6-16-2 Occupancy

6-16-1 DEFINITIONS.

1. A “recreational vehicle” is defined as:
 - a. A factory-built vehicular structure, not certified as a manufactured home;
 - b. Designed only for recreational use and not as a primary residence or for permanent occupancy;
 - c. Any vehicle which is self-propelled;
 - d. Built and certified in accordance with either the NFPA1192-15, standard for recreational vehicles, or ANSI A119.5-15, recreational park trailer standard.

6-16-2 OCCUPANCY ON PRIVATE PROPERTY.

1. No recreational vehicle or travel trailer shall be used as a permanent residence.
2. A certificate of occupancy may be issued so that one recreational vehicle or travel trailer per address may be occupied for not more than three days during the following weekends only:
 - a. Memorial Day
 - b. Fourth of July
 - c. Water Carnival
 - d. Labor Day

Occupied units may not be parked on the public right of way and must be parked on private property inside the sidewalk or at least six feet from the street surface if the property has no sidewalk. The property owner must obtain and display a permit to occupy the unit.

A property owner who violates 6-16-2 will be subject to removal of the occupied unit and a civil penalty of \$50.00 per occurrence.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 DANGEROUS BUILDINGS

- 6-17-1 Enforcement Officer
- 6-17-2 General Definition of Unsafe
- 6-17-3 Unsafe Building
- 6-17-4 Notice to Owner
- 6-17-5 Conduct of Hearing
- 6-17-6 Posting of Signs
- 6-17-7 Right to Demolish
- 6-17-8 Costs

6-17-1 ENFORCEMENT OFFICER. The City Administrator or designee is responsible for the enforcement of this chapter.

6-17-2 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

6-17-3 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is

abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

6-17-4 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

6-17-5 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.

6-17-6 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 LAKE VIEW, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

6-17-7 RIGHT TO DEMOLISH. 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 of such work shall be transmitted to the Council.

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

6-17-8 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.

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

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 URBAN RENEWAL

- 7-1-1 Purpose
- 7-1-2 Urban Renewal Area No. 1
- 7-1-3 Urban Renewal Area No. 2
- 7-1-4 Lake View Urban Renewal Area No.3
- 7-1-5 2009 Addition to the Lake View Urban Renewal Area No. 3
- 7-1-6 2021 Addition to the Lake View Urban Renewal Area No.3

7-1-1 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Areas 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 ordinances codified in 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 areas.

7-1-2 URBAN RENEWAL AREA NO. 1. The provisions of this section apply to the Urban Renewal Area No. 1, 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 June 18, 1990:

A part of Sections Twenty-eight (28), Twenty- nine (29), Thirty-two (32) and Thirty-three (33), Township 87 North (T-87-N), Range 36 West (R-36-W) of the 5th P.M., Sac County, Iowa, located within he incorporated limits to the City of Lake View, Iowa, and being more fully described as follows:

Beginning at the northeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 33, T-87-N, R-36-W, of the 5th P.M., Sac County Iowa; thence southerly along the east line of the said Northeast Quarter (NE $\frac{1}{4}$) to the southeast corner thereof; thence continuing southerly along the east line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 33 to the northerly line of Crescent Park Drive; thence westerly along the northerly line of Crescent Park Drive to the southwest corner of Lot 150, Crescent Park Addition to the City of Lake View, Iowa; thence northerly and northwesterly along the easterly and northeasterly line of Crescent Park Drive to the most westerly corner of Lot 143, Crescent Park Addition; thence northeasterly and northwesterly along the back side of Lots 88 through 108, to the southwest corner of Lot 141, all in Crescent Park Addition; thence northwesterly along the southwesterly line of said Lot 141, and along an extension northwesterly thereof, to the northwesterly line of City Route Road No. 71; thence southwesterly along the northwesterly line of said Road No. 71, to the southeast corner of Zein's Addition; thence northerly along the easterly line of Zein's Addition, to the northeast corner thereof; thence westerly along the northerly line of Zein's Addition to the westerly line of Outlot Twenty-three (23); thence northerly along the westerly line of Outlot 23 to a point extended easterly from the northerly line of Lot 8, Block 32, Armstrong's Second Addition; thence westerly to and along the northerly line of Lots 8 and 3, Block 32; Lots 4 and 3, Block 28; Lot 3, Block 23, Armstrong's Second Addition, and along an extension westerly of said last described line, to the easterly line of Hanson Street; thence southerly, along the easterly line of Hanson Street, to the southerly line of Fifth Street; thence westerly along the southerly line of Fifth Street, to the easterly line of Ice Street; thence southerly along the easterly line of Ice Street, to the southerly line of Third

Street; thence westerly along the southerly line of Third Street, to the northwest corner of Block 14, Fletcher's First Addition; thence southerly along the westerly line of Block 14, across vacated Second Street, and along the westerly line of Block 13, to the north line of First Street; thence westerly along the northerly line of First Street, to the westerly line of Vine Street; thence northerly along the westerly line of Vine Street, to the southerly line of Second Street; thence westerly along the southerly line of Second Street, to the easterly line of High Street; thence northerly along the easterly line of High Street, to the southerly line of Sixth Street; thence easterly along the southerly line of Sixth Street to the westerly right-of-way line of the original (now abandoned) Chicago and Northwestern Railway; thence northerly along the westerly right-of-way line of said Railway, to the southerly right-of-way line of Iowa Highway No. 175; thence westerly along the southerly right-of-way line of Iowa Highway No. 175, to a point 524.44 feet east of the west line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32; thence southerly 1066.74 feet, parallel with the west line of said Northeast Quarter (NE $\frac{1}{4}$); thence easterly 773.89 feet, to the southwest corner of Lot 7 of Wetzstein's Addition; thence southerly across Fifth Street, and along the westerly line of Wetzstein's Second Addition, to the southwest corner thereof; thence easterly along the southerly line of Wetzstein's Second Addition, to the northwest corner of Broughton Boulevard Terrace Addition; thence southerly along the westerly line of Broughton Boulevard Terrace Addition, to the southwest corner thereof; thence easterly along the southerly line of Broughton Boulevard Terrace Addition and along the southerly line of First Street, to the westerly line of High Street; thence southerly along the westerly line of High Street, to the southerly line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32; thence westerly along the southerly line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32, to the southwest corner thereof; thence northerly, along the westerly line of the East Half (E $\frac{1}{2}$) of Section 32, to the northwest corner thereof; thence continuing north along the west line of the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, to the northwest corner thereof; thence easterly along the northerly line of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 29, to the northeast corner thereof; thence continuing easterly along the northerly line of the S $\frac{1}{2}$ of the S $\frac{1}{4}$ of Section 28, to the northeast corner thereof; thence southerly along the easterly line of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 28, to the point of beginning.

