

CITY OF VILLISCA CODE OF ORDINANCES

2017

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TABLE OF CONTENTS

TITLE I GENERAL PROVISIONS	2
CHAPTER 1 GENERAL PROVISIONS	2
CHAPTER 2 RIGHT OF ENTRY	7
CHAPTER 3 PENALTY	9
CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL	12
TITLE II POLICY AND ADMINISTRATION	16
CHAPTER 1 CITY CHARTER	16
CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS	18
CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS	21
CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS	35
CHAPTER 5 CITY FINANCE	36
CHAPTER 6 MEETINGS	41
CHAPTER 7 CITY ELECTIONS	42
CHAPTER 8 LAW ENFORCEMENT	45
CHAPTER 10 ELECTRIC UTILITY BOARD OF DIRECTORS	50
CHAPTER 11 PLANNING AND ZONING COMMISSION	51
CHAPTER 12 PARK BOARD	54
TITLE III COMMUNITY PROTECTION	56
CHAPTER 1 OFFENSES	56
CHAPTER 2 NUISANCES	63
CHAPTER 3 TRAFFIC CODE	69
CHAPTER 4 RESERVED	93
CHAPTER 5 FIRE PROTECTION	94
CHAPTER 6 CURFEW FOR MINORS	96
CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS	100
CHAPTER 8 HAZARDOUS SUBSTANCE SPILLS	103
CHAPTER 9 ALCOHOLIC BEVERAGES	107
CHAPTER 10 JUNK AND ABANDONED VEHICLES	109
CHAPTER 11 DRUG PARAPHERNALIA	118
CHAPTER 12 NOISE REGULATIONS	119
CHAPTER 13 MOWING OF PROPERTIES	124
CHAPTER 14 DANGEROUS BUILDINGS	125
CHAPTER 15 FIRE CODE	128
CHAPTER 16 STORAGE OF COMBUSTIBLE MATERIALS	130
TITLE IV MENTAL AND PHYSICAL HEALTH	131
CHAPTER 1 ANIMAL CONTROL	131
CHAPTER 2 CITY DOG LICENSES	148
TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE	151
CHAPTER 1 LIBRARY SERVICES	151
CHAPTER 2 PARK REGULATIONS	156
CHAPTER 3 CEMETERIES	157
TITLE VI PHYSICAL ENVIRONMENT	160
CHAPTER 1 MOBILE HOME REGULATION	160
CHAPTER 2 UTILITIES - SANITARY SYSTEM	163
CHAPTER 3 UTILITIES - WATER SYSTEM	178
CHAPTER 4 UTILITIES - WATER CONSERVATION	184

CHAPTER 5 UTILITIES – WELLHEAD PROTECTION REGULATIONS	186
CHAPTER 6 UTILITIES – SOLID WASTE CONTROL	195
CHAPTER 7 UTILITIES - BILLING CHARGES	202
CHAPTER 8 STREET USE AND MAINTENANCE	207
CHAPTER 9 SIDEWALK REGULATIONS.....	211
CHAPTER 10 VACATION AND DISPOSAL OF STREETS	218
CHAPTER 11 STREET AND SIDEWALK GRADES	220
CHAPTER 12 NAMING OF STREETS	221
CHAPTER 13 BUILDING CODE	223
CHAPTER 14 BUILDING PERMITS	224
CHAPTER 15 BUILDING NUMBERING.....	226
CHAPTER 16 FLOOD PLAIN REGULATIONS	227
CHAPTER 17 TREES	245
CHAPTER 18 ZONING ORDINANCE	248
CHAPTER 19 SUBDIVISION REGULATIONS	287
CHAPTER 20 URBAN RENEWAL.....	300
CHAPTER 21 SMALL WIND ENERGY SYSTEMS.....	303

TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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

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. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. **"Building" means any man-made structure permanently affixed to the ground.**
3. "City" means the City of Villisca, 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;
4. "Clerk" means **Clerk-Treasurer**.
5. "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;
6. "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;
7. "County" means the County of Montgomery, Iowa;
8. **"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)

9. "Fiscal Year" means July 1 to June 30.
10. "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;
11. "Measure" means an ordinance, amendment, resolution, or motion.
- 12. "May" confers a power;**
13. "Month" means a calendar month;
- 14. "Must" states a requirement;**
15. "Oath" **shall be construed to include** an affirmative **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";
16. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
17. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
18. "Ordinance" **means a law of the City**; however, an administrative action, order or directive, may be in the form of a resolution;
19. "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;
- 20. "Person" means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;**
- 21. "Personal property" includes money, goods, chattels, things in action and evidences of debt;**
22. "Preceding" and "following" mean next before and next after, respectively;

23. "Property" includes real and personal property;
24. "Property Owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
25. "Public place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
26. "Public property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions, or agencies within the City government.
27. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
- 28. "Real property" includes any interest in land;**
- 29. "Shall" imposes a duty;**
30. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
31. "State" means the State of Iowa;
- 32. "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;**
33. "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;
- 34. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;**
35. "Year" means a calendar year;
- 36. 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;**

37. 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 Villisca Municipal Code of 2015 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 Villisca, 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 Villisca, 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.**

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

- 1-2-1 Right of Entry
- 1-2-2 City Boundaries

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 they 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.

1-2-2 CITY BOUNDARIES DESIGNATED. The boundaries of the City shall be as follows:

Commencing at the southwest corner of the southeast quarter of Section 21, Township 71N., Rng. 36W of 5th P.M., Montgomery County, Iowa; thence north along said half-section line a half mile to the southwest corner of the northeast quarter of Section 21; thence east along said half-section line one mile to the southwest corner of the northeast quarter of Section 22, Township 71N., Rng. 36W of 5th P.M.; thence north along said half-section line approximately one quarter mile to the northwest corner of the Villisca Cemetery; thence east along the north line of said cemetery approximately one-eighth mile to the northeast corner thereof; thence south along the said east line of said cemetery approximately one-quarter mile to the south line of the northeast quarter of said Section 22; thence east along the said half section line approximately five-eighths mile to the northeast corner of the west half of the southwest quarter of Section 23, Township 71N., Rng. 36W of 5th P.M.; thence south along said quarter section line approximately seven-eighths mile to the south line of the Burlington Northern Sante Fe Railroad right-of-way; thence west along said south line of said BNSF right-of-way, approximately one half mile to the west line of the east half of the northeast quarter section 27, Township 71N., Rng. 36W of 5th P.M.; thence south approximately five hundred feet along said quarter section line to the south line of Ninth Street apparently as platted in the supplemental plat to the original plat of the City of Villisca, Iowa; thence west along the said south line of Ninth Street

approximately one-half mile to the east line of Lot No. 8 of the southwest quarter of the northwest quarter of said Section 27; thence south along the east line of Lot No. 8, three hundred feet to the southeast corner of said Lot No. 8; thence west along the south line of Lots Nos. 8, 7, and 6 of the SW quarter, NW quarter of said Section 27, approximately one-quarter mile to the southwest corner of said Lot No. 6; thence continuing west one-quarter mile along the half-section line to the southwest corner of the east half of the northeast quarter of said Section 28, Township 71N., Rng. 36W 5th P.M., thence north along the west line of the east half of the northeast quarter of said Section 28, approximately two thousand one hundred feet to the south lines of the right-of-way of said BNSF road; thence northwest along the south line of the said BNSF Railroad right-of-way to the north line of said Section 28; thence west along the north line of said Section 28; thence west to the place of beginning.

The south 620' of the SW1/4 of the NE1/4 of Section 28 being the south 125' of Lot 3, and Lots 4 and 5 of a subdivision of the SW1/4 of the NE1/4 of Section 28, all in Township 71 North, Range 36 West of the 5th P.M. in Montgomery County, Iowa. The south 620' of the NW 1/4 of Section 28, being the south 620' of Lot 1 of the NW1/4 of Section 28 all in Township 71 North, Range 36 West of the 5th P.M. in Montgomery County, Iowa. The east 160' of the W1/2 of the NE1/4 in Section 29, Township 71 North, Range 36 West of the 5th P.M. in Montgomery County, Iowa. Parcel "B", NW1/4 NE1/4 29-71-36 The west 50 feet of the East 210 feet of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 29, Township 71 North, Range 36 West of the 5th P.M., Montgomery County, Iowa and Parcel "B", SW1/4 NE1/4 29-71-36 The West 50 feet of the East 210 feet of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4) of Section 29, Township 71 North, Range 36 West of the 5th P.M., Montgomery County, Iowa.

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty

1-3-3 Scheduled Fines

**1-3-2 Civil Penalty -Municipal
Infraction**

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).

Code of Iowa, Sec. 903.1(1)(a)

(Amended in 2008)

(Amended in 2009)

(Amended in 2010)

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

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

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 Villisca, 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 Villisca, 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 Villisca.
- 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:
 - i. The name and address of the defendant.
 - ii. The name or description of the infraction attested to by the officer issuing the citation.
 - iii. The location and time of the infraction.
 - iv. The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - v. The manner, location, and time in which the penalty may be paid.
 - vi. The time and place of court appearance.
 - vii. The penalty for failure to appear in court.
 - viii. The legal description of the affected property, if applicable.**

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

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

- | | |
|--|--|
| 1-4-1 Purpose and Intent | 1-4-4 Subpoenas |
| 1-4-2 General | 1-4-5 Conduct of Hearing |
| 1-4-3 Form of Notice 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 Villisca 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 rely 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.**
- d. 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:**
- e. Notice of such inspection shall be given to the parties before the inspection is made;**
- f. The parties are given an opportunity to be present during the inspection; and**
- g. 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 | 2-1-4 Number and Term of City Council |
| 2-1-2 Form of Government | 2-1-5 Term of Mayor |
| 2-1-3 Powers and Duties | 2-1-6 Copies on File |

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

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Villisca, 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 Villisca, Iowa.

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

[NOTE: The Nominations section is now found in Title II, Chapter 9](#)

CHAPTER3
CITY BOUNDARIES

3.01 CITY BOUNDARIES DESIGNATED. The boundaries of the City

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-6	Surety
2-2-2	Appointment of Officers	2-2-7	Blanket Position Bond
2-2-3	Terms of Appointive Officers	2-2-8	Bonds Filed
2-2-4	Vacancies in Offices	2-2-9	Boards and Commissions
2-2-5	Bonds Required		

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

2-2-2 APPOINTMENT OF OFFICERS.

1. The Mayor shall appoint the following officials:
 - a. Mayor Pro Tem
 - b. Library Board of Trustees (with approval of Council)
 - c. Villisca Power Plan Board of Directors (with approval of Council)
 - d. Park Board of Trustees (with approval of Council)
2. The Mayor also recommend members for the Planning and Zoning Commission for appointment by the Council
3. **Fire Chiefs shall be elected annually by the members of the volunteer Fire Department, with the approval of the City Council.**
4. **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))

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

2-2-4 VACANCIES IN OFFICES.

Vacancies in elective and appointive offices shall be filled in accordance with State law.

2-2-5 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)

2-2-6 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.

2-2-7 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)

2-2-8 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)

2-2-9 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. **Exception: Library Board.**
- 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 (Iowa Code).**

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-10	Powers and Duties of the Director of Public Works
2-3-2	Oaths	2-3-11	Powers and Duties of the Fire Chief
2-3-3	Books and Records	2-3-12	Powers and Duties of the Ambulance Chief
2-3-4	Deposits of Municipal Funds	2-3-13	Conflict of Interest
2-3-5	Transfer of Records and Property To Successor	2-3-14	Resignations
2-3-6	Powers and Duties of the Mayor	2-3-15	Removal of Appointed Officers
2-3-7	Powers and Duties of the Clerk	2-3-16	Gifts
2-3-8	Powers and Duties of the City Attorney	2-3-17	Unlawful Use of City Property
2-3-9	Powers and Duties of the Director of Public Utilities		

2-3-1 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))

2-3-2 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.1)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:
 - a. Mayor
 - b. City Clerk
 - c. Members of all boards, commissions or bodies created by law.
(Code of Iowa, Sec. 63A.2)

2-3-3 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)

2-3-4 DEPOSITS OF MUNICIPAL FUNDS. Prior to the last business 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.

2-3-5 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, in the official's custody and appertaining to the official's office.

2-3-6 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 a vote to 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 their terms, 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 authorized officials.

2-3-7 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 they 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 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 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 when it may be necessary to such officer in the discharge of the Clerk's duty. The Clerk shall furnish a copy 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 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))

2-3-8 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 defined 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 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, 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 his or her 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 defects 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 they become binding upon the City or are published.

2-3-9 RESERVED.

2-3-10 POWERS AND DUTIES OF THE DIRECTOR OF PUBLIC WORKS. The duties of the Director of public works 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 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.
3. 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.
4. 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.
5. The Director shall keep 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.
6. The Director shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities, roads, and storm sewers. In this report shall be specifically state production and the general condition of the entire utilities enterprise as well as the street department.

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

2-3-11 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 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.**
6. 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.

7. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.
8. 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.
9. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.
(Code of Iowa, Sec. 102.2)
10. 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)
11. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interfere 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)
12. Whenever death, serious bodily injury, or property damage in excess of **two hundred thousand dollars (\$200,000)** has occurred as a result of a fire, or if arson is suspected, notify law enforcement and State Fire Marshal's Division immediately.
13. Issue citations in accordance to Chapter 805, Code of Iowa, for violations of state and/or local fire safety regulations.

2-3-12 POWERS AND DUTIES OF THE AMBULANCE CHIEF. The ambulance chief shall have the following powers and duties

1. Supervise the ambulance service team which is a division of the Villisca Volunteer Fire Department
2. Direct all operation of the ambulance service team and be responsible for the care, maintenance and use of all vehicles and equipment of the service.
3. Establish and maintain departmental rules to carry out the requirements of the division and provide each member of the ambulance service team with a copy of said rules.
4. Appoint service team personnel, fill vacancies and discharge personnel when necessary, with the approval of the City Council.
5. Maintain a record of the ambulance service team personnel, ambulance equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of each event.
6. Maintain a record of attendance of the division's personnel to meetings of the ambulance service team's meetings, training and service runs.
7. Compile and submit to the City Council an annual report of the status and activities of the division, as well as such other reports as may be requested by the City Council.

2-3-13 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.
2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
3. City Clerk. An employee of a bank or trust company, or a private citizen who serves as Treasurer of the City.

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement of preparation of any part of the contract.
(Code of Iowa, Sec. 362.5[5])
5. Newspaper. The designation of an official newspaper.
(Code of Iowa, Sec. 362.5[6])
6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.
(Code of Iowa, Sec. 362.5[7])
7. Volunteers. Contract with volunteer fire fighters or civil defense volunteers.
(Code of Iowa, Sec. 362.5[8])
8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.
(Code of Iowa, Sec. 362.5[9])
9. Contracts. Contract made by the City upon competitive bid in writing, publicly invited and opened.
(Code of Iowa, Sec. 362.5[4])
10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City Officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1500) in a fiscal year.
(Code of Iowa, Sec. 362.5[10])
11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.
(Code of Iowa, Sec. 362.5[12])

2-3-14 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the

time for which the person was elected, if during that time the compensation of the office has been increased.

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

2-3-15 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by State or City law, all persons appointed to City office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days after the sate the request is filed, unless the person re moved requests a later date.

(Code of Iowa, Sec. 372.15)

2-3-16 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person’s immediate family member, shall not directly or indirectly, accept or receive any gift or series of gifts from a “restricted donor” as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

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

2-3-17 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the city for any private purpose and for person gain, to the detriment of the City.

(Code of Iowa, Sec 721.2[5])

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member

2-4-3 Mayor Pro Tem

2-4-2 Mayor

2-4-4 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be thirty dollars (\$30.00) for each regular meeting of the Council attended, and five dollars (\$5.00) for any special council meetings attended, payable quarterly.

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

2-4-2 MAYOR. The Mayor shall receive a salary of \$175.00 for each regular meeting of the Council attended, payable monthly.

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

2-4-3 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))

2-4-4 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))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

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

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

(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.
2. 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.
3. 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 them 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)]

4. **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.**
5. **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.**
6. 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.

2-5-2 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.

2-5-3 RESERVED.

2-5-4 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)

2-5-5 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)

2-5-6 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))

2-5-7 RESERVED.

2-5-8 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))

2-5-9 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 a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding ten dollars (\$500.00) 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.

2-5-10 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.

2-5-11 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 the City Clerk and Mayor, or the Deputy Clerk and Mayor Pro-Tem in their absence.

(Code of Iowa, Sec. 384.20)

2-5-12 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)

2-5-13 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 6 MEETINGS

- | | | | |
|-------|--------------------|-------|-----------------------|
| 2-6-1 | Applicability | 2-6-5 | Closed Session |
| 2-6-2 | Notice of Meetings | 2-6-6 | Cameras and Recorders |
| 2-6-3 | Meetings Open | 2-6-7 | Electronic Meetings |
| 2-6-4 | Minutes | | |

2-6-1 **APPLICABILITY.** The provisions of this chapter apply to all meetings of the Council, any board or commission or any multi-membered body formally and directly created by any council, board, or commission of the City.