The area includes the full right -of-way of all streets forming the boundary.

The taxes levied on the taxable property in the Urban Renewal Area No. 1 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. 271, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area No. 1, as shown on the assessment roll as of January 1, 1989, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area No. 1 on the effective date of Ordinance No. 271, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1989, shall

be used in determining the assessed valuation of the taxable property in said Urban Renewal Area No. 1 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 No. 1, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area No. 1 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 No. 1 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 No. 1 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 No. 1.

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.

7-1-3 URBAN RENEWAL AREA NO. 2. The provisions of this section apply to the Urban Renewal Area No. 2, 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 June 18, 1990.

Beginning at the southwest corner of Lake Shore Addition to Lake View, Iowa; thence easterly along the southerly line of Lake Shore Addition, to the southeast corner thereof; thence southeasterly and southerly along the northeasterly and easterly line of Bayview Addition (not dedicated), to the northeast corner of Outlot 14, in the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, thence westerly along the northerly line of Outlot 14 to the east line of Lake Street; thence northerly along the easterly line of Lake Street to the point of beginning.

The area includes the full right-of-way of all streets forming the boundary.

The taxes levied on the taxable property in the Urban Renewal Area No. 2 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. 272, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area No. 2, as shown on the assessment roll as of January 1, 1989, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area No. 2 on the effective date of Ordinance No. 272, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1989, shall be used in determining the assessed valuation of the taxable property in said Urban Renewal Area No. 2 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 No. 2, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area No. 2 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 No. 2 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 No. 2 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 No. 2.

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.

7-1-4 LAKE VIEW URBAN RENEWAL AREA NO. 3. The provisions of this section apply to the Lake View Urban Renewal Area No. 3, 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 December 6, 1999:

The Lake View Urban Renewal Area No. 3 includes the two parcels of land as described below:

Part of government Lot Four (4) in the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-four (34), Township 87 North (T-87-N), Range 36 West (R-36-W), of the 5th P.M., Sac County, Iowa, and being more fully described as follows:

Commencing at the Northeast (NE) corner of the NE $\frac{1}{4}$ of Section 34, T-87-N, R-36-W, of the 5th P.M., Sac County, Iowa; thence North 90° 00' 00" West, 50.01 feet along the North line of said NE $\frac{1}{4}$ to the point of beginning; thence South 01° 09' 26" East, 1201.39 feet, parallel with the East line of said NE $\frac{1}{4}$; thence North 89° 31' 26" West, 50.02 feet; thence North 01° 09' 26" West, 1200.98 feet, parallel with the East line of said NE $\frac{1}{4}$, to the North line thereof; thence South 90° 00' 00" East, 50.01 feet along the North line of said NE $\frac{1}{4}$ to the point of beginning.

The above described parcel contains 1.38 acres subject to all easements of record. The North line of the NE $\frac{1}{4}$ of said Section 34 is used as bearing South 90° 00' 00" East and/or North 90° 00' 00" West in the above description.

Lot A in SE $\frac{1}{4}$ SE $\frac{1}{4}$

A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-seven (27), Township 87 North (T-87-N), Range 36 West (R-36-W), of the 5th P.M., Sac County, Iowa, and being more fully described as follows:

Beginning at the Southeast (SE) corner of the SE $\frac{1}{4}$ of Section 27, T-87-N, R-36-W, of the 5th P.M., Sac County, Iowa; thence North 90° 00' 00" West, 473.23 feet along the South line of said SE $\frac{1}{4}$; thence North 00° 51' 31" West, 360.00 feet, parallel with the West line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence North 90° 00' 00" West, 329.00 feet, parallel with the South line of said SE $\frac{1}{4}$; thence North 00° 51' 31" West, 70.00 feet, parallel with the West line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence North 90° 00' 00" West, 528.00 feet, parallel with the South line of said SE $\frac{1}{4}$, to the West line of the SE $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence North 00° 51' 31" West, 905.60 feet along the West line of the of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, to the Northwest (NW) corner thereof; thence South 89° 52' 50" East, 878.46 feet along the North line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence South 00° 56' 13" East, 567.36 feet, parallel with the East line of said SE $\frac{1}{4}$; thence North 88° 16' 24" East, 449.97 feet to the East line of said SE $\frac{1}{4}$; thence South 00° 56' 13" East, 780.00 feet along the East line of said SE $\frac{1}{4}$, to the point of beginning.

The above described Lot A contains 27.00 acres and is subject to all easements of record. The South line of the SE $\frac{1}{4}$ of said Section 27 is used as bearing North 90° 00' 00" West in the above description.

The taxes levied on the taxable property in the Lake View Urban Renewal Area No. 3 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. 335, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area,

as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of Ordinance No. 335, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

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, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. 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.

(Ord. 335 – Mar. 00 Supp.)

7-1-5 2009 ADDITION TO THE LAKE VIEW URBAN RENEWAL AREA NO. 3. The provisions of this section apply to the 2009 Addition to the Lake View Urban Renewal Area No. 3, 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 October 5, 2009:

All property covered by Sac County Property Tax Identification Parcel Number 811035200015.

The taxes levied on the taxable property in the Urban Renewal Area Amendment 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 Amendment is located, from and after the effective date of Ordinance No. 422, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of Ordinance No. 422, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

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, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for 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. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the 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 Amendment 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 Amendment.

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.

7-1-6 2021 ADDITION TO THE LAKE VIEW URBAN RENEWAL AREA NO.3.

“2021 Urban Renewal Area Addition” shall mean the November, 2021 Addition to the Lake View Urban Renewal Area No. 3 of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on November 1, 2021:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 87 NORTH, RANGE 36 WEST OF THE 5TH P.M., SAC COUNTY, IOWA; THENCE SOUTH 88°39'11" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 27 A DISTANCE OF 1068.40 FEET; THENCE NORTH 0°29'23" EAST A DISTANCE OF 826.21 FEET; THENCE SOUTH 89°48'00" EAST A DISTANCE OF 264.29 FEET TO THE WEST LINE OF LOT A AS DEPICTED IN INSTRUMENT NUMBER 99-2485 IN THE OFFICE OF THE SAC COUNTY RECORDER; THENCE SOUTH 0°29'23" WEST ALONG THE SAID WEST LINE OF SAID LOT A A DISTANCE OF 401.56 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE SOUTH 0°30'14" WEST A DISTANCE OF 429.93 FEET TO THE SAID SOUTHERLY LINE OF SECTION 27; THENCE NORTH 88°39'11" WEST ALONG THE SAID SOUTHERLY LINE A DISTANCE OF 264.21 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 5.03 ACRES.

AND

Certain real property situated in the City of Lake View, Sac County, State of Iowa, bearing the following Sac County Property Tax Parcel Identification Numbers:

811028400017	811029400019	811033100009	811033500039
811028300005	811029400007	811033100014	811033500047
811028300018	811029400001	811033100010	811033500076
811028300001	811029400002	811033100011	811033500078
811028300002	811029400012	811033100016	811033104054
811028300003	811029400003	811033500056	811032103003
811028300004	811033100015	811033500065	811032112001
811028300013	811033100006	811033500041	811032112002
811029400006	811033100007	811033500040	811032112003
811029400014	811033100017	811033500070	
811029400020	811033100008	811033500038	

“Urban Renewal Area” shall mean the entirety of the Lake View Urban Renewal Area No. 3 as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the 2021 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2021 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the 2021 Urban Renewal Area Addition is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2021 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2021 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2021 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2021 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2021 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 2021 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of

the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 FLOODPLAIN REGULATIONS

- 7-2-1 Definitions
- 7-2-2 Statutory Authority, Findings of Fact and Purpose
- 7-2-3 General Provisions
- 7-2-4 Administration
- 7-2-5 Flood Plain Management Standards
- 7-2-6 Variance Procedures
- 7-2-7 Nonconforming Uses
- 7-2-8 Penalties for Violation
- 7-2-9 Amendments

7-2-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year and is also commonly referred to as the “100-year flood.”

3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”

5. “Development” means any man-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 160.05(1)(D)(1) of this chapter.

b. The enclosed area is unfinished (not carpeted, drywalled, 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 base flood elevation.

d. The enclosed area is not a basement as defined in this section.

7. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

8. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

9. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. “Factory-built home” means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes; and also include recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

11. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

12. “500-year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

13. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. “Flood insurance rate map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. “Flood insurance study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Maps. The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.

17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including (but not limited to) emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

20. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.

21. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. “Historic structure” means any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register.

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.

23. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area Below Lowest Floor are met.

24. “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel

storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.

26. “New construction” (new buildings, factory-built home parks, accessory structures) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

28. “Recreational vehicle” means a vehicle which is:

- a. Built on a single chassis.
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection.
- c. Designed to be self-propelled or permanently towable by a light duty truck.
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

29. “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 windowpanes.
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

30. “Special flood hazard area” (SFHA) means the land within a community subject to the base flood. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. “Structure” means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.

33. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

36. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

7-2-2 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact.

a. The flood hazard areas of the City 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. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. **Statement of Purpose.** It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Paragraph 2(A) of this section with provisions designed to:

a. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

b. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

c. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

d. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

e. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

7-2-3 GENERAL PROVISIONS.

1. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Sac County and Incorporated Areas, City of Lake View, Panels 19161C0333C, 0334C, 0341C, and 0342C, dated June 1, 2022, which were prepared as part of the Sac County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Sac County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. When an interpretation is needed as to the exact location of a boundary, the Administrator shall make the necessary interpretation. The Planning and Zoning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this Ordinance.

3. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

4. **Abrogation and Greater Restrictions.** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

5. **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. **Warning and Disclaimer of Liability.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

7. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

7-2-4 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Local Official

a. The City Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

- (1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.
- (2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
- (3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
- (4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
- (5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.
- (6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- (7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Planning and Zoning Commission of potential conflict.
- (9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

c. Development placed within the floodway results in any of the following:
(i) an increase in the Base Flood Elevations, or (ii) alteration to the floodway boundary

d. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation;
or

e. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(1) Perform site inspections to ensure compliance with the standards of this Ordinance.

(2) Forward all requests for Variances to the Planning and Zoning Commission for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Commission.

2. Floodplain Development Permit

a. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes.

b. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

c. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Planning and Zoning Commission.

d. Construction and Use to Be as Provided in Application and Plans. Floodplain development permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

7-2-5 FLOOD PLAIN MANAGEMENT STANDARDS.

1. General Floodplain Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

- a. All development shall:
 - (1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.

b. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Floodplain Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

c. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Floodplain Administrator.

d. All New and Substantially Improved Structures:

(1) Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit 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 flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

e. Factory-Built Homes:

(1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the base flood elevation.

(2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

f. Utility and Sanitary Systems:

(1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the base flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the base flood elevation.

(4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

g. Storage of Equipment and Materials. 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 base flood elevation. 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 the base 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 relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

j. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

k. Accessory Structures to Residential Uses.

(1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of Paragraph D(1) of this subsection.

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

1. Recreational Vehicles. Recreational vehicles are exempt from the requirements of Paragraph E of this subsection regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days; and

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

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 E of this subsection 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.

n. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

2. Special Floodway Provisions. In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has

been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

a. No development shall be permitted in the floodway that would result in any increase in the base flood elevation. 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 development within the floodway 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 development 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, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

e. Structures, 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 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, such alterations or relocations must be approved by the Department of Natural Resources.

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.

7-2-6 VARIANCE PROCEDURES.

1. The Planning and Zoning Commission may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base 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.

c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

e. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. Factors Upon Which the Decision of the Commission Shall be Based - In passing upon applications for Variances, the Commission shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Commission

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.

7-2-7 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

a. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation

Except as provided in Subsection 1(B) of this section, any use which has been permitted as a variance shall be considered a conforming use.

7-2-8 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

7-2-9 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 VACATION AND DISPOSAL OF STREET

- 7-3-1 Power to Vacate
- 7-3-2 Planning and Zoning Commission
- 7-3-3 Notice of Vacation Hearing
- 7-3-4 Findings Required
- 7-3-5 Disposal of Vacated Streets or Alleys
- 7-3-6 Disposal by Gift Limited

7-3-1 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])

7-3-2 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

7-3-3 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.