2-6-2 **NOTICE OF MEETINGS.** Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda, shall be given.
(Code of Iowa, Sec. 21.4)

2-6-3 **MEETINGS OPEN.** All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.
(Code of Iowa, Sec. 21.3)

2-6-4 **MINUTES.** Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.
(Code of Iowa, Sec. 21.3)

2-6-5 **CLOSED SESSION.** A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa.
(Code of Iowa, Sec. 21.5)

2-6-6 **CAMERAS AND RECORDERS.** The public may use cameras or recording devices at any open session.

2-6-7 **ELECTRONIC MEETINGS.** A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

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

2-7-1 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.

2-7-2 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)

2-7-3 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)

2-7-4 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)

2-7-5 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)

2-7-6 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.

2-7-7 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 8 LAW ENFORCEMENT

2-8-1 Establishment of Services by 28E Agreement

2-8-2 Copy of Agreement

2-8-1. ESTABLISHMENT OF SERVICES BY 28E AGREEMENT. The City of Villisca has established law enforcement services to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City by participating in a 28E Agreement with the Montgomery County Sheriff's Department.

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

2-8-2 COPY OF AGREEMENT. A copy of the 28E Agreement is on file with the Secretary of State, State of Iowa and has been recorded by the Montgomery County Recorder, Montgomery County, Iowa. In addition, a copy of the agreement is on file in the City Clerk's office.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 CITY COUNCIL

2-9-1 Powers and Duties

2-9-3 Meetings

2-9-2 Exercise of Power

2-9-4 Appointments

2-9-1 **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))

2-9-2 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))

2-9-3 MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Title II, Chapter 6 of this Code of Ordinances. Additional particulars relating to City Council meetings are the following:

1. Regular Meetings. The time and place of the regular meetings of the council shall be set by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor 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.

2-9-4 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Clerk
2. City Attorney

3. Public Works Director
4. Board of Adjustment
5. Power Plant Board (upon recommendation of Mayor)
6. Park Board (upon recommendation of Mayor)
7. Library Board (upon recommendation of Mayor)
8. Housing Authority Board

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10 ELECTRIC UTILITY BOARD OF DIRECTORS

2-10-1 Power Plant Board

2-10-2 Appointment

2-10-3 Term of Office

2-10-4 Vacancies

2-10-5 Compensation

2-10-6 Reports

2-10-1 POWER PLANT BOARD. A power Plant Board of Directors has been established by vote of the people consisting of three (3) members, who shall be residents of the City and/or service area, except that no public officer or salaried employee of the city may serve on the utility board. The Board shall manage and control the operation of the electric utility in accordance with the Iowa Code under the direction of the City Council.

2-10-2 APPONTMENT. The directors shall be appointed by the Mayor subject to approval of the City Council.

2-10-3 TERM OF OFFICE. The term of office is staggered sic (6) year terms beginning January of each year.

2-10-4 VACANCIES. A board member appointed to fill a vacancy occurring by reason other than the expiration of a term is appointed for the balance of the unexpired term in the same manner as the original appointee.

2-10-5 COMPENSATION. Compensation for each Electric Utility Director shall be twenty-eight dollars and fifty cents (\$28.50) for each regular meeting of the board attended, paid quarterly and be paid out of the funds of the utility.

2-10-6 REPORTS. The board shall make a detailed monthly and annual report, including a complete financial statement, to the City Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11 PLANNING AND ZONING COMMISSION

2-11-1 Planning and Zoning Commission

2-11-2 Term of Office

2-11-3 Vacancies

2-11-4 Compensation

2-11-5 Powers and Duties

2-11-1 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of seven (7) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

2-11-2 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

2-11-3 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.

(Code of Iowa, Sec. 392.1)

2-11-4 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

2-11-5 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statues, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

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

NOTE: I HAVE A NOTE THAT SHOWS YOU MAY WANT THIS DELETED?

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 12 PARK BOARD

2-12-1 Park Board

2-12-2 Term of Office

2-12-3 Vacancies

2-12-4 Compensation

2-12-5 Powers and Duties

2-12-1 PARK BOARD. A park board is hereby created to advise the city council on the needed facilities to provide open space such as parks, playgrounds, swimming pool and facilities, and other community facilities for other forms of recreation. It shall also plan and oversee city programs, and encourage other programs, for the leisure time of the city's residents of all ages. The board shall consist of three (3) members, all citizens of the city, appointed by the mayor, with the approval of the city council.

(Code of Iowa, Sec. 392.1)

2-12-2 TERM OF OFFICE. The term of office of the members of the board shall be six (6) years. The term of each member shall be staggered so that one member's term shall expire on February 15 of every even numbered year.

2-12-3 VACANCIES. If any vacancy shall exist on the board caused by resignation, or otherwise a successor for the remaining term of said member shall be appointed in the same manner as the original appointee.

2-12-4 COMPENSATION. All members of the board shall serve without compensation, except their actual expenses, which shall be subject to the approval of the city council.

2-12-5 POWERS AND DUTIES.

Selection of Officers. The board shall choose annually at its first regular meeting, one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during his absence or disability.

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

Annual Report. The board shall each year make a report to the mayor and city council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

Recreation Plan. The board shall cause to be completed, updated or revised, a comprehensive recreation plan for the city. The plan shall include a listing of the facilities used for recreation, budgets for the use, operation and maintenance of said facilities, a system of fees for the use of said facilities, proposed allotment of time of city employees for park and recreation purposes, and a listing of supplies necessary to operate said facilities, and other items necessary to maintain and utilize said facilities in a reasonable fashion. This plan shall be submitted to the city council each year during the budgeting process.

Penalties. Violation of a board rule which has been approved by the city council and adopted by ordinance may be cause for denial of use of a facility or participation in a recreation program. Violation of this chapter shall also be considered a municipal infraction with penalties not to exceed those contained in the city code. Such denial of use of facilities, or the imposition of a penalty may be appealed to the city council as provided in Title 1, Section 4 of the code.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-4	Streets
3-1-2	Public Peace	3-1-5	Public Safety and Health
3-1-3	Public Morals	3-1-6	Public Property

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 defy 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))

3-1-3 **PUBLIC MORALS. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.**

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 Mayor.**

(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 the ground or in any 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. **Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, unless licensed by the Iowa Department of Public Safety or having in possession a valid permit from the County Sheriff.**

4. **False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.**

5. 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 Sheriff, 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.

6. Discharging firearms and fireworks.

(Code of Iowa, Sec. 727.2)

- a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.
- b. The City Council may upon application in writing, grant a permit for the display and use of 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 Mayor, a law enforcement officer or public works director 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.

7. Possession of Fireworks.

- a. **Definition.** The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.
- b. **Exemption.** The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this Subsection.
- c. **Prohibition.** No person shall possess fireworks except as provided in this Chapter.

8. 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)

9. 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)

10. 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.

11. 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))

12. Barbed wire. No person shall install, allow to be installed or use barbed wire or electric fences without the written consent of the City Council unless such land consists of ten (10) acres or more and is used as agricultural land.

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 364.12)

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 Mayor.
(Code of Iowa, Sec. 364.12(2))
2. **Injuring new pavement.** No person shall injure 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 injure 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. **Injury to public library books or property.** No person shall willfully or recklessly tear, deface, mutilate, injure 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. **Injury to gravestones or property in cemetery.** No person shall willfully or recklessly destroy, mutilate, deface, injure 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 or recklessly destroy, cut, break or injure 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. **Injury to fire apparatus.** No person shall willfully destroy or injure 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. Injury to city ambulance or paramedic apparatus. No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.**

(Code of Iowa, Sec. 716.1)

- 9. Injury to roads, railways, and other utilities. No person shall injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, 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)

- 10. 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)

- 11. 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)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

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

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

1. 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. The following are declared to be nuisances:

(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. The depositing or storing of inflammable 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))
- j. The emission of dense smoke, noxious fumes, or fly ash.
(Code of Iowa, Sec. 657.2(10))
- k. 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.**, or which otherwise constitute a nuisance under this chapter. For purposes of this paragraph, all growths of grass or weeds in excess of eight inches (8”) in height shall be deemed to be a nuisance. Exempt from this paragraph are any cultivated, agricultural commodities which are planted and harvested within the city and growths used primarily for educational and/or research purposes, so long as the growths are controlled.
(Code of Iowa, Sec. 657.2(11))
- l. Trees infected with Dutch elm disease.
(Code of Iowa, Sec. 657.2(12))

- m. Effluent from septic tank or drain field running or ponding on the ground in the open.**
- 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. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activities prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others
(Code of Iowa, Sec. 657.2)
- q. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value and which are so situated as to endanger the safety of the public.
- r. Allowing or permitting land to remain in such a condition as to allow stagnant, standing water.
- s. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.
- t. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans or containers. In addition, furniture, household furnishings, appliances, or other items not designed for outside use, and machinery, implements, or other such equipment which is in inoperable condition, except antique machinery or equipment of reasonable size and which is being used as part of attractive landscaping; all of which has been stored or kept outside on any premises in a residential area for a period of more than twenty-four (24) hours. An exception shall be all such items set out during the week prior to any City-sanctioned large item pick up program.

- u. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects.
- v. The making available of food, salt, mineral blocks or other products for ingestion by wild or stray animals except that the following actions shall not be considered a nuisance:
 - i. Elevated bird/squirrel feeders providing seed, grain, fruit, worms or suet for birds or squirrels
 - ii. Standing crops planted and left standing as food plots for wildlife
 - iii. Grain or other feed scattered or distributed solely as a result of normal agricultural, gardening, or soil stabilization practices

2. 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. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(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 condition exists which is listed in Section 3**, the Mayor or officer shall **notify** the property owner **as shown by the records of the County Auditor** to abate the nuisance within a reasonable time after notice.

(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 Council as to whether a nuisance **or prohibited condition** exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

The hearing will be before the Council at a time and place fixed by the Council. **At the conclusion of the hearing, the Council shall render a written decision as to whether a nuisance or prohibited condition exists.** 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 \$100, the City may permit the assessment to be paid in up to ten 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 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

3-3-1 Short Title	ONE-WAY STREETS AND ALLEYS
3-3-2 Definitions	3-3-15 Authority to Designate One-Way Streets and Alleys
3-3-3 Traffic Accident Reports	3-3-16 One-Way Streets and Alleys
3-3-4 Sheriff Department to Submit Annual Reports	3-3-17 Authority on Streets During Certain Periods
ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS	SPECIAL STOPS REQUIRED
3-3-5 Authority of Sheriff and Fire Department Officials	3-3-18 Through Highways
3-3-6 Required Obedience to Provisions of this Chapter and State Law	3-3-19 Authority to Erect Stop Signs
	3-3-20 Stops at Intersecting Through Highways and Other Intersections
	3-3-21 Stop When Traffic Is Obstructed
	3-3-22 School Stops
TRAFFIC CONTROL DEVICES	PEDESTRIANS' RIGHTS AND DUTIES
3-3-7 Authority to Install Traffic- Control Devices	3-3-23 Prohibited Crossing
3-3-8 Chief of Sheriff to Designate Crosswalks, Establish, and Mark Traffic Lanes	3-3-24 Pedestrians on Left
3-3-9 Play Streets	METHOD OF PARKING
SPEED REGULATIONS	3-3-25 Standing or Parking Close To Curb
3-3-10 Changing State Speed Limits in Certain Zones	3-3-26 Standing or Parking on the Left- Hand Side of One-Way Streets
TURNING MOVEMENTS	3-3-27 Signs or Markings Indicating Angle Parking
3-3-11 Turning Markers, Buttons and Signs	3-3-28 Obedience to Angle Parking Signs or Markings
3-3-12 Authority to Place Restricted Turn Signs	STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES
3-3-13 Obedience to No-Turn Signs	3-3-29 Stopping, Standing or Parking Prohibited in Specified Places
3-3-14 "U" Turns	

3-3-30 Authority to Paint Curbs and Erect Signs Prohibiting Standing or Parking

3-3-31 Authority to Impound Vehicles

STOPPING, STANDING OR PARKING

3-3-32 Parking Signs Required

3-3-33 Parking During Snow Emergency

3-3-34 All-Night Parking Prohibited

3-3-35 Truck Parking Limited

MISCELLANEOUS DRIVING RULES

3-3-36 Vehicles Not to be Driven on Sidewalks

3-3-37 Clinging to Vehicles

3-3-38 Parking for Certain Purposes Prohibited

3-3-39 Driving Through Funeral or Other Procession

3-3-40 Drivers in a Procession

3-3-41 Funeral Processions to be Identified

3-3-42 Load Restrictions Upon Vehicles Using Certain Streets

3-3-43 Truck Routes

3-3-44 Vehicular Noise

3-3-45 Engine and Compression Brakes

BICYCLE REGULATIONS

3-3-46 Definitions

3-3-47 Traffic Code Applies to Persons Riding Bicycles

3-3-48 Riding on Bicycles

3-3-49 Riding on Roadways and Bicycle Paths

3-3-50 Speed

3-3-51 Emerging from Alley or Driveway

3-3-52 Carrying Articles

3-3-53 Parking

3-3-54 Riding on Sidewalks

3-3-55 Lamps and Other Equipment on Bicycles

SNOWMOBILES

3-3-56 Snowmobile Definitions

3-3-57 Permitted Areas of Operation

3-3-58 Regulations

3-3-59 Equipment Required

3-3-60 Unattended Vehicles

3-3-61 Restriction of Operation

3-3-62 Traffic Regulation

OFF-ROAD VEHICLES

3-3-63 Definitions

3-3-64 Operation of Off-Road Vehicles

3-3-65 Reserved

3-3-66 Reserved

3-3-67 Reserved

GOLF CARTS

3-3-68 Definitions

3-3-69 Operation of Golf Carts

PENALTIES AND PROCEDURES

3-3-70 Notice of Fine Placed On Illegally Parked Vehicle

3-3-71 Presumption in Reference to Illegal Parking

3-3-72 Local Parking Fines

3-3-73 Failure to Pay Parking Citations

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. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
3. "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.
4. "Stop", when required means complete cessation of movement.
5. "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 Sheriff officer or traffic-control sign or signal.
6. "Business districts" means: the territory contiguous to and including a street or highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
7. "Residential districts" means the territory contiguous to and including a street or highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwelling and buildings in use for business.
8. "School district" means the territory contiguous to and including a street or highway for a distance of two hundred (200) feet in either direction from a school house.
9. "Suburban district" means all other parts of the City not included in the business, school or residence districts.
10. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic
11. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

(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.

(Code of Iowa, Sec. 321.266)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-4 AUTHORITY OF FIRE DEPARTMENT OFFICIALS. **Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by law enforcement officers. Law enforcement officers** 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, law enforcement officers may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist law enforcement in directing traffic threat or in the immediate vicinity.**

(Code of Iowa, Sec. 321.229)

3-3-5 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "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. No parade shall be conducted without first obtaining written permission from the **City Council**. Such written permission shall state the time and date for the parade to be held and the streets or general route therefore. Such written permission granted to the person organizing or sponsoring the parade shall be permission for all participants in the parade, provided they have been invited to participate. No fee is required for such permission
3. Any parade for which approval has been given 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. 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.

3-3-6 RESERVED.

TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Public Works Director is hereby authorized, subject to approval of the City Council by resolution, to designate and maintain traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The **Public Works Director** 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)

3-3-8 PUBLIC WORKS DIRECTOR TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Public Works Director, subject to approval of the Council by resolution, 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.

3-3-9 PLAY STREETS. The 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.

SPEED REGULATIONS

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall

determine 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 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof
 - a. U Avenue from the South City limits to High Street

2. Special 20 MPH Speed Zones. A speed in excess of twenty (20) miles per hour is unlawful on any of the following designated streets or parts thereof
 - a. Prospect Street
 - b. Central Avenue
 - c. 1st Street from 3rd Avenue to Central Avenue

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The Public Works Director 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)

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Public Works Director 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.

3-3-13 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.

3-3-14 "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. "U" turns are specifically prohibited at the intersection of Third Avenue and Fourth Street, and at the intersection of Third Avenue and Third Street. "U" turns are considered as a "U" turn either in forward or reverse movement.

ONE-WAY STREETS AND ALLEYS

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley Public Works Director or City Council 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.

3-3-16 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

Alley between Third Street and Fourth Street, westbound from Third Avenue to Second Avenue

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Public Works Director 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 Public Works Director 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

3-3-18 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways:

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-19 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Public Works Director 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.

3-3-20 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 hazard exists, the Public Works Director 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.

3-3-21 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.

3-3-22 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten 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

3-3-23 PROHIBITED CROSSING. Pedestrians shall not impeded traffic by standing or walking in the roadway contrary to any law or ordinance with the express purpose of doing so. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-24 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 at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-25 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 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)

3-3-26 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 inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The City Council, 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)

3-3-28 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, and in the direction of lawful traffic movement. No persons shall back into said marked parking stalls contrary to other traffic except for the sole purpose of loading or unloading cargo, and then only for a 2-hour period unless engaged in legitimate business.

No part of any vehicle, or the load thereof, 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

3-3-29 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 Sheriff 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, or within ten (10) feet of an intersection of any street or alley.

4. Within **five (5)** feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk, or within ten (10) feet of the 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 fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. **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.**
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. **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.**
12. 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, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services only or **except when necessary in obedience to traffic regulations or traffic signs, or signals of a Sheriff officer.**
13. **At any place where official signs or curb markings prohibit stopping, standing or parking.**
14. On the center parkway or dividing area of any divided street.
15. **In an alley under any fire escape at any time.**
16. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

17. 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.
18. On public property, terrace, or street within the City limits, unless such area on the Public property, terrace, or tree border has been improved for the specific purpose of parking vehicle and such improvement has been completed with the consent of the Council, and further provided that such improvement must comply with all applicable zoning and building regulations and a permit therefor obtained from the City zoning officer.
19. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the marking designating such space.

3-3-30 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 City Council may cause curbs 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 City Council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

No one shall stop, stand or park a vehicle in any specifically designated by sign no parking zones, or stop, stand or park a vehicle in any areas designated no parking by a yellow painted areas or marked fire lane, except when necessary to avoid conflict with other traffic or in compliance with the direction of law enforcement or traffic control signal.

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

1. Limited Parking. The following streets shall have limited parking as designated
 - a. No parking on 3rd Street, on south side from 4th Avenue to 5th Avenue between the hours of 7:00 a.m. and 5:00 p.m. except from June 1 through July 31.
 - b. No parking on Central Avenue, on the east side from 100 feet south to 200 feet north of the Redmon street and Central Avenue intersection, between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday
 - c. West side of 4th Avenue, north of the alley between 2nd and 3rd Street shall be a 2-hour parking zone from 8:00 a.m. to 5:00 p.m., Monday through Saturday.

- d. East side of 4th Avenue between 4th and 5th Streets north of alley shall be a 2-hour parking zone.

3-3-31 **AUTHORITY TO IMPOUND VEHICLES.** A Public Works Director 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 Sheriff 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 forty-eight 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 in 24 hours, unless deemed an emergency, at which time immediate removal may be facilitated.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor or Public Works Director on any public street obstructing the necessary work of snow removal and emergency snow removal routes.

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

3-3-32 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 City 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)

3-3-33 PARKING DURING SNOW EMERGENCY.

1. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area which has been designated a now emergency route

by the Council and so posted by placing signs designating the same as a snow emergency route during any snow emergency proclaimed by the Mayor or Public Works Director, 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 plowed and opened. Such a ban shall be of uniform application and when predictions or occurrences indicate the need, the Mayor or Public Works Director, shall proclaim a snow emergency and City Hall may inform all available news media in the area to publicize the proclamation and the parking rules thereunder. Such an emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

2. Members of law enforcement or the public works department are authorized to remove or have removed a vehicles from a street, alley, highway or City-owned off-street parking area, to the nearest garage or other place of safety, or to a garage designated by the Sheriff or public works department or otherwise maintained by the City, when such vehicle is left parked in violation of the ban on parking during snow emergency, duly proclaimed by the Mayor, Public Works Director
3. A violation of this section shall be a misdemeanor and shall be punishable as provided in this Code of Ordinances, and in addition thereto, the owner or driver, or either of them of any vehicles impounded for a violation of the ban against parking during a snow emergency shall be required to pay the reasonable cost of towing, storing charges, and fines or court costs.
4. This section shall not be construed as suspending parking limitation or restrictions imposed by any other section of this Code of Ordinances.
5. The following streets and avenues shall be considered snow route streets:
 - a. U Avenue from the South city limit to High Street
 - b. Third Avenue from Eighth Street to High Street
 - c. Seventh Avenue from Eighth Street to Third Street
 - d. High Street from U.S. Highway 71 to Third Avenue
 - e. Third Street from U Avenue to the East City limit
 - f. Eighth Street from U Avenue to Seventh Avenue

- g. Other streets or avenues as proclaimed during the snow emergency
6. No vehicle shall enter into the block or intersection where snow removal is in progress. If such entry is made the vehicle driver shall be subject to penalties as set forth in Title I, Chapter 3 of the City Code.
7. When snow has been rowed upon the street, anyone driving through such snow, except at an intersection where snow has not been moved back, shall be subject to penalties as set forth in Title I, Chapter 3 of the City code.
8. It shall be 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 streets so as to obstruct gutters, or impeded the passage of vehicles upon the street 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 streets temporarily, such accumulation shall be removed promptly by the property owner or agent, and only after first making arrangement for such prompt removal at the owner's cost of accumulation within a reasonably short time.

3-3-34 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 minutes between the hours of 2 a.m. and 5 a.m. of any day. The following streets shall prohibit all night parking:

1. Both sides of 4th Street between 3rd Avenue and 4th Avenue
2. 4th Street, on the north side, from U Avenue, to 2nd Avenue

3-3-35 TRUCK PARKING LIMITED. Trucks licensed for five tons or more, or in excess of twenty feet (20'), loaded or empty, shall not be parked on any interior streets within the city, with the exception of the provisions provided under this section or in the following areas: None.

NOTE: This section belongs in the zoning ordinances.

3-3-36 FIRE LANES. No person shall stop, stand or park a vehicle in a fire lane as provided herein.

Fire Lanes Established. Law enforcement may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.

Signs and Markings. Wherever a fire land has been designated, law enforcement shall cause appropriate signs and markings to be placed identifying such fire lands and the parking prohibitions established by this section.

Exception. The provisions of this section do not apply to authorized emergency vehicles.

MISCELLANEOUS DRIVING RULES

3-3-37 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except a driveway.

3-3-38 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.

3-3-39 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Displaying advertising.
4. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City.
5. Storage or as junk or dead storage for more than forty-eight hours.

3-3-40 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 Sheriff's Department.

3-3-41 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.

3-3-42 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 Sheriff department.

3-3-43 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS.

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

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

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time:

Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street servicing the bridge, the Peace Officer or Public Works Director may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighting, loaded or unloaded, upon said bridge in excess of such posted limit. No person shall move any vehicle with the combined weight of vehicle and load exceeding 20,000 pounds on any of the City bridges described below:

The bridge on U Avenue south of Fourth Street traversing the Burlington Northern Santa Fe Railroad tracks.

Any violation of this sections shall be considered a simple misdemeanor and violators shall be fined as follows unless specified differently within this chapter or by scheduled fine under the Iowa Code. First offense: \$200.00; Second offense: \$500.00 and 3rd and subsequent offenses \$1,000,

3-3-44 TRUCK ROUTES.

1. Every motor vehicle licensed for five 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. Third Street from U Avenue to East City limits
 - b. Seventh Avenue from Third Street to Eighth Street
 - c. Eighth Street from Seventh Avenue to U Avenue
2. Any motor vehicle **licensed** for five tons or more, or in excess of twenty feet (20') when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from 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.**
4. Trucks specified under this ordinance are not allowed on the following streets:
 - a. Fifth Street from alley west of Stoddard to First Avenue
 - b. Alley between Fourth and Fifth Streets along the East side of 130 W. Fifth Street
 - c. High Street between Third Avenue and Fourth Avenue.
 - d. 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, 3-3-35 or 3-3-33.

3-3-45 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 (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.**

3-3-46 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 AND PHYSICALLY POWERED DEVICE REGULATIONS

3-3-47 DEFINITIONS. **For the purpose of this Chapter the following terms are defined:**

“Bicycles” shall mean either of the following:

1. **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.**
2. **A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.**

(Code of Iowa, Sec. 321.1)
(Amended in 2008)

3-3-48 TRAFFIC CODE APPLIES TO PERSONS USING ANY PERSONALLY POWERED DEVICE. Every person riding a bicycle, skateboard, in-line skates, roller skates, scooter, or any other physically propelled or powered device 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 any personally or physically powered device such person shall be subject to all regulations applicable to pedestrians.

3-3-49 PASSENGER LIMITATIONS. A person propelling a bicycle, scooter or physically propelled or powered device shall not ride other than astride or on a permanent and regular seat as designed by the manufacturer.

None of the aforementioned devices shall be used to carry more persons at one time than the number for which it is designed and equipped by proper seating equipment.

3-3-50 RIDING ON ROADWAYS AND PATHS. Every person operating a bicycle, skateboard, in-line skates, roller skates, scooter, or any other physically propelled or powered device 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 any of the aforementioned devices 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 such devices.

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.

3-3-51 SPEED AND CONTROL. No person shall operate a bicycle, skateboard, in-line skates, roller skates, scooter, or any other physically propelled or powered device at a speed greater than is reasonable and prudent under existing conditions. No person shall operate any said device in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property.

3-3-52 EMERGING FROM ALLEY OR DRIVEWAY. Every person riding a bicycle, skateboard, in-line skates, roller skates, scooter, or any other physically propelled or powered device 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.

3-3-53 CARRYING ARTICLES. No person shall carry any package, bundle, or article, which prevents the rider from maintaining safe control of a device or in the case of a bicycle, scooter, or similar device the keeping of at least one hand on the steering mechanism.

3-3-54 PARKING. Any of the aforementioned devices may not be parked, or left when applicable, upon the roadway of a street against the curb, or upon the sidewalk in a rack to support such devices, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-55 RIDING ON SIDEWALKS. No person shall ride a skateboard, in-line skates, scooter, or any other physically propelled or powered device within the Business District with the exception

of bicycles which may be ridden on the street only. As used herein, the “Business District” for the purposes of this section will be defined as follows:

Third Avenue from Second Street through Eighth Street
Fourth Avenue from Second Street through Sixth Street
Third Street from Second Avenue through Fifth Avenue
Fourth Street from Second Avenue through Fifth Avenue
Fifth Street from Second Avenue through Fourth Avenue
Sixth Street from Second Avenue through Fourth Ave

For the purposes of this section, the City Square Park will be excluded except for the memorial area located in the west and south quadrant of the park so designated by monuments.

Whenever a person is riding any of the afore mentioned devices upon a sidewalk anywhere within the city limits, the person shall yield the right of way to any pedestrian and shall give a timely audible signal by a mechanical device or audible shout before overtaking and passing a pedestrian.

3-3-56 LIGHTING AND OTHER EQUIPMENT. Every device 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 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from-50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

In the case of foot devices reflective clothing, foot, or head gear must be worn to enable the person to be seen at the afore mentioned required distances, when directly in front of lawful upper beams of headlamps on a motor vehicle.

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

SNOWMOBILES

3-3-57 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.

3-3-58 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

1. High Street from Fourth Avenue to US Highway 71
2. Fourth Avenue from Third Street to North City Limits
3. Third Street from East City limits to Fourth Avenue
4. Seventh Avenue from Third Street to Ninth Street
5. Ninth Street from Seventh Avenue to U Avenue
6. U Avenue from Ninth Street to South City limits
7. 265th Street from U Avenue to West City limits

3-3-59 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 from nine o'clock (9:00) p.m. to seven o'clock (7:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer, or for the express reason of ingress or egress by an approved route to a place of storage or loading unless contrary to any other ordinance of this city.

3-3-60 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 properly adjusted and one taillight and properly working brake light in the "on" condition anytime during operation day or night.
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.

3-3-61 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.

3-3-62 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.

3-3-63 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 Sheriff officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-64 DEFINITIONS. For use in this Chapter the following terms are defined:

1. **“All-terrain vehicle” (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. “All-terrain vehicle” includes off-road utility vehicles as defined in Section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.**
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.**
3. **“Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.**

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

3-3-65 OPERATION OF OFF-ROAD VEHICLES. The operation of ATV or off-road motorcycles shall comply with the following restrictions:

1. **Streets.** Only on such streets as may be designated by the City Council.
 (Code of Iowa 321.234A)
 (Code of Iowa 321I)
2. **Prohibited Operation.** Shall not be operated on sidewalks, railroad right-of-way, parks, or other City land.
3. **Time of Operation.** Shall only be operated between sunrise and sunset.
 (Code of Iowa 321I.13)

3-3-66 RESERVED

3-3-67 RESERVED

GOLF CARTS

3-3-68 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.

3-3-69 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 City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. 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, 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.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 RESERVED

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE PROTECTION

NOTE: FIRE DEPARTMENT NEEDS TO REVIEW

3-5-1 Establishment and Purpose	3-5-7 Liability Insurance
3-5-2 Volunteer Fire Fighters	3-5-8 Fires Outside City Limits
3-5-3 Training	3-5-9 Mutual Aid
3-5-4 Election of Officers	3-5-10 Emergency Ambulance Service
3-5-5 Fire Fighter's Duties	3-5-11 Ambulance Service Team Duties
3-5-6 Worker's Compensation and Hospitalization Insurance	3-5-12 Service Charges

3-5-1 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)

3-5-2 VOLUNTEER FIRE FIGHTERS. The department shall consist of the fire chief, and ambulance chief and such other officers and personnel as may be authorized by the City Council. Thirty (30) or more residents of the city and the area served, at least age eighteen (18) may be appointed to serve as a volunteer fire fighter and/or participate on the ambulance service. **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)

3-5-3 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the fire chief or ambulance chief.

3-5-4 ELECTION OF OFFICERS. The department shall elect a fire chief, ambulance chief and such other officers as their constitution and bylaws may provide. In case of absence of the chief, the officer next in rank shall be in charge and have and exercise all the powers of the chief.

3-5-5 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.

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

3-5-6 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 and ambulance service team personnel shall be covered by the contract.

3-5-7 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.

3-5-8 CALLS 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)

3-5-9 MUTUAL AID. Subject to the approval of the City Council by resolution, the fire department may enter into mutual said agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the City Clerk.

3-5-10 EMERGENCY AMBULANCE SERVICE. A volunteer ambulance service team, as a division of the Villisca Volunteer Fire Department, is established to furnish emergency ambulance or rescue services. Accidental injury and liability insurance provided for in 3-5-6 and 3-5-7 shall include the ambulance service.

3-5-11 AMBULANCE SERVICE TEAM DUTIES. When called by the **ambulance** chief, all ambulance service team personnel shall report for duty immediately in the manner directed by said chief. **Ambulance service team personnel** shall be subject to call at any time **and** shall obey strictly the command of other ambulance personnel who **have** been appointed by the **ambulance** chief to be in command temporarily. Ambulance service team personnel shall report for training as ordered by the **ambulance** chief.

3-5-12 SERVICE CHARGES. Rates charged for ambulance service shall be set by resolution of the City Council.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

3-6-1 Preamble	3-6-4 Offenses
3-6-2 Findings and Purpose	3-6-5 Defenses
3-6-3 Definitions	3-6-6 Enforcement

3-6-1 PREAMBLE. The City of Villisca 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)

3-6-2 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 Villisca; 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 Villisca 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.

3-6-3 DEFINITIONS. In this chapter:

1. Curfew hours means 11:01 p.m. and 6:00 a.m. of the following day on Sunday, Monday, Tuesday, Wednesday and Thursday and 12:01 a.m. until 6:00 a.m. on Friday and Saturday.
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 18 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 Sheriff 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.

3-6-4 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.

3-6-5 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 Sheriff 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 Villisca, 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 Villisca, 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; or**
 - i. **Married or had been married.**
 - j. Not a resident and engaged in interstate travel through the City, beginning, ending, or passing through the City, when such travel is by direct route.
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 Sheriff department that a minor was present on the premises of the establishment during curfew hours and refused to leave.**

3-6-6 ENFORCEMENT.

- 1. Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-6-5 is present.
- 2. **A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by law 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 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-7-1	Definitions	3-7-7	Bond Required
3-7-2	Exemptions	3-7-8	Obstruction of Pedestrian or Vehicular Traffic
3-7-3	Permits	3-7-9	Display of Permit
3-7-4	Requirements	3-7-10	Permit Not Transferable
3-7-5	Hours of Solicitation	3-7-11	Revocation of Permit
3-7-6	Consumer Protection Law		

3-7-1 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, regularly scheduled route sales, nor to persons selling their own work or production either by themselves or their employees.

3-7-2 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.

3-7-3 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.**

(Code of Iowa, Sec. 9C.2)

Every permit shall pay the following fee before a license shall be issued:

For one (1) day	\$10.00
For one (1) week	\$30.00
For one (1) month	\$60.00

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 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.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 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.

3-7-7 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.

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, 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.

3-7-9 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 3-7-3 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.**

3-7-10 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.**

3-7-11 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.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 HAZARDOUS SUBSTANCE SPILLS

- 3-8-1 Purpose
- 3-8-2 Definitions
- 3-8-3 Cleanup Required
- 3-8-4 Liability for Cleanup Costs
- 3-8-5 Notifications
- 3-8-6 Sheriff Authority
- 3-8-7 Liability

3-8-1 PURPOSE. In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substance, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

3-8-2 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.
(Code of Iowa, Sec. 455B.381[1])
2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.
3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of transportation under the Hazardous Materials Transportation Act.
4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.
(Code of Iowa, Sec. 455B.381[7])

3-8-3 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking, or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground water, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as

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

3-8-4 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable for all of the following:

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

3-8-5 NOTIFICATIONS.

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

3-8-6 LAW ENFORCEMENT AUTHORITY. No person shall disobey an order of any law enforcement officer issued under this section. If the circumstances reasonably so require, the law enforcement may:

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

LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 3-8-2[4].