7-3-4 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.

7-3-5 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)

7-3-6 BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose.

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

EDITOR'S NOTE

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

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
2 R.O. 1907	1/10/02	314	10/23/95
3 R.O. 1907	1/17/02	356	6/17/02
4 R.O. 1907	3/6/03	511	4/5/21
44 (37)	3/2/26	512	4/5/21
45	3/2/26		
46	3/2/26		
47	3/2/26		
48	3/2/26		
51	9/6/26		
62 (61)	10/2/33		
63 (62)	11/6/33		
71 (70)	9/15/37		
72 (71)	9/15/37		
78 (77)	8/5/40		
79 (78)	8/5/40		
87 (100)	4/7/47		
88 (101)	7/7/47		
89 (102)	7/7/47		
90 (103)	9/18/47		
91 (104)	10/6/47		
92 (105)	10/6/47		
97 (106)	9/18/50		
100 (107)	12/22/52		
101 (108)	12/22/52		
215	12/19/79		
223	3/9/81		

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 PUBLIC LAKE ACCESS REGULATIONS

- 7-5-1 Purpose
- 7-5-2 Definition
- 7-5-3 Procedures for Issuance of Permits
- 7-5-4 Criteria for Docks and Related Structures
- 7-5-5 Fees
- 7-5-6 Eligibility, Waiting Lists and Rights
- 7-5-7 Commercial Use Prohibited

7-5-1 PURPOSE. The purpose of this chapter is to establish policies and regulations governing the use of public lake access areas so that fairness, uniformity and consistency may be applied in the issuance of dock and hoist permits extending from these access areas, to designate maintenance responsibilities and to define the rights of the general public and those persons to whom permits have been issued.

7-5-2 DEFINITION. A public access means a tract of land of any dimension adjacent to and fronting on the body of water that has been dedicated to the use of the general public and is by matter of record under the control of the City, except those areas commonly known as Town Bay, Crescent Beach and Camp Crescent, on which no docks or other appurtenances are permitted unless owned by the City.

7-5-3 PROCEDURES FOR ISSUANCE OF PERMITS. The applicants for a dock site extending from public access must complete an application from by filling in the information requested, submitting the required fee and submitting evidence of liability insurance in an amount not less than \$1,000,000.00, with the City named as an additional insured party. The application from, fee and evidence of insurance are to be submitted to the City. Applications will be presented before the Planning & Zoning Commission who may approve or deny the issuance of new permits.

7-5-4 CRITERIA FOR DOCKS AND RELATED STRUCTURES. The City shall require the permittees to comply with the criteria set forth below:

1. Materials and Dimensions. Docks shall conform to DNR Rule 571-16.
2. Auxiliary Equipment and Facilities. Hoists will be permitted only if specifically authorized in the “dock assignment and permit.” A permitted hoist must be placed beside the permitted dock that is more than six feet wide. The number of hoists located on a public dock shall not be limited unless the number so located interferes with ingress and egress of private docks on either side or interferes with boat access on the public dock itself. Steps and handrails necessary to permit safe access from the top of the bank to the dock site are permitted.
3. Other appurtenances. Other appurtenances may be permitted providing they are included on the application, and their placement does not in anyway interfere with ingress and egress of private docks on either side. In any case, the assigned permittees named on the

application shall be solely responsible for the safe condition for the dock and appurtenances at all times and specifically shall further agree to save harmless and indemnify the City, the DNR and the State of Iowa, their officers and employees for any damage done to personal property, or any personal injury resulting from accident on or about the dock facility. The following structures are not allowed on public lands in the Crescent Park Additon: rafts, diving boards, swings, slides, toys or other types of playground equipment, clotheslines and poles, sundials, rock gardens or any other item that is not necessary for access and that creates the appearance of private ownership.

4. Permit Duration, Nontransferability and Cancellation. The dock assignment permit will be for a period not to exceed five years. Certificates of insurance and the appropriate fee must be filed with the City annually prior to the dock being placed in the water. A contact person will be designated by the applicants of each dock with whom the City shall communicate and notice to such agent on any matter shall constitute notice to all designated permittees. The contact person shall at all times keep the City informed as to all persons who are sharing in dock expense and using the facility for boat hoist storage or tie-up. A dock assignment permit may be cancelled by the City at anytime for failure to comply with regulations or when in the best interests of the public as determined by the City. Dock assignments are not transferable except by issuance 5. Winter Storage of Dock Materials. Docks shall be removed from the lake by November 15 each year. All dock materials stored on the lakeshore public area must be stored in a neat, safe and orderly manner so as not to obstruct public pedestrian access along the walkway or from the walkway to the shoreline. Docks must be placed in the lake or removed from public land by Memorial Day each year. Boat hoists stored on public land during the winter shall meet the same requirements stated above or shall be stored on private property at another location if these requirements cannot be met.

5. Permittees Responsible for Construction and Maintenance. Permittees are responsible for construction, installation and removal of docks. The assigned permittees named on the application shall be solely responsible for the safe condition of the dock at all times and specifically further agree to maintain and keep the access free of weeds, litter and other debris. Maintenance of the access shall at all times be comparable with private properties on either side of the access.

6. Electrical Facilities. Electric facilities must include ground fault interrupter systems and installation must comply with the National Electric Code (NFOA).

7. Bulk Fuel. No bulk fuel, explosive, hazardous material, or fuel distribution line will be permitted on public property.

8. Retaining Walls. Retaining walls and terrace walls intended to control bank erosion or otherwise stabilize the bank shall be constructed of CCA-treated timbers, native stone, or limestone wall stone, landscape block or poured concrete. Materials containing creosote are not allowed. Existing retaining walls may be used if maintained in good repair and if safe for public use.

9. Storage Buildings. Storage buildings of any type, including boat storage buildings and yard/tool sheds, are not permitted on public access areas.

7-5-5 FEES. Fees for dock and hoist permits shall be as follows:

1. Dock Fee. The permit fee for a dock shall be \$200.00.

2. Hoist Fee. A \$50.00 permit fee shall apply for each hoist.

7-5-6 ELIGIBILITY, WAITING LISTS AND RIGHTS.