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

- | | |
|---|-------------------------|
| 3-9-1 Purpose | 3-9-3 Action by Council |
| 3-9-2 Required Obedience to Provisions
of this Chapter and State Law | 3-9-4 Transfers |

3-9-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.
The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
- 4. 123.28 Open Alcoholic Beverage Containers**
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty

13. 123.40 Effect of Revocation

14. 123.44 Gifts of Liquors Prohibited

15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test -
Notifications - Exoneration

16. 123.47 Persons Under Legal Age - Penalty

17. 123.49 Miscellaneous Prohibitions

18. 123.50 Criminal and Civil Penalties

19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer

20. 123.52 Prohibited Sale

21. 123.90 Penalties Generally

22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings

23. 123.122 through 123.145 Beer Provisions (Division II)

24. 123.150 Sunday Sales Before New Year's Day

25. 123.171 through 123.182 Wine Provisions (Division V)

26. 321.284 Open Containers in Motor Vehicles - Drivers

27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

(Code of Iowa, Sec. 123.32(2))

3-9-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An

applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

SEE 3-9-2[16]

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK AND ABANDONED VEHICLES

3-10-1 Purpose

3-10-2 Definitions

3-10-3 Removal of Abandoned Vehicles

3-10-4 Notification of Owners and
Lienholders

3-10-5 Impoundment Fees and Bonds

3-10-6 Hearing Procedures

3-10-7 Auction or Disposal of Abandoned
Vehicles

3-10-8 Junk Vehicles Declared a Nuisance

3-10-9 Notice to Abate

3-10-10 Abatement by Municipality

3-10-11 Collection of Cost of Abatement

3-10-12 Exceptions

3-10-13 Interference with Enforcement

3-10-1 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. 3641.1)

3-10-2 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 City and has not been reclaimed for a period of ten days; or**
- e. Any vehicle parked on the street determined by the City 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.**
(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.
 6. "Totally enclosed garage, structure and/or accessory building" means any structure and/or accessory building constructed of rigid materials under the guidelines and specifications of the state and City of Villisca municipal building codes and requirements. For the purposes of this Chapter said buildings shall have the capability of closure to any openings by working or stationary doors of a rigid nature and/or material (windows excluded)
 7. "Camper" means every device in, upon or by which a person or property is, or may be transported, or dawn upon a highway or street, and is included in definitions under 3-10-2 [5] of this chapter as a vehicle and described under 321.1, 36C of the Code of Iowa. Any camper or vehicle used as a camper must meet the same requirements of a motor vehicle under Section 3-10-2 [4]. If the vehicle is used in this city as a place of human habitation for more than ninety consecutive days in one location, or at a single address, it shall become classified as a manufactured or mobile home regardless of any size limitations. Said camper, vehicle or mobile home will then fall under the requirements of Title VI, Chapter 1 of the Villisca Code of Ordinances.
 8. "Antique Vehicle" means any vehicle 25 years or older as described in 3-10-12 of this Code of Ordinances.
 9. "Race Car" means a vehicle modified strictly for the purposes of being driven on an oval or flat track whether it be modified stock cars or drag racers and used only for that

purpose. Not a street or highway legal vehicle under the requirements of the laws of the State of Iowa or pieces of prohibited under this under this ordinance. These must be complete operable vehicles.

3-10-3 REMOVAL OF ABANDONED VEHICLES.

- 1. The Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Mayor 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 Mayor 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 law enforcement 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.**

3-10-4 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 Mayor, 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:**
 - i. of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;**
 - ii. that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;**
 - iii. 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;**
 - iv. 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 City 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 3-10-6.**
- 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 3-10-5.
(Code of Iowa, Sec. 321.89(3)(a))**
- 2. The owner, lienholders or any person receiving notice may, by written request received by the City 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))

3-10-5 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 Mayor, 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 3-10-4 (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 3-10-5(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.**

3-10-6 HEARING PROCEDURES.

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))

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The City shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

3-10-8 JUNK AND JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is unlawful for any person to store, accumulate, or allow to remain on any city or private property within the corporate limits of the City, any junk or junk vehicle. It is hereby declared that **the parking, leaving, or storage of junk or a junk vehicle upon either public** or private property within the corporate limits of the City of Villisca, Iowa, unless excepted by Section 3-10-12 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 and Title III, Chapter 1 of this Code. If any junk or junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 NOTICE TO ABATE.

1. **Whenever the Mayor determines there is a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the City 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.**

3-10-10 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))

3-10-11 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))

3-10-12 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle under the following conditions:

1. Stored within a totally enclosed garage, structure and/or accessory building.
2. Stored within an auto salvage yard or junk yard lawfully operated within the City .
3. Stored within the premises of a business enterprise operated in a district property zoned therefor, as authorized under the zoning regulations ordinance of this city, when necessary to the operation of said business.
4. A vehicle under legitimate constant repair by the vehicle's legal owner on said owners own legal property for a period of no more than 30 days.

5. Any camper or motor home which has been in use outside the City of Villisca sometime during a period of 24 months, but if required must maintain its current annual registration or license.
6. Any antique vehicle which is under legitimate restoration by the vehicle's legal owner on said owners own legal property with an exemption permit issued by the City. Said permit will be for a period of 12 months with a fee of \$20.00 annually. A permit may be void should said vehicles legitimate restoration becomes inactive over a period of six months.
7. Any race car which is used legitimately for the purposes for racing under the definition of "Race Car" **as defined in Section 3-10-2[9]**, by the race car's legal owner, on said owner's legal property with an exemption permit issued by the city. Said permit will be **valid from April 1st to September 30th of each year only. Permit fees shall be \$25.00 per race car exempted. Race cars with permits must be kept on their trailers, under the cover of a tarpaulin that is neither torn nor raveled, and must be kept on the owner's private property. Permits may be revoked if any of the above conditions are not met.**

TITLE III COMMUNITY PROTECTION

CHAPTER 11 DRUG PARAPHERNALIA

3-11-1 Definitions

3-11-2 Exemption

3-11-3 Prohibition

3-11-1 DEFINITIONS. As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-11-2 EXEMPTION. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

3-11-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 12 NOISE REGULATIONS

3-12-1 Scope of Regulations

3-12-5 Excluded Sounds

3-12-2 Definitions

3-12-6 Other Laws and Ordinances

3-12-3 Noise Disturbance Prohibited

3-12-7 Penalties

3-12-4 Included Sounds

3-12-1 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases: (a) a State or Federal agency has adopted a different standard or rule than that prescribed within this chapter which pre-empts the regulation of noise from a particular source so as to render this chapter inapplicable, or (b) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

3-12-2 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
2. "Emergency work" means any work performed for the purpose of alleviating or resolving an emergency.
3. "Motorcycle" means any two or three-wheeled motor vehicle.
4. "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.)
5. "Noise" means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
6. "Noise disturbance" means those sounds defined as "noise disturbances" in Section 3-12-4 of this chapter which have not otherwise been excepted and excluded from said Section 3-12-4 under any of Sections 3-12-1(b), 3-12-5 or 3-12-6 of this chapter.
7. "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.

8. "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.
9. "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.
10. "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 an ATV, a snowmobile, a minibike, a stock car or motorboat.)
11. "Residential property" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.
12. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.
13. "Sound equipment" means any radio, record player, CD player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, "sound equipment" does not include (a) sirens and other equipment used to alert persons to the existence of an emergency, (b) equipment used by law enforcement and other public safety officials in the performance of their official duties, (c) church carillons, bells or chimes, (d) mobile radio or telephone signaling devices and (e) automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than twenty-five (25) feet from such automobile or truck, or audible from within the confines of any residence or building whether public or private.

3-12-3 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make or continue or cause or allow to be made or continued any noise disturbance within the City.

1. **3-12-4 INCLUDED SOUNDS.** Except for sounds excluded under any of Sections 3-12-1(b), 3-12-5 or 3-12-6 of this chapter, the term "noise disturbance" means any of the following sounds: Injurious or Disturbing Sounds Generally. Any sound which endangers

or injures the welfare, safety, or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property.

2. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of nine o'clock (9:00) pm and seven o'clock (7:00) am at the real property boundary of residential property.
3. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of nine o'clock (9:00) pm and seven o'clock (7:00) am at the real property boundary of residential property.
4. Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by an off-road motorcycle or recreational vehicle and received between the hours of nine o'clock (9:00) pm and seven o'clock (7:00) am at the real property boundary of residential property; provided, however, the sound made by an off-road motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection
5. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation, drilling or other such construction work which is received between the hours of nine o'clock (9:00) pm and six o'clock (6:00) am at the real property boundary of residential property.
6. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City.
7. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass or the sound made by such vehicle whose exhaust system emits an excessive or unusual sound as compared to the sound emitted by its original exhaust system, whether caused by modification, substitution, age, injury or deterioration of its original exhaust system. For the purposes of this subsection, the sound made by a vehicle's original exhaust system may be determined by the observation of the sound made by the original exhaust system of another similar vehicle.
8. Animal or Bird Noises. The frequent or habitual sound made by a domesticated animal or bird, other than livestock owned or possessed for agricultural purposes, which is received

between the hours of nine o'clock (9:00) pm, and seven o'clock (7:00) am at the real property boundary of residential property.

3-12-5 EXCLUDED SOUNDS. Any other provision of Section 3-12-4 or other section of this chapter to the contrary notwithstanding, the term noise disturbance, as used in this chapter, does not mean or include the following sounds:

1. **Lawn and Garden Equipment.** The sound emitted by motor-powered muffler-equipped lawn and garden equipment operated between the hours of six o'clock (6:00) am and nine o'clock (9:00) pm.
2. **Chain Saws.** The sound emitted by motor-powered tree-trimming equipment operated between the hours of six o'clock (6:00) am and nine o'clock (9:00) pm.
3. **Snow Removal Equipment.** The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of six o'clock (6:00) am and ten o'clock (10:00) pm and the sound emitted by City-owned or hired snow removal equipment.
4. **Emergencies.** The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.
5. **Alarms.** The sound emitted by the intentional sounding outdoors of any fire, burglary or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purpose or for the essential testing of such device.
6. **Church Bells.** The sound emitted by church carillons, bells or chimes.
7. **Automobile Radios.** The sound emitted by an automobile or truck radio, CD player tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than twenty-five (25) feet, from such automobile or truck, or audible from within the confines of any residence or building whether public or private.
8. **Certain Signaling Devices.** The sound emitted by mobile radio or telephone signaling devices.
9. **Religious Ceremonies.** The sound emitted in conjunction with a religious celebration.
10. **Law Enforcement.** The sounds made or caused to be made by law enforcement officials in the performance of their official duties.

11. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of six o'clock (6:00) am and nine o'clock (9:00) pm, which is being performed pursuant to a proper and current building permit.
12. Mosquito Spraying Equipment. The sound made by the City-owned or hired mosquito spraying equipment.
13. School Activities. The sounds made by students, employees, and/or the general public while in attendance at any school sponsored event.
14. Fireworks Displays. The sound made during any fireworks display that has been issued a fireworks permit.

3-13-6 OTHER LAWS AND ORDINANCES. No provisions of this chapter should be construed to legalize or permit sounds, devices, or activities made unlawful by other ordinances of the City or State or Federal statutes.

3-13-7 PENALTIES. Violations of this Ordinance shall be considered a simple misdemeanor and violators shall be fined as follows: first offense \$50.00; second offense, \$100.00; third and subsequent offenses, \$200.00.

TITLE III COMMUNITY PROTECTION

CHAPTER 13 MOWING OF PROPERTIES

3-13-1 Mowing of Properties

3-13-3 Method of Service and Billing

3-13-2 Penalty

3-13-1 MOWING OF PROPERTIES.

Any property within the City of Villisca, whether vacated or non-vacated, is required to be mowed any time the vegetation reaches a height of more than 8 inches by the first (1st) and fifteenth (15th) day of the month in May, June, July, August, September and October of each year.

3-13-2 PENALTY. The City or its agent may mow any property, which remains unmown by the above dates, and a charge of \$75.00 per hour for the mowing, plus a surcharge of \$100.00 will be charged to the property owner. **If any such 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. In addition, any unpaid charges may be turned over to a collection agency for collection.**

3-13-3 METHOD OF SERVICE AND BILLING. Annual publication in the City of Villisca Newsletter of this ordinance shall serve as notice to property owners. Any billings for mowing done by the City or its agent shall be sent by regular mail and shall be payable within 30 days of the billing date.

TITLE III COMMUNITY PROTECTION

CHAPTER 14 DANGEROUS BUILDINGS

3-14-1 Enforcement Officer	3-14-5 Conduct of Hearing
3-14-2 General Definition of Unsafe	3-14-6 Posting of Signs
3-14-3 Unsafe Building	3-14-7 Right to Demolish
3-14-4 Notice to Owner	3-14-8 Costs

3-14-1 ENFORCEMENT OFFICER. The Mayor, Public Works Director, or their designed is responsible for the enforcement of this Chapter.

3-14-2 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 procedures specified in this chapter.

3-14-3 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 € 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 determine 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.

3-14-4 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. 364.1[3h])

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.1[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 prior 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.

3-14-5 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.

3-14-6 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 VILLISCA, 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.

3-14-7 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])

3-14-8 COSTS. Costs incurred under Section 3-14-7 said 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 III COMMUNITY PROTECTION

CHAPTER 15 FIRE CODE

3-15-1 State Fire Code Adopted

3-15-4 Modifications

3-15-2 Inspections

3-15-5 Appeal

3-15-3 Enforcement

3-15-1 STATE FIRE CODE ADOPTED. There is adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the State Fire Code published by the State of Iowa, together with all additions and revisions thereof, the whole of which is on file at the Villisca Fire Station and which is included herein by reference as full as if set out at length in this chapter, and the provisions thereof shall be controlling within the limits of the City.

3-15-2 INSPECTIONS.

1. Inspections Authorized.

- a. The Villisca Fire Chief or designated agent or representative who is trained in fire prevention safety standards (hereinafter referred to as the examining officer) may enter a building , as defined in 661 IAC 16.122, at a reasonable hour to examine the building and its contents.
- b. The examining officer may order the correction of a condition that is in violation of State, Federal or City Fire Code
- c. The order shall be in writing and signed by the examining officer.
- d. If, in the opinion of the examining officer, the condition of the buildings places it in danger, the examining officer may immediately issue an oral order and, within twenty-four (24) hours, reduce said oral order to writing.
- e. At the request of the examining officer, the State Fire Marshal may assist in the enforcement action.

2. Compliance Orders.

- a. The written order set for pursuant to 13-15-2(1) shall order that said Fire Code violations be cured within 30 to 60 days from the date of the written order.

- b. If, in the sole discretion of the examining officer, the violation creates an imminent danger to life or property, the property owner or occupier shall correct said violation before the examining officer is allowed to leave said property.
 - c. If, in the sole discretion of the examining officer, the violation is of a complex nature, the Fire Chief may grant an extension of time to correct said problem.
3. Request for Hearing. Any person ordered to correct a fire violation may request a hearing with the City Council as to whether a violation exists. A request for hearing must be made in writing and delivered to the Clerk within 10 days from the date of the written compliance order, or it will be conclusively presumed that a fire violation exists and must be corrected as ordered. The hearing will be before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a fire violation is found to exist, it shall be ordered corrected within a reasonable time under the circumstances.
4. Failure to Correct. Any person who shall fail or refuse to correct said Fire Code violation within the reasonable time required as set forth in the order is in violation of this Code of Ordinances and shall be subject to the provisions of Title I, Chapter 3 of this Code.

3-15-3 ENFORCEMENT. The Fire Code as adopted shall be enforced by the Fire Chief or a designated agent for the enforcement thereof.

3-15-4 MODIFICATIONS. The Fire Chief shall have **authority** to modify any of the provisions of the Fire Code as adopted in this chapter upon the application of any person affected thereby when there are practical difficulties in **complying with the Code**.

3-15-5 APPEAL. Whenever the Fire chief or designated agent disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire code do not apply, or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the aggrieved applicant may appeal said decision of the Fire Chief to the City Council within thirty (30) days after the date of the decision. **Requests for appeals shall be in writing and filed with the Mayor.**

TITLE III COMMUNITY PROTECTION

CHAPTER 16 STORAGE OF COMBUSTIBLE MATERIALS

3-16-1 Liquid Fuel Tanks

3-16-3 Storage in Residential Areas

3-16-2 Bulk Storage Plants

3-16-1 LIQUID FUEL TANKS. No person shall install or maintain any tank or receptacle for the purpose of containing or storing liquid fuel designed to burn within any building unless the tank is located away from the building and in such a place as to be easily accessible and in a plainly visible location. A valve or cut-off shall be located outside the building by means of which the liquid fuel can be shut off from the pipes or burner located inside the building.

3-16-2 BULK STORAGE PLANTS. For use in this chapter, “bulk storage plant” means that portion of a property where combustible liquids are received by tank vessel, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container. No person shall erect or establish any bulk storage plants for the storage of oil, gasoline, propane or butane or other combustible materials without first having obtained the consent of the City Council. The city Clerk shall not issue a permit for the construction of any bulk plant without submission by the applicant of the consent of the City Council as to its location. The City may maintain an action to enjoin the construction of such plant and to remove any part or parts thereof constructed in violation of this chapter.