1. Eligibility. Dock and hoist privileges on public access areas are reserved to residents and property owners of the City. However, this reservation does not preclude the right of the general public from the use of the access, dock or any appurtenances except boat hoists.

2. Limitations. At each dock site, there shall be allowed a maximum of two families or entities to share that dock site. At each dock site, the maximum number of hoists is the number needed to accommodate no more than two boats and four personal water crafts or other small crafts.

3. Waiting Lists. Lake View residents and property owners applying for dock or hoist privileges may be placed on a waiting list if these accesses have already reached capacity as determined by previous provisions herein. Names shall be placed on the list in numerical order as they are filed and received by the City and the resident or the City shall then notify the property owner when a vacancy occurs or when space becomes available.

4. Rights of the General Public. Public use of docks will be governed by DNR Administrative Rule 571-16.

7-5-7 COMMERCIAL USE PROHIBITED. Commercial use of any dock or appurtenances extending from a public access is prohibited. Commercial use shall mean the exchange of goods or services on any dock on or over waters under the jurisdiction of the DNR in which the exchange of goods or services involves a fee, either directly or indirectly.

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 NATURAL GAS FRANCHISE

- 7-6-1 Franchise Granted
- 7-6-2 Term
- 7-6-3 Franchise Fees or Taxes
- 7-6-4 Governing Rules and Regulations
- 7-6-5 Provision for Inadequate Energy Supplies
- 7-6-6 Construction and Maintenance of Grantee's Facilities
- 7-6-7 Extension of Grantee's Facilities
- 7-6-8 Relocation of Grantee's Facilities
- 7-6-9 Confidential Information
- 7-6-10 Force Majeure
- 7-6-11 Hold Harmless
- 7-6-12 Successors and Assigns
- 7-6-13 No Third Party Beneficiaries
- 7-6-14 Non-Waiver
- 7-6-15 Effective Date and Acceptance

7-6-1 FRANCHISE GRANTED. The City of Lake View, Iowa (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over above or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, poles, communication devices, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

7-6-2 TERM. The rights and privileges granted by this owner shall remain in effect for a period of twenty-five (25) years from the effective date thereof. Grantor shall have the right to review and to terminate the franchise granted by this ordinance as set forth herein. The right to review and terminate the franchise may be exercised by Grantor on the following dates: At the end of the tenth (10th) year from the date of enactment of the ordinance or at the end of the seventeenth (17th) year from the date of enactment of the ordinance. If Grantor elects to terminate the franchise, Grantor shall notify Grantee in writing at least one hundred and eighty (180) days before the proposed effective date of termination (i.e. end of 10th or 17th year). If Grantor does not notify Grantee of its desire to terminate the franchise, then the term will continue thereafter until the next period to terminate the franchise.

7-6-3 FRANCHISE FEES OR TAXES. Grantor may, during the term of this franchise, in its discretion, in compliance with and as authorized by state law, after public hearing and upon a majority vote of a majority of the members of the Grantor's City Council then present, pass an ordinance imposing a franchise fee on Grantee's customers located within Grantor's corporate limits; provided, however, that the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay same, unless and until: (1) it is satisfactory to Grantee with respect to its compatibility with Grantee's billing system; (2) the form of assessment and collection of the franchise fee is based on either: (a) a percentage of Grantee's gross receipts of regulated sales or transportation revenues collected from Grantee's customers within Grantor's corporate limits; (b) a volumetric fee based upon Grantee's delivery of energy within Grantor's corporate limits; or (c) a flat fee collected on a nondiscriminatory basis from each of Grantee's customers within Grantor's corporate limits; and (3) Grantor has imposed a franchise fee on all other parties supplying energy within Grantor's corporate limits, calculated in the same manner as the franchise fee imposed on Grantee's customers.

7-6-4 GOVERNING RULES AND REGULATIONS. The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

7-6-5 PROVISION FOR INADEQUATE ENERGY SUPPLIES. If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

7-6-6 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation. Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain

permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation. Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering reasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

7-6-7 EXTENSION OF GRANTEE'S FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

7-6-8 RELOCATION OF GRANTEE'S FACILITIES. If Grantor or other governmental entities located within the corporate limits of Grantor elect to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of-way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

7-6-9 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to

the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

7-6-10 FORCE MAJEURE. It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

7-6-11 HOLD HARMLESS. Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

7-6-12 SUCCESSORS AND ASSIGNS. All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

7-6-13 NO THIRD PARTY BENEFICIARIES. This Ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this Ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

7-6-14 NON-WAIVER. Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

7-6-15 EFFECTIVE DATE AND ACCEPTANCE. This Ordinance shall become effective and be a binding contract between the Grantor and Grantee upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon Grantee's acceptance by written instrument, within sixty (60) days of passage by the City Council, and filing with the Clerk of the City of Lake View, Iowa. The Clerk of the City of Lake View, Iowa shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance, either express in

writing its objections to any terms or provisions contained therein, or reject this Ordinance in its entirety, Grantee shall be deemed to have accepted this Ordinance and all of its terms and conditions.

TITLE VII SPECIAL ORDINANCES

CHAPTER 7 CABLE TELEVISION FRANCHISE

- 7-7-1 Definitions
- 7-7-2 Grant of Authority
- 7-7-3 Compliance with Laws and Ordinances
- 7-7-4 Liability and Indemnification
- 7-7-5 Operation and Maintenance of the System
- 7-7-6 Safety Requirements
- 7-7-7 Conditions of Street Occupancy
- 7-7-8 Erection, Removal and Use of Poles
- 7-7-9 Removal of Facilities
- 7-7-10 Rates and Charges
- 7-7-11 City Rights in Franchise
- 7-7-12 Maps, Plats and Reports
- 7-7-13 Cancellation of Franchise
- 7-7-14 Duration of Franchise
- 7-7-15 Insurance
- 7-7-16 Indemnity
- 7-7-17 Transfer of Franchise
- 7-7-18 Other Conditions
- 7-7-19 Franchise Fee

7-7-1 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. “Cable Television System” or “Cable System” means a system utilizing coaxial cables and certain electronic and other components which deliver to subscribing members of the public various communications services.

2. “Grantee” means Corn Belt Telephone, or any successors or assigns as may be in accordance with the provisions of the franchise.