3-16-3 STORAGE IN RESIDENTIAL AREAS. No person shall maintain the storage of any combustible material consisting of more than four 5 gallon containers within the City. Said containers must be of a design to properly contain the combustible material. Said containers must be stored in a ventilated non-heated area of an outbuilding and not within the confines of a home.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-9	Owner's Duty
4-1-2	Abandonment of Cats and Dogs	4-1-10	Right to Kill
4-1-3	Regulation of Farm Animals or Livestock	4-1-11	Confinement
4-1-4	At Large Prohibited	4-1-12	At Large: Impoundment
4-1-5	Animal Nuisances	4-1-13	Pickup Costs
4-1-6	Vicious Dogs	4-1-14	Commercial Breeder
4-1-7	Dangerous Animals	4-1-15	Penalties
4-1-8	Immunization		

4-1-1 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
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 "dogs" shall mean animals of the canine species whether altered or not.**
4. "Farm Animal" means every wild, tame or domestic animal kept or raised for the purpose of meat, milk, breeding, fur bearing, work, recreation, sport, hobby, experimentation, or income excluding domestic dogs and cats; any and all animals of the following orders shall be deemed to be farm animals per se: ducks, geese, swine, cattle, sheep, goats, mink, skunks, doves, pigeons, hawks, falcons, chickens, turkeys, fowl-like birds, hares, rabbits, horses, ponies, asses, mules, squirrels, rats, and guinea pigs, and such exotic species as emu, ostrich, peacock, llama, pot-belly pig, and snake (all species), to name only a few commonly being raised in Iowa.
5. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal.
(Code of Iowa, Sec. 351.2)

4-1-2 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)

4-1-3 REGULATION OF FARM ANIMALS OR LIVESTOCK.

1. No person, firm, association or corporation in the City of Villisca shall have in their possession or control, or keep or harbor any farm animals, as defined in Section 4-1-1, without having first obtained a permit to do so following City Council approval, from the City Clerk, said permit shall be issued only after payment of the required fee and after inspection of the premises as required by the city clerk for compliance with the requirements of the Villisca Zoning Ordinance, and the sanitation requirements of this chapter or any other applicable state or local law. A permit for the keeping of farm animals shall be in effect for one year from the date of its issuance.
2. Application for such permits shall be made upon forms furnished by the city.
3. Upon expiration, such permit may be renewed by any person, firm, association or corporation to whom it has been issued, by filing an application for a renewal thereof with the city clerk upon forms to be provided by the city. Approval of the application for renewal of a permit shall be made and the permit issued for the succeeding annual period only after payment of the required fee and after inspection of the premises for compliance with the Villisca Zoning Ordinance and amendments thereto, and the sanitation requirements of this chapter or any other applicable state or local law. Every permit so renewed shall be for a period of one year from and after the date of the renewal, and shall be subject to revocation in the same manner as the original permit.
4. Persons keeping canaries, doves, pigeons, parrots, parakeets, gerbils, hamsters, goldfish, tropical fish, or other similar small animals, caged or otherwise confined as household pets within a residence, shall be exempt from the permit requirements of this section, unless said keeping is for the purpose of breeding and or maintaining for the purpose of resale.
5. In areas designated for agricultural purposes for the adopted land use plan of the city where farm animals are kept on property that exceeds five (5) acres in total area, no permits for keeping farm animals shall be required. However, no person, firm, association, or corporation keeping or harboring farm animals in such areas shall allow the animals to be closer than seventy-five feet to any residential dwelling.

4-1-4 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City, whether the animal be licensed or unlicensed, unless it remains within the confines of the owners own property.

4-1-5 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. 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 serious annoyance or disturbance by frequent and habitual howling, yelping, barking, or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

4-1-6 VICIOUS DOGS. It shall be unlawful for any "owner" to keep, shelter, or harbor a vicious dog within the City limits except through compliance with this section and other applicable sections of Title IV, Chapters 1 and 2 of the Code of Ordinances as stated herein.

1. Definitions. The Following Terms are defined for use in this section.
 - a. The term "at large" for purposes of this section shall mean any vicious dog that is:
 - i. Outside its pen, kennel, or holding facility, or;
 - ii. Not under the direct control of an owner or person at least 18-years-old, muzzled, and on a leash no longer than six feet in length and capable of restraining at least a 200 lb. dog, or;
 - iii. Not in compliance with Sections 4-1-8(5) and 4-1-8(10) of this Chapter.
 - b. The term "City" for purposes of this section shall mean the City of Villisca, Iowa, or the area within the territorial limits of the City, and such territory outside the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

- c. The term "Council" for purposes of this section shall mean 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 law of the State of Iowa.
 - d. The term "dog" for purposes of this section shall mean and include both male and female animals of the canine species six months or older.
 - e. The term "owner" for purposes of this section shall mean any person or persons, firm, association or corporation owning, keeping, sheltering, or harboring an animal.
 - f. The term "property" for purposes of this section shall mean any privately owned or leased real property or property where one or more persons reside within the City limits.
2. Application and License Requirements.
- a. An owner must be 18-years-old and reside in the City limits to apply for and license a vicious dog in the City.
 - b. The owner of any dog deemed vicious under this section shall comply with Sections 4-1-8 and 4-4-11 of Title IV, Chapters 1 and 2 of the Code of Ordinances prior to licensing any vicious dog.
 - c. No owner may license a vicious dog unless it has been either neutered or spayed.
 - d. Any owner wishing to license a vicious dog must provide the City with proof that said dog has been neutered or spayed prior to licensing the dog.
 - e. Any owner wishing to license a vicious dog must present a certificate or proof of insurance issued by an insurance company licensed to do business in the State of Iowa, providing liability insurance coverage as in a homeowner's policy, with a minimum amount of \$300,000.00 for the injury or death of any person, for damage to the property of others and for acts of negligence by the owner or his or her agents, in the owning, keeping, or harboring of such vicious dog.
 - f. The applicant and owner must provide proof of such insurance prior to obtaining a license for a vicious dog. Proof of coverage shall be required each time the dog license is renewed. Any cancellation of insurance shall be an automatic violation of this section.

- g. If any owner is found to be intentionally canceling insurance or taking any other steps to intentionally circumvent the licensing requirements, he or she shall be banned from licensing a vicious dog in the City for a minimum period of five years.
 - h. If a dog is deemed vicious, it shall be stamped, written, or otherwise noted in a conspicuous manner on the dog license with the City.
 - i. Any owner wishing to license a vicious dog shall make an application for a building permit prior to construction of a structure, kennel, or housing facility. It shall be the duty of the Public Works Director to inspect any facility, structure, kennel, or housing facility for any vicious dog prior to licensing to ensure compliance with this section and Title IV, Chapter 1 of the Code of Ordinances. If said dog is to be kept within the confines of the owner's residence in lieu of a kennel, then the owner must provide a notarized affidavit stating their intent.
 - j. Once the Public Works Director is satisfied all requirements of this section are met, the owner of a vicious dog shall be issued a license.
 - k. Any license requirements in this section do not prohibit the City from requiring and enforcing any other applicable requirements in Title IV, Chapters 1 or 2 of the Code of Ordinances.
 - l. It shall be the duty of the Public Works Director or their designee to question any owner keeping, sheltering or harboring a dog and visually examine the dog to determine if the dog is a vicious dog prior to licensing and inspect any documentation from a certified veterinarian stating either the breed or the dominant breed of the dog.
3. Number of Vicious Dogs Allowed.
- a. No owner or person may keep, shelter, or harbor more than one vicious dog on any one property within the City limits. In addition, an owner or person shall only keep, shelter, or harbor said vicious dog on the property where the owner or person resides and shall not keep, shelter, or harbor any vicious dog on any property where no owners or persons reside.
 - b. A vicious dog shall count toward the total number of dogs allowed on a property as defined in section 4-1-15(2) of the Code of Ordinances.
4. Transporting Vicious Dogs.

- a. This section shall apply to any owner or person transporting, or causing to be transported a vicious dog into, through, or out of the City limits by a motor vehicle or other means of transportation.
- b. Any person transporting a dog believed to be a vicious because it meets any of the criteria in paragraph 6 of this section, shall be notified by citation that the dog is vicious and must be secured by a leash no longer than 6 feet long and capable of restraining a 200 lb. Dog and/or otherwise restrained so that the animal cannot leave the vehicle. In addition the dog must be muzzled.
- c. The owner or person shall comply with the requirements of this section and may appeal to the City Council as later described in paragraph 7 of this section, but must either immediately comply with the restraint procedures above or remove the animal from the city limits pending a hearing and final decision by the City Council.
- d. If the owner or person is cited for transporting a vicious dog because it allegedly meets the definitions in paragraphs 6(e) or 6(f), the owner or person must still comply with this paragraph, but may produce documentation from a veterinarian that the dog is not one of the breeds mentioned in paragraph 6(e) or does not have the appearance and characteristics of being predominantly of one of the breeds mentioned in paragraphs 6(e) or 6(f) of this section.
- e. Any owner or person transporting any dog, whether or not vicious, into, through, or out of the City limits by a motor vehicle or other means of transportation shall also comply with paragraph 4(b) of this section. If said dog is not deemed vicious, muzzling need not apply.
- f. It is understood that the neutering, spaying and licensing requirements shall not apply to any dog being transported into, through, or out of the City limits as the dog will not be kept within the City limits on a permanent basis.

5. Unlicensed Vicious Dogs.

- a. All unlicensed vicious dogs shall be deemed illegal animals within the City limits and shall be removed or destroyed in accordance with Section 4-1-12 and Sections 351.25, 351.26, and 351.27 of the Code of Iowa.
- b. This section shall not apply to an owner who is awaiting a final decision of the City Council to determine if the dog is vicious or who has yet to provide documentation from a veterinarian regarding the breed of the dog as required in this Section.

6. A Dog Shall be Deemed "Vicious" Under Any of the Following Criteria:
 - a. If said dog has attacked or bitten any person or domestic animal without provocation, or when the propensity to attack or bite person exists and is known or ought reasonably to be known by the owner.
 - b. If said dog has a history, tendency, or disposition to attack, to cause injury, intimidate or to otherwise endanger the safety of human beings or domestic animals.
 - c. If said dog has been trained for dog fighting, animal fighting, or animal baiting or is owned or kept for such purposes.
 - d. If said dog has been trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the direct control of the Sheriff or sheriff's departments, any law enforcement agency of the State of Iowa or United States, or a branch of the armed forces of the United States.

7. Complaint Process for Violations of Paragraphs 6(a), (b), (c), and (d).
 - a. Any person, citizen, or City employee or official may file a **written** complaint with the City that a dog appears to be vicious because it allegedly violated any of paragraphs 6(a), (b), (c), or (d) of this section.
 - b. It shall be the duty of the Public **Works Director** to investigate the complaint to determine if the dog is in fact vicious because it has violated any part of section 6.
 - c. It shall be the duty of the Public **Works Director** to notify the owner that the dog is vicious because it has violated any of paragraphs 6(a), (b), (c) or (d) of this section.
 - d. Any owner of a dog alleged to be vicious must allow the Public **Works Director** to visually inspect the dog to determine if the dog appears to meet the alleged violations.
 - e. The Public **Works Director** may consider the temperament and behavior of the dog when as well as the veracity and truthfulness of the complaint(s) and any other evidence he or she may have received that either supports or refutes the complaint(s).

- f. The Public **Works Director** may, depending upon the severity of the violation(s), issue up to two warnings during any calendar year to any owner whose dog has allegedly violated paragraphs 6(a), (b), (c), or (d) of this section before deeming any dog as vicious. Warnings are not a prerequisite to support a finding that any dog is vicious, but may be considered on a case-by-case basis.
- g. The Public **Works Director**, upon receipt of a complaint alleging that a particular dog is vicious, shall deliver a written notice of declaration to the owner stating that the dog is vicious. The owner shall be notified by certified mail at the owner's last known mailing address or by personal service.
- h. The notice shall describe the violation and shall require the owner to comply with this section within fourteen days of receipt of the notice or have the dog removed from the City limits unless the owner appeals to the City Council.
- i. An owner may appeal to the City Council by requesting a hearing through the City Clerk within seven days of receiving notice of the violation.
- j. If no appeal is taken by the owner as allowed in paragraph 7(i) of this section, a hearing will automatically be held at the next City Council meeting regarding the citation of the owner's dog as a vicious dog. It shall be the duty of the owner to keep the dog confined pending the appeal hearing to have the dog removed from the City limits until the City Council can make a final determination if the dog is vicious or not.
- k. An owner may present any evidence, testimony, or documentation at the hearing. The owner shall have the burden of proving by a preponderance of the evidence that the dog is not vicious.
- l. The City may also present any evidence, testimony, or documentation at the hearing.
- m. The mayor shall conduct the appeal hearing.
- n. The City Council shall make the final determination that any dog is vicious. The decision by the City shall be considered a final decision.
- o. The owner must license the dog as a vicious dog in accordance with section and Title IV, Chapters 1 and 2 of the Code of Ordinances within fourteen days if the dog is deemed to be vicious by the City Council.

- p. If the dog is already licensed, but is later found to be a vicious dog because it violated any of paragraphs 6(a), (b), (c), (d), (e) or(f) the owner shall re-license the dog as vicious dog in accordance with this section and Title IV, Chapters 1 and 2 of the Code of Ordinances within fourteen days of receipt of notice if no appeal is taken.
8. Complaint Process for Violations of Paragraphs 6(e) and 6(f).
- a. Any person, citizen, or City employee or official may file a **written** complaint with the City that a dog appears to be vicious because it allegedly violated paragraphs 6(e) or 6(f) of this section.
 - b. It shall be the duty of the Public **Works Director** notify the owner that the dog is vicious because it has violated either Section 4-1-8(6)(e) or 4-1-8(6)(f) of this Code of Ordinances.
 - c. The Public **Works Director** upon receipt of a complaint alleging that a particular dog is vicious as defined by paragraphs 6(e) or 6(f), shall deliver a written notice of declaration to the owner stating that the dog is vicious. Notice shall be sent by priority, certified mail to the owner's last known mailing address or by personal service.
 - d. The notice shall describe the violation and require the owner to comply with section 4-1-8 of this Chapter within fourteen days of receipt of the notice or have the dog removed from the city limits.
 - e. The notice shall also require the owner to have the dog examined by a veterinarian, of the owner's choice, to determine if the dog meets any of the definitions in paragraphs 6(e) or 6(f) of this section.
 - f. The notice shall also require the owner to confine the dog pending a final decision by the veterinarian.
 - g. Any owner of a dog allege to be vicious must allow the Public **Works Director** to visually inspect the dog to determine if the dog appears to meet the definitions in paragraphs 6(e) or 6(f) of this section.
 - h. It shall be the burden and cost of the owner to have a certified veterinarian, of the owner's choice, to determine if the dog is one of the breeds mentioned in paragraph 6(e) or has the appearance and characteristics of being predominantly of the breeds as stated in paragraph 6(f) of this section.

- i. A finding by a certified veterinarian that the dog is one of the breeds in paragraph 6(e) of this section or that the dog has the appearance and characteristics of being predominantly of the breeds mentioned in paragraph 6(e) of this section shall be a final determination that the dog is vicious.
- j. The owner shall provide the City with documentation from a certified veterinarian stating whether or not the dog meets the definition of paragraphs 6(e) or 6(f) of this section.
- k. An owner may not appeal a finding by a veterinarian once it has been provided to and relied upon by the City. The decision by a veterinarian shall be considered a final determination that the dog is vicious because it meets any of the definitions in paragraphs 6(e) or 6(f) of this section.
- l. The owner must immediately license the dog as a vicious dog under this section if the dog is deemed to be vicious because it meets the definition of paragraphs 6(e) or 6(f) of this section or shall immediately remove the dog from the City.
- m. If a certified veterinarian determines that the dog does not meet the criteria in paragraphs 6(e) or 6(f), the owner may license the dog as provided in Title IV, Chapters 1 and 2 of the Code of Ordinances.
- n. Any owner shall be required to comply with the requirements of this Section upon renewing any annual dog license.

9. Confinement of Vicious Dogs.

- a. All vicious dogs shall be kept securely confined within a house, residence, or structure or in a securely enclosed and locked pen, kennel, or holding facility except when kept on a leash.
- b. Such pen, kennel, or holding facility must have secure sides and a secure top made of either standard cyclone fencing or other rigid fencing material including, but not limited to wire, wood, concrete, or plastic.
- c. The side walls of the enclosed structure shall be at least six feet in height and at least four feet taller than any internal structure inside the pen, kennel, or holding facility (e.g. dog house). A totally enclosed structure may also be used so long as it is made of like material described in this paragraph and complies with all other requirements of this paragraph.