7-7-2 GRANT OF AUTHORITY. There is hereby granted to the Grantee for a period of twenty-five (25) years from the effective date of the ordinance codified in this chapter the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a CATV system. Upon request for service, the Grantee shall extend its lines and service within the County beyond the initial service area to any location in which there are at least 45 homes per mile of cable required to extend CATV service from the initial service area. Grantee shall, whenever it shall receive a request for service from at least eight (8) potential subscribers within one thousand (1,000) feet from its existing system, extend such system to said subscribers at no cost to the subscriber for system extension other than usual connect fees for all subscribers. The 1,000 feet shall be measured in extension length of Grantee’s cable required for service located

within the public way or easements and shall not include length of the necessary service drop to the subscriber's home or premises.

7-7-3 COMPLIANCE WITH LAWS AND ORDINANCES. The Grantee shall, at all times during the life of the franchise, be subject to all lawful exercise of the police power of the City and to such reasonable regulations as the City shall hereafter provide.

7-7-4 LIABILITY AND INDEMNIFICATION. The Grantee, by its acceptance of the franchise, agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of granting the franchise, including the cost of defending any legal action against the City arising out of the installation, operation or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this chapter.

7-7-5 OPERATION AND MAINTENANCE OF THE SYSTEM. The Grantee shall install such equipment and have the necessary equipment and personnel to maintain its facilities such as to assure efficient service, and it shall have the necessary equipment and personnel to make repairs promptly and interrupt service only for good cause and for the shortest time possible. Grantee shall apply for a cross-ownership waiver in accordance with FCC Rule 214, and gain approval of FCC prior to construction.

7-7-6 SAFETY REQUIREMENTS.

1. The Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

2. The Grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the National Electric Safety Code as promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters and in such manner that they will not interfere with any installation of the City or of a public utility serving the City.

3. All structures and all lines, equipment, and connections in, over, under and upon the streets, sidewalks, alleys and public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair.

7-7-7 CONDITIONS OF STREET OCCUPANCY.

1. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys and public ways or places.

2. In the case of a disturbance of any street, sidewalk, alley, public way or paved area, the Grantee shall, at its own expense and in a manner approved by the City, replace and restore such street, sidewalk, alley, public way or paved area in as good a condition as before the work involving such disturbance was done.

3. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of the trees from coming in contact with the wires and cables of the Grantee.

4. If at any time during the period of the franchise the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, the Grantee, upon reasonable notice by the City, shall relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

5. In all sections of the City where the cables, wire or other like facilities of public utilities are placed underground, the Grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology reasonably permits the Grantee to do so.

7-7-8 ERECTION, REMOVAL AND USE OF POLES. No poles or other wire holding structures shall be erected by the Grantee without prior approval of the City with regard to location, height, type and any other pertinent aspect. No location of any pole or wire-holding structure of the Grantee shall be a vested interest and such poles or structures shall be moved or modified by the Grantee at its own expense whenever the Council determines that the public convenience would be enhanced thereby.

7-7-9 REMOVAL OF FACILITIES. The Grantee upon termination by any subscriber of the Grantee's service shall promptly remove all of its facilities and equipment from the premises of a subscriber upon said subscriber's written request.

7-7-10 RATES AND CHARGES. In consideration for services rendered to subscribers, the Grantee shall have the right to charge and collect from subscribers fair and reasonable compensation calculated to offset all necessary costs for provision of the services and including a fair rate of return on investment devoted thereto, under efficient and economical management.

7-7-11 CITY RIGHTS IN FRANCHISE.

1. The right is hereby reserved to the Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

2. The Council shall have the right to inspect and the Grantee shall make available, its books, records, maps, plans and other like materials of the Grantee pertaining to the operation of the CATV System at any time during normal business hours, provided that thirty (30) days' notice shall have been given to Grantee as to what records are to be produced for such inspection.

3. The Council shall have the right during the term of the franchise to install and maintain free of charge upon the poles of said CATV System any wire or pole fixtures necessary for a police alarm system, on the condition that such wire and pole fixtures do not interfere with the operations of the Grantee.

4. The Council shall have the right to hold a public or private hearing on any matter pertaining to this chapter, and the Grantee shall make available its representatives or agents for such hearing.

7-7-12 MAPS, PLATS AND REPORTS. On or before March 1 of each year, the Grantee shall file with the Council true and accurate maps or plats of the CATV trunk and feeder lines within the City limits as of December 31 of the preceding year.

7-7-13 CANCELLATION OF FRANCHISE. The Council reserves the right to terminate and cancel the franchise and all rights and privileges of the Grantee hereunder in the event the Grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged as bankrupt. Termination and cancellation, other than as a result of bankruptcy, shall be by ordinance only adopted after ninety (90) days' notice to the Grantee. The termination or cancellation of the franchise shall give the City no vested interest in the business or property of the Grantee, and the Grantee shall have a reasonable

period to dismantle its equipment in the event of such cancellation or termination and to restore all streets, alleys, sidewalks and public places to their original condition.

7-7-14 DURATION OF FRANCHISE. The franchise and the rights, privileges and authority herein granted shall be nonexclusive for a term of twenty-five (25) years. The original term of the franchise shall be automatically extended for successive additional five-year periods unless one of the parties hereto gives twelve (12) months' written notice to the other party of its intention not to extend the franchise on these terms and conditions. Notwithstanding such notice, the City and Grantee agree to negotiate in good faith changes proposed by either party which would apply to a renewal or extension of the franchise so as to insure continuity of service to the public.

7-7-15 INSURANCE. Grantee shall maintain at its expense the following insurance policies:

1. Comprehensive General Liability. A general comprehensive public liability insurance policy indemnifying, defending, and saving harmless the City, its officers, boards, Council members, agents or employees from any and all claims by any person whatsoever for injury to or death of a person or persons occasioned or alleged to have been occasioned by the operation of the Grantee under the franchise, in the amount of at least \$100,000.00 per personal injury or death of any one person and \$300,000.00 for personal injury or death of any two or more persons in any one occurrence.

2. Property Damage. Property damage insurance indemnifying, defending and saving harmless the City, its officers, boards, Council members, agents or employees from or against all claims by any person whatsoever for property damage occasioned or alleged to have been occasioned by the operation of the Grantee under the franchise, in the amount of at least \$100,000.00 for property damage of any one person and \$300,000.00 for property damage of two or more persons in any one occurrence.

All of the foregoing insurance contracts shall be in force in a form satisfactory to the City, shall be issued and maintained by companies authorized to do business in the State of Iowa and acceptable to the City and shall be kept in full force and effect by the Grantee during the term of the franchise, including any required removal of equipment, structures, facilities, apparatus and appurtenances. The contracts shall contain provisions requiring that thirty (30) days' written notice of any cancellation be given to both the City and Grantee.

7-7-16 INDEMNITY. The Grantee shall fully indemnify, defend and save harmless the City, its officers, boards, Council members, agents and employees against any and all claims, suits, actions,

liability and judgments for damage to persons or property, including, without limitation, damages arising out of copyright infringement and out of the installation, operation, or maintenance by Grantee of a cable television system, whether or not any act or omission complained of is authorized, allowed or prohibited by this chapter. The Grantee shall pay all expenses, including attorneys' fees, personally incurred by the City in defending itself with regard to all such claims, suits, actions, liability and judgments.

7-7-17 TRANSFER OF FRANCHISE. The Grantee shall not assign or transfer the franchise to any other person without prior written consent of the City, which consent shall not be unreasonably withheld.

7-7-18 OTHER CONDITIONS. Notwithstanding the terms of this chapter, the Grantee is not required to operate in violation of any rule or regulation of the Federal Communications Commission or any Federal or State law which may hereafter be adopted.

7-7-19 FRANCHISE FEE. Upon ninety days notice to Grantee, the City may institute a franchise fee of up to five percent (5%) on the gross revenues of the cable television system. "Gross Revenues" are defined in State of Iowa Code §477A.1. The franchise fee shall be administered per State of Iowa Code §477A.7.

TITLE VII SPECIAL ORDINANCES

CHAPTER 8 COMMUNICATION TOWERS AND ANTENNAS

- 7-8-1 Purpose and Policy
- 7-8-2 Definitions
- 7-8-3 Local Regulation
- 7-8-4 Lease Required
- 7-8-5 Fee Required
- 7-8-6 Limit on Term
- 7-8-7 Priorities
- 7-8-8 Placement Requirements
- 7-8-9 Application Process
- 7-8-10 Conditions for Approval
- 7-8-11 Noise and Emission Standards
- 7-8-12 Placement of Facilities and Related Lease Fees
- 7-8-13 Abandonment
- 7-8-14 Termination
- 7-8-15 New Technologies
- 7-8-16 Home Rule

7-8-1 PURPOSE AND POLICY. The City Council for the City of Lake View finds that in order to ensure public safety and provide efficient delivery of services by City and others wishing to utilize wireless communication technologies, to ensure the health, safety and welfare of the population, to provide for the regulation and administration and orderly location of antenna arrays and towers, and to secure the rights of the City to regulate its public property and charge a reasonable fee for use of public property, it is necessary for the City to establish uniform rules, regulations and policies. This Ordinance is to be interpreted in light of these findings for the benefit of the citizens of Lake View, Iowa.

7-8-2 DEFINITIONS. As used in this Ordinance:

1. “Antenna” shall mean a device, dish or array used to transmit or receive telecommunication signals.
2. “Communications tower” shall mean a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.
3. “Height” of a communications tower is the distance from the base of the tower to the top of the structure.
4. “Telecommunications” shall mean the electronic, telephonic, or other high-tech transmission, reception or exchange of data or information between or among points specified by the user of information of the user’s choosing, without change in the form or content of the information as sent or received, by a means which requires the approval or licensing by the Federal Communications Commission.

7-8-3 LOCAL REGULATION. The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be applied consistently to all telecommunications providers that request a location on City property for their communication towers and antennas.

1. To minimize the overall number of towers located in the City, providers may be required to participate in collocation agreements.

2. To ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.

3. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort.

4. To assure revenues from site leases of City-owned and controlled land and structures reflects fair compensation for use of City property and administration of this Ordinance.

7-8-4 LEASE REQUIRED. No person or other entity shall use any public property without first obtaining a lease from the City.

7-8-5 FEE REQUIRED. No lease for the use of public property shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of that public property.

7-8-6 LIMIT ON TERM. No lease for the use of public property under this Ordinance shall be granted for a term of more than twenty-five (25) years.

7-8-7 PRIORITIES. Priority of the use of City-owned land for communication towers and antenna towers, antennas and facilities will be given to the following entities in descending order of priority:

1. All functions of the City of Lake View, Iowa.

2. Public safety agencies that are not part of the City, including law enforcement, fire and ambulance services, and private entities with a public safety agreement with the City.

3. Other governmental agencies for uses which are not related to public safety.

4. Entities providing licensed commercial communication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use.

7-8-8 PLACEMENT REQUIREMENTS. The placement of communications towers, antennas or facilities on City-owned property must comply with the following requirements:

1. The tower, antenna or facility will not interfere with the purpose for which the City-owned property is intended.
2. The tower, antenna or facility will have no adverse impact on surrounding private property.
3. The applicant will produce proof of adequate liability insurance for potential damage that could reasonably be caused to City property and facilities by the location of the towers, antennas or facilities on City property.
4. The applicant will commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fee shall be established by the City Council and shall reflect potential expenses and risks to the City and other appropriate factors.
5. The applicant will submit a letter of credit, performance bond or other security acceptable to the City to cover the costs of tower, antenna or facilities removal.
6. The towers, antennas or facilities will not interfere with other uses which have a higher priority as discussed in the paragraphs above.
7. Upon reasonable notice, the towers, antennas or facilities may be required to be removed at the user's expense.
8. The applicant must reimburse the City for any costs which it incurs based on the presence of the applicant's towers, antennas or facilities.
9. The user must obtain all necessary land use approvals.
10. The applicant will cooperate with the City's objective to promote collocations and, thus, limit the number of separate antenna sites requested.

7-8-9 APPLICATION PROCESS. All applicants who wish to locate a communications tower, antenna or facilities on City-owned or private property must file with the City a completed application accompanied by a fee as set by City Council Resolution and the following documents, if applicable:

1. One (1) copy of typical specifications for proposed structures and antennas, including a description of the design characteristics and material to be used.
2. A Site Plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of the proposed structures, parking, fences, landscape plan and existing land uses on adjacent property. The Site Plan is not required if the antenna is to be mounted on an approved, existing structure.

3. A current map or update for an existing map on file showing the locations of the applicant's antennas or facilities which are existing and proposed towers which are reflected in public records serving any property within the City.