- d. All pens, kennels, or holding facilities designed to confine vicious dogs must be either secured or locked when such dogs are within the facility.
 - e. Such facility must have a secure bottom, floor or foundation such as concrete or asphalt attached to the sides of the pen, kennel, or holding facility.
 - f. If the facility does not have a secure bottom, floor or foundation such as concrete or asphalt, the sides of the pen, kennel, or structure must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined dog.
 - g. It shall be the duty of the Public Works Director to inspect and approve any confinement facilities for vicious dogs. If at any time, it comes to the attention of the City that any confinement facility is in violation of this section, the owner shall be given written notice of any discrepancies or violations by certified mail or by personal service and given seven days to correct any deficiencies. If the owner fails to make any corrections of discrepancies within seven days, the owner will be cited as a first offense violation of this Section.
10. At large Vicious Dogs-Seizure, Impoundment, and Disposition of Vicious Dogs.
- a. No owner or person may allow a vicious dog to run at large.
 - b. An owner or person must be 18-years-old to remove a vicious dog from its pen, kennel, or holding facility to walk the dog or keep it out for any period of time.
 - c. During all times a vicious dog is outside its pen, kennel, or holding facility, it must be kept on a leash to support at least a 200 lb. Dog and the leash shall be no longer than six feet in length. At no time shall the dog be secured to an inanimate object, (i.e., stake, pole, vehicle, trailer, etc.) while the dog is outside its pen, kennel, or holding facility.
 - d. The City shall, if possible, capture any vicious dog found running at large.
 - e. If the immediate owner cannot be found by reasonable methods, the dog shall be transported to the nearest available veterinarian clinic or dog pound.
 - f. The owner of the vicious dog shall pay any costs associated with housing the dog in accordance with Section 4-1-12, 4-1-13, or 4-1-14 of this Code of Ordinances.
 - g. The Public Works Director shall notify the owner by certified mail or by personal service where the at large dog was taken.

- h. Any vicious dog found at large more than twice in any calendar year shall be permanently removed from the City or destroyed in a humane manner at the cost of the owner.
- i. Any vicious dog seized and not claimed within seven (7) days after notice, if the owner may not be ascertained by reasonable methods, shall be destroyed in a humane manner as directed by the City Council and the cost incurred assessed against the owner.
- j. This section does not prohibit the City from applying any penalties for violations as set forth in this section or Sections 4-1-12, 4-1-13, or 4-1-14 of this Code of Ordinances.

11. Penalties.

- a. First Offense.
 - i. Any owner who violates this section will be placed on probation for one year from the violation of this Section. If any dog bites or attacks another person or animal without provocation, then Section 4-1-12 of this Chapter shall apply. If any owner's dog bites or attacks any person or animal in the City and said bite or attack causes serious bodily injury, maiming, or death, the vicious dog causing such injury, maiming, or death shall be immediately destroyed at the cost of the owner even if the bite or attack is a first offense in accordance with Section 4-1-12 of this Chapter.
 - ii. Notwithstanding any other section of Title IV, Chapter 1 or Chapter 2 of this Code of Ordinances, any owner or person found violating this section may also be charged with a Municipal Infraction, Title Chapter 4, Municipal Infractions and/or with a Nuisance, Chapter 50, Nuisances, both in the Code of Ordinances, and or a simple misdemeanor with a fine of not more than \$200.00 or less than \$100.00.
- b. Second Offense.
 - i. Any owner who violates this section for a second time shall remove the dog from the City limits unless the dog has violated this section by biting a person or animal for a second time in which case the dog shall be destroyed in a humane manner and in accordance with Section 4-1-12 of this Chapter.

- ii. Notwithstanding any other section of Title IV, Chapter 1 or Chapter 2 of this Code of Ordinances, any owner or person found violating this section a second time may be charged with a Municipal Infraction, Chapter 4, Municipal Infractions and/or with a Nuisance, Chapter 50, Nuisances, both in the Code of Ordinances with a fine of \$25.00 per day not to exceed \$500.00.

12. Exempt Dogs.

Dogs not covered by this section shall be any Sheriff or sheriff's department dogs, any dog belonging to a law enforcement agency of the State of Iowa or United States, or a branch of the armed forces of the United States, a seeing eye dog or hearing dog or other certified dogs that are trained to assist persons with disabilities.

4-1-7 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 being or domestic animals, and having known tendencies as a species to do so.
 - b. The following animals which shall be deemed to be dangerous animals per se:
 - i. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
 - ii. Wolves, coyotes, and foxes;
 - iii. Badgers, wolverines, weasels, skunks and mink;
 - iv. Raccoons;
 - v. Bears;
 - vi. Monkeys, chimpanzees, and apes;
 - vii. Alligators and crocodiles;

- viii. Scorpions; Gila monster;
 - ix. Snakes that are venomous constrictors;
 - c. Any animals declared to be dangerous by the city council.
3. Dangerous Animals, Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:
- i. 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.
 - ii. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

4-1-8 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.

4-1-9 OWNER'S DUTY.

1. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or animal, or any person having knowledge of such bite or attack to report this act to the County Board of Health or local law enforcement official.
2. 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.
3. It shall also be the duty of the owner of such animal to transport or assist in the transport of said animal to the nearest veterinarian as specified by the Public Works Director.
4. Said animal will be housed at that facility at owner's cost until such time that required rabies tests and an investigation by the, Public Works Director or designee are complete. Any owner whose dog has bitten or attacked any person or animal in the City limits without causing any serious bodily injury, maiming or death may be cited as a first

offense violation of this section. The owner may have the dog returned upon completion of all requirements of this section and section 4-1-6 of this Chapter.

5. Any owner whose dog has bitten or attacked any person or animal in the City limits and causes serious bodily injury, maiming, or death shall be immediately destroyed in a humane manner at the cost of the owner but only after any rabies tests as required by this section have been completed.
6. Any owner whose dog has bitten or attacked any person or animal for a second time shall be cited as a second offense violation of this section. In this case, said dog shall be destroyed in a humane manner at the cost of the owner and in accordance with this section regardless of the degree or severity of the bite or attack.
7. If any dog must be destroyed, it shall be the duty of the owner of such animal to transport or assist in the transport of said animal to the nearest veterinarian as specified by the Public Works Director, designee, and upon their order have such animal disposed of in a humane manner, or if necessary the **Public Works Director** or his designee may immediately take such action as necessary to properly destroy or dispose of said animal to ensure the future safety of any persons or animals. Any costs incurred for any of the before mentioned action will be the responsibility of the owner.
8. Any damages or injury caused by said animal shall be the liability of the owner.
(Code of Iowa, Sec. 351.38)

4-1-10 RIGHT TO KILL AN UNLICENSED OR LICENSED DOG. It shall be lawful for any person to kill a dog, unlicensed, or licensed and wearing a collar with license tag attached, where such 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.

4-1-11 CONFINEMENT. When the County Board of Health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner may be responsible for immediately disposing of the animal in a humane manor and any costs incurred for any of the before mentioned action, will be the responsibility of the owner.

(Code of Iowa, Sec. 351.39)

4-1-12 AT LARGE: IMPOUNDMENT.

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large, or any animal found at large, in violation of Title IV, Chapter or Section 4-1-7 or 4-1-11 of this chapter shall be seized and impounded. At the discretion of the, Public Works Director, or designee, the owner may be served a summons to appear before a proper court to answer charges made thereunder, or issued a citation and required to pay the fine and expenses as a result of the violation.
2. Owners of licensed dogs shall be notified within **seven (7)** days that upon payment of costs incurred for impoundment and impoundment fees plus cost of food and care in a reasonable amount, the dog will be released.
3. Impounded licensed or unlicensed dogs or animals may be recovered by the owner, upon proper identification, by payment of the license fee, impoundment fees, fines and boarding costs, the costs of vaccination if vaccination is required by Section 4-1-11 and neutering. If such animals are not claimed within **seven (7) days** after notice, they shall be disposed of in a humane manner as directed by the city council and costs incurred assessed against the owner if ownership can be established.

(Code of Iowa, Sec. 351.37)

4. In addition to, or in lieu of impounding an animal running at large, the city may issue a citation to the known owner of such animal. Such citation shall impose upon the owner a penalty of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred dollars (\$200.00) for the third and subsequent offenses; said violation being considered a simple misdemeanor. In the event the fees for kenneling, and penalties are not paid within a time period agreed to, action shall be initiated by the manner provided in this code of ordinances. A violation of 1st, 2"d, 3rd, or subsequent offenses shall be determined by violations per owner, not by violations per dog.

4-1-13 PICKUP COST. The pickup cost of any animal is a minimum of fifty dollars (\$50.00). This charge in no way precludes the issuance of a citation for an ordinance violation, or any other costs assessed as a result of a violation.

4-1-14 COMMERCIAL BREEDER.

1. It is unlawful for any person, firm or corporation to operate as a commercial breeder within the corporate city limits, unless in compliance with Section 4-1-5 Paragraph 1-3 of this Code of Ordinances.
2. Number of Dogs Allowed. It shall be unlawful to maintain more than three (3) dogs within the city on any one property regardless of who is the owner of said dogs, with the exception of a litter or group of young which may be kept for a period of three (3) months

following birth. It shall also be unlawful to maintain or keep any dog or dogs on any property within the city where no person or persons reside including any commercial lots or vacant residential lots.

4-1-15 PENALTIES. Violations of this ordinance shall be considered a simple misdemeanor and violators shall be fined as follows unless specified differently within this chapter. 1st Offense- \$50.00, 2nd Offense- \$100.00 and 3rd and Subsequent Offenses- \$200.00.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 CITY DOG LICENSES

4-2-1 Annual License Required	4-2-6 Immunization
4-2-2 License Fees	4-2-7 Duplicate Tags
4-2-3 Delinquency	4-2-8 Transfers of Licensed Dogs
4-2-4 License Tags	4-2-9 Exempt Dogs
4-2-5 License Records	4-2-10 Penalties

4-2-1 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog over the age of six (6) months shall procure a license for such dog from the City Clerk. Application for said license may be made prior to April of each year.
2. For those dogs over six (6) months of age which come into the possession or ownership of the applicant during a licensing year, such license must be procured within thirty (30) days of receiving the dog.
3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the City.
4. The owner of a dog for which a license is required shall provide a photograph of that dog to the City Clerk with the application.
5. The license shall state the breed, sex, age, color, markings, and name, if any, of the animal, and the address of the owner and shall be signed by clerk. The license shall also state the date of the most recent rabies vaccination. Dogs deemed vicious will be licensed according to Chapter 4-1-8.
6. All licenses shall expire on March 31 of the year following the date of issuance.
7. Every owner of a dog under the age of six (6) months shall provide to the City Clerk a picture and certification of breed of the dog being kept. (Compliance must be within 30 days of procuring said dog.)

4-2-2 LICENSE FEES.

1. The annual license fee shall be seven dollars (\$7 .00) for male and spayed female dogs and ten dollars (\$10.00) for unspayed female dogs. Proof of the animal being spayed must be provided the City Clerk at the time of licensure from a veterinarian.
2. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed and the owner may be required to pay an additional \$7.00 or \$10.00 license fee as part of any fine or penalty and must produce the original license tag or acquire a replacement tag by payment of said additional fee to the City Clerk.

4-2-3 DELINQUENCY. All persons who fail to obtain a license within the time periods specified in this chapter may be subject to a delinquent penalty of ten dollars (\$10.00), and may be summonsed into court for violation of this chapter.

4-2-4 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness which shall be worn at all times by the dog or cat for which issued. A license issued for one animal shall not be transferable to another animal. Upon the expiration of the license the owner shall remove said tag from the dog.

4-2-5 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

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

4-2-6 IMMUNIZATION. Before a license is issued, the owner shall comply with section 4-1-11 of this Code of Ordinances, unless the dog is between the age of 4-6 months, then 4-1-7 shall apply.

4-2-7 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of one dollar (\$1.00) and the Clerk shall enter in the license record the new number assigned.

4-2-8 TRANSFERS OF LICENSED DOGS. Upon transfer of ownership of a licensed dog within the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, upon payment of one dollar (\$1.00), issue a new license tag.

4-2-9 EXEMPT DOGS. License fees are not required for certified Seeing Eye dogs, hearing dogs, governmental Sheriff dogs, or other certified dogs that are trained to assist persons with disabilities.

4-2-10 PENALTIES. Violations of this Ordinance shall be considered a simple misdemeanor and violators shall be fined as follows: First Offense- \$50.00; Second Offense- \$100.00; Third and Subsequent Offenses- \$200.00.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1 Public Library	5-1-6 Contracting with Other Libraries
5-1-2 Library Trustees	5-1-7 Non-Resident Use
5-1-3 Qualifications of Trustees	5-1-8 Expenditures
5-1-4 Organization of the Board	5-1-9 Annual Report
5-1-5 Powers and Duties	5-1-10 Notice Posted

5-1-1 PUBLIC LIBRARY. The public library for the City is known as the Villisca Public Library. It is referred to in this chapter as the Library.

5-1-2 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of six (6) resident members and one non-resident member. All members are to be appointed by the Mayor with the approval of the Council.

5-1-3 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The non-resident 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) years.

5-1-4 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

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

5-1-5 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

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

Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City on behalf of the Library.

(Code of Iowa, Ch. 661)

12. Record of Proceedings. To keep a record of its proceedings.

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgement of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

5-1-6 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:

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

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

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

5-1-7 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the city or County in any one or more of the following ways:

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

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

5-1-8 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

(Code of Iowa, Sec. 384.20 & 392.5)

5-1-9 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

5-1-10 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.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec 808.12)

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, 1974. (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 PARK REGULATIONS

- | | |
|------------------------------|------------------------------------|
| 5-2-1 Purpose | 5-2-5 Alcoholic Beverages in Parks |
| 5-2-2 Use of Drives Required | 5-2-6 Destroying Park Equipment |
| 5-2-3 Fires | 5-2-7 Penalties |
| 5-2-4 Littering | |

5-2-1 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)

5-2-2 USE OF DRIVES REQUIRED. No person shall drive any car, cycle, or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

5-2-3 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.
(Code of Iowa, Sec. 461A.40)

5-2-4 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.

5-2-5 ALCOHOLIC BEVERAGES IN PARKS. No person shall consume any alcoholic beverage in any City park.
(Code of Iowa, Sec. 123.46)

5-2-6 DESTROYING PARK EQUIPMENT. No person shall destroy or injure any property, including grass, trees, and shrubbery, or equipment in public swimming pools, playgrounds, or parks by willfully defacing, breaking, damaging, mutilating, or cutting.

5-2-7 PENALTIES. Violations of this chapter shall be considered a simple misdemeanor and violators shall be fined as follows unless specified differently within this chapter. First Offense: \$100.00; 2nd Offense: \$200; 3rd and subsequent offenses: Not less than \$300.00 and no more than \$500.00.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 3 CEMETERIES

5-3-1	Public Works Director Authority	5-3-6	Perpetual Care Requirement
5-3-2	Permanent Record Required	5-3-7	Memorial Stone Placement
5-3-3	Sale of Lots	5-3-8	Rules and Regulations
5-3-4	Interment Requirements	5-3-9	Cemetery Hours
5-3-5	Payment of Fees and Charges	5-3-10	Trespassing or Vandalism

5-3-1 PUBLIC WORKS DIRECTOR AUTHORITY. The Public Works Director shall have charge of the Villisca Municipal Cemeteries.

5-3-2 PERMANENT RECORD REQUIRED - CONTENT. It shall be the duty of the City Clerk and Public Works Director to make and keep a permanent record of all interments made in the Villisca municipal cemeteries, which record shall at all times be open to the public inspection. The record shall, among other things, include:

1. An accurate plat of the cemetery.
2. The names of the owners of all lots that have been sold;
3. The correct description of all lots for sale and the price thereof, as shall be fixed by resolution by the city council;
4. The exact location of each burial upon each cemetery lot;

5-3-3 SALE OF LOTS - DISPOSITION OF FUNDS. The sale of all burial rights on lots in the Villisca municipal cemeteries shall be evidenced by a deed signed and executed by the mayor and the city clerk, for and on behalf of the city, and it shall be the duty of the city clerk to collect the purchase price for any lot sold before delivering the deed of conveyance for the same, of which purchase price, the amount specified by resolution of the council shall first be deposited in the perpetual care fund of the Villisca municipal cemeteries, and the balance deposited in the general fund for cemetery operation and maintenance.

5-3-4 INTERMENT REQUIREMENTS.

1. All interments in lots shall be restricted to members of the family, unless the owner of the lot, without charge or remuneration, consents in writing that others be buried thereon, which written consent shall be addressed to the city.

2. All graves must be opened under the direction of the sexton. Graves for adults must not be less than five (5) feet deep and for children twelve years or under, not less than four feet deep.
3. The interment of two bodies in one grave will not be allowed, except in case of mother and infant or twin children, or two children buried at the same time or in the case of cremation in which case the cremated remains of two bodies may be buried on one space.
4. No burial will be allowed without a cement or fiberglass vault except in the case of cremation burials.
5. The sexton is expected to attend every interment and see that the rules, regulations and strict proprieties of the cemetery are observed.

5-3-5 PAYMENT OF FEES AND CHARGES-SCHEDULE ON FILE.

1. The payment of all fees and charges shall be made at the office of the clerk in the city hall, where receipts will be issued for all amounts paid.
2. The schedule of fees and charges is on file in the city clerk's office.

5-3-6 PERPETUAL CARE REQUIREMENTS- CHARGES. The term "perpetual care" means the obligation which the city assumes to each year expend the net annual income on the perpetual care endowment set aside for the lot in furnishing such care for the lot as mowing grass, raking and cleaning lot and adjacent alleys, filling of sunken graves, where income is insufficient, and in the perpetual care of avenues, alleys, fences, building and grounds in general; it being understood that such expenditures shall be made at the discretion and under the direction of the officer of the city in charge of the cemetery and that the city shall not be bound to make any separate investment of the sum of money set aside as perpetual care, but that the same be added to the perpetual care fund of the city and the proceeds therefrom used by the city in the manner hereto provided. All future lot sales in the Villisca municipal cemeteries shall be made with perpetual care provided for at the rates specified in the rules and regulations of the Villisca municipal cemeteries, as adopted by the city council under and by virtue of the terms of this chapter. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery by the payment to the city of the perpetual care charge at the rates specified.

5-3-7 PLACEMENT OF MEMORIAL STONES. The placement of memorial stones is allowed under the following conditions.

1. Stone setting permit for \$3.00 must be obtained from city hall. Placement of stone under the supervision of the Public Works Director.
2. Base supports or footings must be 10 inches in diameter and 3 feet in length.
3. For a single stone the base will be 3 to 4 inches thick with a maximum width of 24 inches and a maximum length of 36 inches. The stone must fit within the base.
4. Plants and vases may be placed at each end of the base so as not to interfere with mowing.

5-3-8 RULES AND REGULATIONS- CITY COUNCIL AUTHORITY. The city council shall adopt rules and regulations for the Villisca Municipal cemeteries which it may alter or change by resolution.

5-3-9 CEMETERY HOURS. Cemetery hours are set as follows: No person shall enter the cemetery grounds after dusk or before dawn without permission from the public works director. Violations shall be treated as a simple misdemeanor and upon charges and conviction thereof shall be punishable as set forth in Title I, Chapter 3.

5-3-10 TRESPASSING OR VANDALISM IN CEMETERY. Any person who trespasses upon any cemetery under the jurisdiction of the City by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to the cemetery is guilty of a misdemeanor and liable for any and all damage. The City shall not be responsible for the care of any monument, marker or grave decoration or for any loss due to an act of vandalism or theft.

(Code of Iowa, Sec. 716.1)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definitions	6-1-4	Emergency and Temporary Parking
6-1-2	Location of Mobile Homes	6-1-5	Traffic Code Applicable
6-1-3	Special Permits for Location of Mobile Homes Outside Mobile Home Parks	6-1-6	Building 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.

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of one year but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

6-1-4 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.

6-1-5 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.

6-1-6 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. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement. (The effective date of this Ordinance is/was _____).*

(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.

(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	6-2-6	On-Site Wastewater Systems
6-2-2	Prohibited Acts	6-2-7	Building Sewers and Connections
6-2-3	Sewer Connection Required	6-2-8	Use of the Public Sewers
6-2-4	Service Outside the City	6-2-9	Protection from Damage
6-2-5	Powers and Authority to Inspectors	6-2-10	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. "Customer" means any person responsible for the production of domestic, commercial, or industrial waste which is directly or indirectly discharged into the public sewer system.
6. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
7. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system: means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwellings or other facilities servicing the equivalent of fifteen persons (1500gpd) or less.
- 11. "Person" shall mean any individual, firm, company, association, society, corporation, or group.**
12. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 13. "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.**
14. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
16. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
17. "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.
18. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
19. "Sewage Works" or "sewage system" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
20. "Sewer" shall mean a pipe or conduit for carrying sewage.

21. "Sludge" 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.
22. "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.
23. "Public Works Director" means the Public Works Director of the City or any authorized deputy, agent, or representative.
24. "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.
25. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-2-2 PROHIBITED ACTS. No person shall do, or allow, any of the following:

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

(Code of Iowa, Sec. 364.1[6f])

6-2-3 SEWER CONNECTION REQUIRED. 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))

6-2-4 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

6-2-5 POWERS AND AUTHORITY TO INSPECTORS.

1. The Public Works 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 Public Works Director or the Director's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in 6-2-5(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.

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.

6-2-6 ON-SITE WASTEWATER SYSTEMS

1. Except as otherwise provided in this section, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

(Code of Iowa, Sec. 364.1[3f])

2. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-3, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(IAC, 567-69.1[3])

3. The type, capacity, location and layout of an on-site wastewater treatment and disposal system shall comply with the specification and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirement as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3&4])

4. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

5. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69[3])

6. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

7. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-3, 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))

8. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.
9. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

6-2-7 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 City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specification or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, and extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of this chapter.
2. The person who makes the application shall pay a fee in the amount of five dollars (\$5.00) to the City Clerk.
3. All installations of building sewers and connections to the public sewer shall be made by a plumber who has bonding filed with the city.
4. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

5. Any connection with a public sanitary sewer must be made under the direct supervision of the Public Works Director and in accordance with the following:
 - a. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Director, to meet all requirements of this chapter.
 - b. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
 - c. The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director.
 - d. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
 - e. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
 - f. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:
 - i. Four (4) inch lines: one-fourth ($1/4$) inch per foot.
 - ii. Six (6) inch lines: one-eighth ($1/8$) inch per foot.
 - iii. Minimum velocity: 2.50 feet per second with the sewer half full.
 - iv. Deviations: any deviation in alignment or grade shall be made only with the written approval of the Public Works Director and shall be made only with properly curved pipe and fittings.

- g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
- h. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- i. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
 - i. Clay sewer pipe- A.S.T.M. C-700 (extra strength).
 - ii. Extra heavy cast iron soil pipe- A.S.T.M. A-74.
 - iii. Cast and ductile iron water pipe- A.S.T.M. A-377.
 - iv. D. P.V.C.-DWV-A.S.T.M. D.-2665.
- j. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
- k. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, subject to the approval of the Public Works Director.
- l. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
- m. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be

sealed by the Director. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

6. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Public Works Director, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:
 - a. All interceptors shall be of a type and capacity as provided by Division 4 of the State Building Code, to be approved by the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection.
 - b. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
 - c. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.
7. All sewer taps shall be made by the Public Works Director or under the direction of the Public Works Director. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a "Y" saddle shall be installed at the location specified by the Director. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Public Works Director and in accordance with the Public Works Director direction if such connection is approved.
8. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Public Works Director. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Public Works Director shall be notified and the Public Works Director shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Public Works Director refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

9. All costs and expenses incidental to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The City shall establish a policy regarding responsibilities and allocation of costs and expenses to maintenance of building sewers.
10. Construction of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the City of such violation. If not made within such time the City shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.
(Code of Iowa, Sec. 364.12[3])

6-2-8 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 Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works 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, 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. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C)
- d. Any garbage that has not been properly shredded, that is to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- e. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- f. 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 Public Works Director for such materials.
- g. 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.
- h. 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.
- i. Any waters or wastes having a pH in excess of 9.5.
- j. Materials which exert or cause:

- i. Unusual concentration 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)
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities to constitute a significant load on the sewage treatment works.
 - iv. Unusual volume of flow or concentration of waters constituting “slugs” as defined herein.
 - k. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
 - l. Any wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes
 - m. 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 6-2-8(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 6-2-8(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 Public Works 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 Public Works 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.

6-2-9 PROTECTION FROM DAMAGE.

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)

6-2-10 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-9 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 limits provided for in subsection 1 hereof, shall be subject to the provisions of Title I, Chapter 3.
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	Definitions	6-3-15	Interior Stop
6-3-2	Enforcement	6-3-16	Inspection and Approval
6-3-3	Adoption of State Plumbing Code	6-3-17	Completion by the City
6-3-4	License Required	6-3-18	Shutting off Water Supply
6-3-5	Mandatory Connections	6-3-19	Operation of Curb Stop and Hydrant
6-3-6	Abandoned Connections	6-3-20	Cross Connection: Backflow Prevention
6-3-7	Permit	6-3-21	Water Use Metered
6-3-8	Making the Connection	6-3-22	Location of Meters
6-3-9	Excavations	6-3-23	Meter Setting
6-3-10	Tapping Mains	6-3-24	Meter Costs
6-3-11	Installation of Water Service Pipe	6-3-25	Meter Repairs
6-3-12	Responsibility for Water Service Pipe Inspection and Stop Box	6-3-26	Meter Testing
6-3-13	Failure to Maintain		
6-3-14	Stop Box		

6-3-1 DEFINITIONS. The following terms are defined for use in this chapter of this Code of Ordinances pertaining to the Water Service System.

1. “Customer” means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. “Water main” means a water supply pipe provided for public or community use
3. “Water service pipe” means the pipe from the water main to the building served.
4. “Water system” or “water works” means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

6-3-2 ENFORCEMENT. The Public Works 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.

6-3-3 ADOPTION OF STATE PLUMBING CODE. The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Clerk for public inspection.

6-3-4 LICENSE REQUIRED. All installation of water service pipes and connections to the municipal water system shall be made by a plumber licensed by this City. The Director shall have the power to suspend the license of any plumber for violation of any of the provisions of this Ordinance. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Director shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the City Council meeting at which the plumber will be granted a hearing. At this City Council meeting the Director shall make a written report to the City Council stating the Director's reasons for the suspension, and the City Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

6-3-5 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-3-6 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,, capped and made absolutely watertight.

6-3-7 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 City. 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 Public Works Director. The Public Works 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 ten (10) days after it is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to begin the work may be granted. The permit may be revoked at any time for any violation of these chapters. The owner or plumber may appeal such action in the manner provided in Section 6-3-4 of this Ordinance.

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

6-3-8 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. A connection fee of fifty dollars (\$50.00) for a residential or commercial water tap shall be paid to the city at the time the application is filed. All taps in the water main must be at least eighteen (18) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

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

6-3-9 EXCAVATIONS. 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 City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or 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.

6-3-10 TAPPING MAINS. All taps into water mains shall be supervised by the Public Works Director.

1. 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 unless provisions are made so that each house, building or premises may be shut off independently of the other.
2. All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Public Works Director shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than 18" of the joint in the main.
3. A brass corporation stop, of the pattern and weight approved by the Public Works Director, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the City in such form as required.

6-3-11 **INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the stop box setting shall be standard weight type K copper tubing, unless a different material, weight and quality is approved by the Public Works Director. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

6-3-12 **RESPONSIBILITY FOR WATER SERVICE PIPE.INSPECTION AND STOP BOX.** All costs and expense incident to the installation, connection and maintenance of the water service pipe and stop box from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damages that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe and stop box. Stop boxes are required to function, in the event of a broken stop box, the Public Works Director may order the repair to the property owner or fix the repair and assess the property owner.

6-3-13 **FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance within the number of days specified in written notice to the owner, the City may do so and assess the costs thereof to the property.

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

6-3-14 **STOP BOX.** There shall be installed within the public right-of-way a main shut off valve on the water service pipe. The plumber who makes the connection to the municipal water system shall install a meter-pit and 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 shut-off 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 on 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.

6-3-15 **INTERIOR STOP.** The property owner shall install a shut-off valve on each side of water meter 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 and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

6-3-16 **INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Public Works Director before they are covered, and the Public Works 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 assistant to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

6-3-17 **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 Public Works 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))

6-3-18 **SHUTTING OFF WATER SUPPLY.** The Public Works Director may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Public Works Director has ordered the water to be turned on.

6-3-19 **OPERATION OF CURB STOP AND HYDRANTS.** It is unlawful for any person except the Public Works Director to turn water on at the curb stop, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

6-3-20 **CROSS CONNECTION: BACKFLOW PREVENTION.** When the Public Works Director concludes that a possible cross connection exists in a private residence, business or industry, or that a backflow condition could result, that customer will take action deemed appropriate or install devices approved by the Public Works Director to correct this problem. All costs will be borne by the owner, and any violation of this provision will result in immediate termination of City services until the problem is corrected.

6-3-21 **WATER USE METERED.** All water furnished customers shall be measured through meters furnished by the City and installed by the City.

6-3-22 **LOCATION OF METERS.** All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

6-3-23 **METER SETTING.** The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may

be used only upon approval of the Public Works Director and shall be of a design and construction approved by the Public Works Director.

6-3-24 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

6-3-25 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Public Works Director shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

6-3-26 METER TESTING. The Public Works Director shall have the power to examine and test any meter and cause defective meters to be repaired. If a meter fails to register properly, the customer will be charged with the average monthly consumption as shown by the meter for the twelve (12) months previous, or fraction thereof, if the meter has not been used that long. The customer shall be assessed a five-dollar (\$5.00) meter test fee.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - WATER CONSERVATION

6-4-1 Declaration of Emergency	6-4-4 Exceptions to Regulations
6-4-2 Application of Regulations	6-4-5 Water Usage Limits
6-4-3 Council Action	6-4-6 Penalties

6-4-1 **DECLARATION OF EMERGENCY.** The City Council may declare a water conservation alert or emergency whenever water supply or water system facilities are found to be inadequate or whenever there appears to be a substantial and imminent danger of such inadequacy.

6-4-2 **APPLICATION OF REGULATIONS.** The provisions of this ordinance shall apply to all persons using water both in and outside the city and regardless of whether any person using water shall have a contract for water service with the city.

6-4-3 **COUNCIL ACTION.** Upon a determination by council of the existence of the following conditions, the council shall take the following actions: The Council shall by motion declare a water alert.

1. **Water Alert.** When moderate, but limited supplies of water are available, the Council, shall, through appropriate means call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.
2. **Water Emergency.** When very limited supplies of water are available, the Council shall order curtailment of less essential usages of water, including, but not limited to one or more of the following:
 - a. **Watering yards.** The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or other vegetation, except indoor plantings.
 - b. **Washing mobile equipment.** The washing of automobiles, trucks, trailers, trailer-houses, railroad cars or other type of mobile equipment, except at commercial establishments which provide that service.
 - c. **Cleaning outdoor surfaces.** The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces, including buildings.

- d. Cleaning equipment and machinery. The nonessential washing and cleaning of any business or industrial equipment and machinery and interior spaces.
- e. Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water.
- f. Escape through defective plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.
- g. Sale of bulk water at the city's water plant or by individuals or businesses.

Nothing in this section shall prohibit the use of water which has been reclaimed or recycled after an essential primary use.

6-4-4 EXCEPTIONS TO REGULATIONS. The provisions of this chapter or regulations promulgated hereinafter, which are hereby authorized, shall not apply to any governmental activity, institution, business or industry, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved may appeal to the City Council.

6-4-5 WATER USAGE LIMITS. In case a water emergency is declared, the City Council shall by Resolution determine the amount allowed each household based on a previous month's usage, or by a person in household limit. Any person found to be using City water in violation of this section shall be charged twice the rate which would otherwise apply. This rate shall apply to all metered service over the limit as set by the City Council and during which the violation has occurred or continued. The City Council shall have the authority to enforce the provisions of the ordinance by a discontinuance of water service in the event of violation hereof.

6-4-6 PENALTY. A person found in violation of this ordinance may be cited under the rules and penalties in Title I, Chapter 3 of the Villisca Code of Ordinances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES – WELLHEAD PROTECTION REGULATIONS

6-5-1	Definitions	6-5-7	Exceptions
6-5-2	Substances Regulated	6-5-8	Determination of Locations with Zones
6-5-3	Maps of Zones of Influence	6-5-9	Enforcement and Penalties
6-5-4	Restrictions within the Primary Protection Zone	6-5-10	Inspections
6-5-5	Restrictions within the Secondary Protection Zone	6-5-11	Notice of Violation and Hearing
6-5-6	Restrictions within the Zone of Sensitivity	6-5-12	Injunctive Relief

6-5-1 DEFINITIONS

1. "Aquifer" - A rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.
2. "Alluvium"- Sand, clay, etc., gradually deposited by moving water.
3. "Contamination"-The presence of any harmful or deleterious substances in the water supply.
4. "Groundwater"- Subsurface water in the saturated zone from which wells, springs, and groundwater runoff are supplied.
5. "Hazardous Substances"- Those materials specified in Section 128.03 of this ordinance.
6. "Flow System Boundaries"-A delineation criterion that uses groundwater divides, surface water bodies, or other hydrologic/physical features to delineate a Wellhead Protection Area.
7. "Labeled Quantities"- The maximum quantity of chemical as recommended on the label, for specific applications.
8. "Person"-Any natural person, individual, public or private corporation, firm association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.

9. "Petroleum Product"- Fuels, (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, solvents, and other similar products.
10. "Pollution"- The presence of any substance (organic, inorganic, radiological, or biological) or condition (temperature, pH, turbidity) in water that tends to degrade usefulness of the water.
11. "Potable Water"- Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.
12. "Primary Containment" - The first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.
13. "Public Utility" - Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.
14. "Secondary Containment" - The level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leak proof trays under containers, floor curing or other containment systems and shall be of adequate size and design to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.
15. "Shallow Well"-A well located and constructed in such a manner that there is not a continuous five-foot layer of low-permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.
16. "Time-Related Capture Zone"- The surface or subsurface area surrounding a pumping well(s) that will supply groundwater recharge to the well(s) within some specified period of time.
17. "Toxic Substance"- Any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation, or absorption into the body.
18. "Transit" - The act or process of passing through the wellhead protection zones, where the vehicle in transit may be parked (within the wellhead protection area) for a period not to exceed two (2) hours.