4. A report from a structural engineer showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA222, latest revision, standards.

5. Identification of the owners of all antennas and equipment to be located on the site.

6. Written authorization from the site owner for the application.

7. Evidence that a valid FCC license for the proposed activity has been applied for or issued.

8. A line of site analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

9. A written agreement to remove the tower, antenna and/or facilities within one hundred eighty (180) days after cessation of use.

10. Additional information, as reasonably required by the City, to determine that all applicable regulations and ordinances are met.

11. Any communications facilities located on the roof of an antenna support structure must be set back at least one (1) foot from the edge of the roof of the structure. This setback requirement shall not apply to communications facilities located above the roof of the structure, if the facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the City, or camouflaged antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than twenty-four (24) inches from the side of such an antenna support structure.

7-8-10 CONDITIONS FOR APPROVAL. Applicant must also show evidence that all of the following conditions which are applicable are met prior to approval of the application.

1. Applicant must show that the proposed communications tower, antenna, accessory structure or facilities will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

2. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of the applicant.

3. Applicant, for a permit in a residential district, must show that based on valid technical reasons, that the area cannot be adequately served by a facility placed in a nonresidential district.

4. Prior to consideration of a permit for the location, on private property which must be acquired, applicant must show that available publicly-owned sites and available privately-owned sites occupied by a compatible use are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.

5. Applicant must provide the names, addresses and telephone numbers of all owners of other towers or usable tower support structures within a half mile radius of the proposed new tower site, including City-owned property, and written documentation that the applicant made diligent, but unsuccessful efforts for a minimum of forty (40) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the City and other persons located within a half mile radius of the proposed tower site, or written technical evidence from an engineer that the proposed tower or facilities cannot be installed or collocated on another person's tower or support structure within one-half mile radius of the proposed tower and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

6. Applicants must show that a new tower is designed to accommodate additional antenna equal in number to applicants' present and future requirements.

7. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements will be met and how they will be met.

8. All towers and communications facilities shall be of camouflage design standards to blend into the surrounding environment or to look other than as a tower. The applicant must show, by certificate from a registered engineer, that the proposed facility will contain only equipment meeting FCC rules and must file with the City Clerk a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims to a minimum of One Million Dollars (\$1,000,000.00) in the aggregate.

9. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general zoning district regulations, except setback and height, shall apply to the use. Setbacks on all sides shall be a distance equal to the height of the tower. The following height conditions apply:

a. Residential districts – free-standing tower with height not exceeding one hundred (100) feet is a permitted conditional use. Height exceeding one hundred (100) feet requires a special exception.

b. Commercial districts – free-standing or guyed tower with a height not exceeding one hundred eighty (180) feet is a permitted conditional use. Height exceeding one hundred eighty (180) feet requires a special exception.

c. Industrial districts – free-standing or guyed tower with height not exceeding three hundred sixty (360) feet is a permitted conditional use. Height exceeding three hundred sixty (360) feet requires a special exception.

10. A tower must be a minimum distance equal to one and one half (1½) of the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines a distance equal to the district setback requirements or twenty-five (25) percent of the tower height, whichever is greater.

7-8-11 NOISE AND EMISSION STANDARDS. No equipment shall be operated at towers or telecommunications facilities so as to produce noise in excess of applicable standards under WAC173-60, except during emergencies or periodic routine maintenance which requires the use of a backup generator where the noise standards may be exceeded temporarily. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets FCC standards.

7-8-12 PLACEMENT OF FACILITIES AND RELATED LEASE FEES. The placement and maintenance of communication towers, antennas, and facilities on City-owned sites, such as water towers and parks, will be allowed when the following additional requirements are met:

1. Water tower or reservoir sites. The City's water tower and reservoir represent a large public investment in water pressure stabilization and peak capacity reserves. Therefore, its protection is of prime importance. As access to the City's water storage system increases, so does potential for contamination of the public water supply. For these reasons, the placement of communication towers or antennas on water towers or reservoir sites will be allowed only when the following requirements are met:

a. The applicant must have written approval from the City each time access to the facility is desired. This will minimize the risk of contamination to the water supply.

b. There is sufficient room on the structure and/or the grounds to accommodate the applicant's facilities.

c. The presence of the facility will not increase the water tower or reservoir maintenance costs to the City.

d. The presence of the facility will not be harmful to the health or safety of workers maintaining the water tower or reservoir.

2. Parks. The presence of certain communications towers, antennas or facilities represents a potential conflict with the purpose of certain City-owned parks and recreational facilities. The tower shall be prohibited in designated conservation areas. Communications towers and antennas will be considered only in the following parks after the recommendation of the Park Board and approval of the City Council:

a. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use.

- b. Commercial recreational areas and major ball fields.
- c. Park maintenance facilities.

3. Fees. Fees for placing communications towers, antennas and/or facilities on public property shall be set by City Council Resolution.

7-8-13 ABANDONMENT. In the event the use of any communications tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City, which shall have the right to request documentation and/or affidavits from the communications tower owner or operator regarding the issue of tower usage. One hundred eighty-one (181) days from the date of abandonment, without reactivating or upon completion of dismantling or removal, any special exception and/or variance approval for the tower shall automatically expire. Upon abandonment, the owner or operator of the tower shall have an additional ninety (90) days within which to either reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower within the ninety (90) days or to dismantle and remove the tower.

7-8-14 TERMINATION. The City Council may terminate any lease if it is determined that any one (1) of the following conditions exist:

- 1. A potential user of a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use.
- 2. A user's frequency broadcast unreasonably interferes with other uses of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis.
- 3. A user violates any of the standards in this Ordinance or the conditions or terms of the City's Lease Agreement.
- 4. Before taking action, the City will provide notice to the user of the intended termination and the reasons for it and provide an opportunity for a hearing before City Council regarding the proposed action. This procedure need not be followed in emergency situations.

7-8-15 NEW TECHNOLOGIES. During the term of any lease, if technological advancements are made in the telecommunications field which will provide the communications tower owner/operator the opportunity to be more effective, efficient and economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the City Council, which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

7-8-16 HOME RULE. This Ordinance is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities home rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed, and the City reserves to itself the right to exercise all power and

authority to regulate and control its local affairs, and all ordinances and regulations of the City shall be enforced against the holders of any lease.