19. "Water Pollution" - The introduction in any surface or underground water, or any organic or inorganic deleterious substance in such quantities, proportions, and accumulations that are injurious to human, plant, animal, fish, and other aquatic life or property or that unreasonable interferes with the comfortable enjoyment of life or property or the conduct of business.
20. "Well"-A pit or hole sunk into the earth to reach a resource supply such as water.
21. "Well Field"-A tract of land that contains a number of wells for supplying water.
22. "Wellhead Protection Zones"- Zones delineated fixed radii criterion around wellheads, within which toxic substances will be regulated to protect the quality of the underground resource.
23. "Zone of contribution"- The area surrounding a pumping well that encompasses all areas or features that supply groundwater recharge to the well.

6-5-2 SUBSTANCES REGULATED. The materials regulated by this ordinance shall consist of the following:

1. Substances listed in 40 CFR Section 302.4, List of Hazardous Substance and Reportable Quantities.
2. Substances listed by the Iowa Labor Commissioner pursuant to Section 898.12 of the Iowa Code (Hazardous Chemicals Risks-Right to Know).
3. Substances listed in 40 CFR Section 261, subparts A, B, C, and D, Federal Hazardous Waste List.

6-5-3 MAPS OF ZONES OF INFLUENCE.

1. Maps - Zone of Protection maps and any amendments thereto are incorporated by reference and made a part of this ordinance. These maps shall be on file at City Hall. At the time of adoption of this ordinance the location of all wells in Villisca supplying potable water to the City Water System shall be located on the official Wellhead Protection Map with Primary Zone, Secondary Zone and Zone of Sensitivity indicated.
2. Map Maintenance - The Zone of Protection Maps may be updated on an annual basis. The basis for such an update may include, but is not limited to, the following:
 - a. Changes in the technical knowledge concerning the aquifer.

- b. Changes in permitted pumping capacity of City Wells.
 - c. Addition of wells or elimination of existing wells.
 - d. Designation of new well fields.
3. Wellhead Protection Zones - The zones of protection indicated on the zone of protection maps are as follows:
- a. Primary Protection Zone - The area within the two (2) year time-related capture zone of any well supplying potable water to the Villisca water system.
 - b. Secondary Protection Zone- The area within the ten (10) year time-related capture zone, excluding the Primary Protection Zone, of any well supplying potable water to the Villisca Water System.
 - c. Zone of Sensitivity - The area within the twenty (20) year time-related capture zone, excluding the Primary and Secondary Protection Zones, from any well supplying potable water to the Villisca Water System.

6-5-4 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

- 1. Permitted Uses: The following uses are permitted uses within the Primary Protection Zone. Uses not listed are to be considered prohibited.
 - a. Playgrounds/Parks.
 - b. Wildlife areas, open spaces.
 - c. Lawns and Gardens.
 - d. Non-motorized trails, such as biking, skiing, nature and fitness trails.
- 2. Additional restrictions are as follows:
 - a. No person shall discharge or cause or permit the discharge of a hazardous substance to soils, groundwater, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

- b. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environment cleanups costs, and may be subject to fines as specified in this ordinance.
- c. No person shall discharge or cause or permit the discharge of fertilizers or pesticides in excess of labeled quantities to the soils, ground water, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

6-5-4 RESTRICTIONS WITHIN THE SECONDARY PROTECTION ZONE.

1. Permitted Uses- The following uses are permitted in the Secondary Protection Zone. Uses not listed are to be considered prohibited
 - a. All uses listed as permitted in the Primary Protection Zone.
 - b. Sewer- residential and commercial.
 - c. Above ground storage tanks when in compliance with State Fire Marshall's regulations.
 - d. Basement storage tanks.
 - e. Livestock grazing and field cropping activities.
2. Additional restrictions are as follows:
 - a. No person shall discharge or cause or permit the discharge of a hazardous substance to the soils, groundwater, or surface water within the Secondary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
 - b. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanups costs, any may be subject to fines specified in this ordinance.
 - c. Any person who stores, handles, produces or uses chemicals within the Secondary Protection Zone shall make available the relevant MSDS sheets to the Wellhead Protection Officer regardless of their status under Section 128.07.D.

6-5-6 RESTRICTIONS WITHIN THE ZONE OF SENSITIVITY

1. Permitted Uses - The following uses are permitted in the Zone of Sensitivity. Uses are not listed are to be considered prohibited.
 - a. All uses listed as permitted in the Primary Protection Zone.
 - b. All uses listed as permitted in the Secondary Protection Zone.
 - c. All uses, handling and storage, when in compliance with, and allowed by, federal, state, and local laws and regulations.
2. Additional restrictions are as follows:
 - a. No person shall discharge or cause or permit the discharge of a hazardous substance, in excess of labeled quantities, to the soils, groundwater, or surface water within the Zone of Sensitivity.
 - b. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs and may be subject to fines as specified in this ordinance.

6-5-7 EXCEPTIONS.

1. The following activities or uses are exempt from the provisions of this ordinance:
 - a. The transportation of any hazardous substance through the well field protection zones, provided the transporting vehicle is in transit.
 - b. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.
 - c. Fire, Sheriff, emergency medical services, emergency management center facilities, or public utility transmission facility.
 - d. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers only in the Secondary Protection Zone and the Zone of Sensitivity.
 - e. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.
 - f. Consumer products located in the home which are used for personal, family or household purposes.

- g. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.
 - h. The use of water treatment chemicals connected with the operation of the well, or plant.
- 2. The use of structures or facilities existing at the time of the adoption of the ordinance codified by this chapter may be continued even though such use may not conform with the regulations of the chapter. However, the storage and use of hazardous substances within the primary protection zone, must provide an enclosed secondary containment system. Such structure or facility may not be enlarged, extended, reconstructed or substituted subsequent to adoption of said ordinance exemption is granted by the City Council.
- 3. Any person who engages in nonresidential activities relating to the storage, handling, use and/or production of any toxic or hazardous substances who is exempt from this ordinance by law shall not be subject to the restrictions contained herein.
- 4. All requests for permits or special exceptions in the Villisca Wellhead Protection Zones must be made in writing to the City Council. All requests must include a list of all hazardous chemicals (MSDS sheets will be made available upon request) to be stored, handled, used or produced under the permit or special exception. All requests may be required to include an environmental assessment report at the discretion of the City Council. Any exemptions or permits granted will be made conditional and may include environmental monitoring and cleanup costs. The exemption or permit will be made void if environmental and/or safety monitoring indicate that the facility or activity is emitting any releases of harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs.

6-5-8 DETERMINATION OF LOCATIONS WITHIN ZONES. In determining the location of properties within the zones depicted on the Zone of Protection Maps, the following rules shall apply:

- 1. Properties located wholly within one (1) zone reflected on the applicable Zone of Protection Map shall be governed by the restrictions applicable to that zone.
- 2. For properties having parts lying within more than (1) zone as reflected on the applicable Zone of Protection Map, each part shall be governed by the restrictions applicable to the zone in which it is located.

6-5-9 ENFORCEMENT AND PENALTIES.

1. The Public Works Director is designated as the Wellhead Protection Officer unless another person is specifically designated by the City Council to supervise the implementation and enforcement of this ordinance.
2. The Wellhead Protection Inspector(s) shall be the Public Works Director.
3. No building permit shall be issued which is a violation of the Iowa DNR "Separation distance from wells", a violation of this ordinance or a source of contamination for a city well.
4. No new underground tank(s) will be allowed for auxiliary fuel storage in the Primary or Secondary zones.
5. Any person, firm or corporation who fails to comply with the provisions of this chapter shall be subject to the provisions and penalties provided therein.

6-5-10 INSPECTIONS.

1. The Wellhead Protection Inspector(s) shall have the power and authority to enter and inspect all buildings, structures and land within all wellhead protection zones for the purpose of making an inspection. Failure of a person having authority over a property to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue a search warrant to the Protection Officer or Inspector to inspect such premises.
2. In the event a building or structure appears to be vacant or abandoned, and the owner cannot be readily contacted in order to obtain consent for an inspection, the officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.
3. The Wellhead Protection Officer or Inspector shall inspect each city well annually and shall maintain an inventory, if applicable, of all hazardous substances which exist within the Primary and Secondary Protection Zones. One format that may be used in Iowa DNR Form, OMB No. 2050-0072. MSDS Sheets on these chemicals will be made available to the Inspector as under 128.06.B.2.

6-5-11 NOTICE OF VIOLATION AND HEARING. Whenever an officer or an inspector determines that there is a violation of this ordinance, he shall give notice thereof in the manner hereinafter provided.

1. A notice of violation shall:
 - a. Be in writing:
 - b. Be dated and signed by the officer or inspector:
 - c. Specify the violation or violations; and
 - d. State that said violation(s) shall be corrected within ten (10) days of the date on which the inspector issued the notice of violation.
2. Failure of the responsible person(s) to correct the violation within ten (10) days of the date of issue of the notice of violation shall result in the following fines:
 - a. First notice of violation: \$1,000.00
 - b. Second notice of violation: \$5,000.00
 - c. Third notice of violation: \$10,000.00

6-5-12 INJUNCTIVE RELIEF. If any person who engages in nonresidential activities stores, handles, uses and/or produces toxic substances within the wellhead protection zones, as indicated on the Zone of Protection Maps, continues to operate in violation of the provisions of this ordinance, then, the City may file an action for injunctive relief in the court of jurisdiction.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 UTILITIES – SOLID WASTE CONTROL

6-6-1 Purpose	6-6-8 Open Dumping Prohibited
6-6-2 Definitions	6-6-9 Toxic and Hazardous Waste
6-6-3 Sanitary Disposal Required	6-6-10 Waste Storage Containers
6-6-4 Health and Fire Hazards	6-6-11 Prohibited Practices
6-6-5 Open Burning Restricted	6-6-12 Collector's Licensing Permit
6-6-6 Separation of Yard Waste Required	6-6-13 RESERVED
6-6-7 Littering Prohibited	6-6-14 Penalties

6-6-1 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

6-6-2 DEFINITIONS. For use in these chapters the following terms are defined:

1. "Collector" means any person authorized to gather solid waste from public and private places.
2. "Director" means the director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

3. "Discard" means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
4. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are use, or are intended to be used, for living, sleeping, cooking and eating.
5. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

6. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

7. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.

(Code of Iowa, Sec. 455B.361[1])

8. "Owner" means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

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

(IAC, 567-100.2)

10. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including four (4) separate dwelling units.

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

(IAC, 567-20.2[455B])

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

(IAC, 567-100.2)

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

(IAC, 567-100.2)

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

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

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

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

6-6-3 **SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuses accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than ten (10) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Title III, Chapter 2 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

6-6-4 **HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitutes a health, sanitation or fire hazard. Neatly stacked firewood located on a side or rear yard, not decomposed to harbor termites, snakes, mice etc are exempt.

6-6-5 **OPEN BURNING RESTRICTED.** No person shall allow, cause, or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances, and then only between the hours of sunrise and sunset. Exemptions would be given upon written approval of the Fire Chief and/or fires contained within a legitimate charcoal barbecue grill or appliance used for the preparation of food.

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

1. No person shall burn or cause the burning of any garbage or rubbish within the City limits other than unprocessed wood (tree limbs and brush) or natural yard vegetative material.
2. No person shall burn or cause the burning of any unprocessed wood (tree limbs and brush) or natural yard vegetative material unless contained within a non-combustible container with a properly affixed grating or cover, and at a safe distance away from any other combustible material or building so as not to constitute a hazard.
3. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23.2[3a])

4. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.
(IAC, 567-23.2[3b])
5. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.
(IAC, 567-23.2[3c])
6. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.
(IAC, 567-23.2[3d])
7. Ceremonial Fires. Upon written approval from the Fire Chief open fires for legitimate organizational ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources
(IAC, 567-23.2[3e])
8. Back Yard Burning. The open burning of residential waste or rubbish on the property where such waste is generated, at dwellings of four-family units or less.
(IAC, 567-23.2[3j] and 567-20.2[455B])
9. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.
(IAC, 567-23.2[3g])
10. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed com bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.
(IAC, 567-23.2[311])
11. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.
(IAC, 567-23.2[3i])
12. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.2[2])

6-6-6 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

6-6-7 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

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

6-6-8 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, 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.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

6-6-9 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

6-6-10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

- a. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable containers, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.
 - b. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.
4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

6-6-11 PROHIDITED PRACTICES. It is unlawful for any person to:

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

efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

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

6-6-12 COLLECTOR'S LICENSE PERMIT. Any Collector gathering solid waste from public and private places within the Villisca City Limits is required to have an annual License permit. The cost of the permit is: \$10.00 per year. City Council may opt to waive this fee.

6-6-13 RESERVED

6-5-14 PENALTIES. Any violations of this chapter shall be considered a simple misdemeanor and violators shall be fined as follows unless specified differently within this chapter. 1st Offense - \$100.00, 2nd Offense - \$200.00, and 3rd and Subsequent Offenses- \$300.00.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 UTILITIES - BILLING CHARGES

6-7-1	Utility Defined	6-7-8	Water Rates
6-7-2	Districts	6-7-9	Recycling Fee
6-7-3	Disposition of Fees and Charges	6-7-10	Sewer Service Charges Required
6-7-4	Billing, Penalty	6-7-11	Rate of Sewer Rent and Manner of Payment
6-7-5	Discontinuing Services, Fees	6-7-12	Sewer Surcharge Rates
6-7-6	Residential Rental Property	6-7-13	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-7-7	Customer Guarantee Deposits		

6-7-1 UTILITY DEFINED. For use in this chapter, utility is the sewer and water systems operated by the City.

6-7-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Villisca, Iowa.

6-7-3 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.

6-7-4 BILLING, PENALTY.

1. Bills Issued. Utility bills shall be prepared, dated and issued on or before the first (1st) of **each** month
2. Bills Payable. Bills for service accounts shall be due and payable at the office of the Clerk within fifteen (15) days of the date of issue. When the fifteenth falls on Saturday or Sunday, the City Clerk shall accept payment on the **next office day** without penalty.
(Code of Iowa, Sec. 384.84(1))
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent (5%) of the amount due with a minimum of one (\$1.00) shall be added to each delinquent bill.

6-7-5 DISCONTINUING SERVICE, FEES. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the 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 and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested in writing and delivered to City Hall within ten (10) days of receipt of the shut-off notice, the City Council shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the City Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A fee of twenty-five dollars (\$25.00) plus any costs shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.
5. Lien for Non-Payment. The owner of the premises served and lessee or tenant thereof shall be jointly 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.

a. 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))

b. 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))

6-7-6 RESIDENTIAL RENTAL PROPERTY. 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. 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. 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)

6-7-7 CUSTOMER GUARANTEE DEPOSITS. There shall be required from every customer a one hundred dollar (\$100.00) deposit intended to guarantee the payment of bills for service. Deposits of customers having established acceptable credit records for two (2) years with no late penalty charges, will be refunded. An occurrence or recurrence of a late payment may be occasion for the City Clerk to require a new or larger deposit for the continuation of service.

(Code of Iowa, Sec. 384.84(1))

6-7-8 WATER RATES.

1. Water shall be furnished at the following monthly rates per water meter within the City limits:

(Code of Iowa, Sec. 384.84(1))

Water User Fee per meter: \$1.00, in addition

The first 2,000 gallons	@\$8.26 per 1,000 gallons	.826 per 100
Next 3,000 gallons	@\$4.40 per 1,000 gallons	.440 per 100
Next 5,000 gallons	@3.70 per 1,000 gallons	.370 per 100
Next 10,000 gallons	@3.40 per 1,000 gallons	.340 per 100
All over 20,000 gallons	@3.10 per 1,000 gallons	.310 per 100

The minimum water usage charged shall be 2,000 gallons **per household or business building per billing month.**

2. Water service may be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the same rates provided above plus a 10% surcharge. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations apply to water service established by the City Council.

6-7-9 RECYCLING FEE. Each customer of the Villisca Municipal Water System within the corporate limits of Villisca shall be billed \$1.25 per month for establishment and continuation of the city's recycling program. The recycling fee billing period shall coincide with the water and sewer rental billing period as established by the City Council.

6-7-10 SEWER SERVICE CHARGES REQUIRED. Every lot, parcel of real estate, building or premises situated within the City that is connected with or uses the sanitary utilities of the City or that in any way uses or discharges sanitary sewage, industrial waste, water or other liquid, either directly or indirectly, into the sewage system of the City, shall pay a service charge to the City

6-7-11 RATE OF SEWER RENT AND MANNER OF PAYMENT. **The rate of sewer rent shall be 175% percent of the net water bill for each premise with a maximum of \$300 per month per residential customer and a maximum of \$660 per month for all other customers. The rent 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.**

(Code of Iowa, Sec. 384.84(1))

6-7-12 SEWER SURCHARGE RATES. For those **users** who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected.

1. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which

discharges any substance which singly or by interaction with other substances caused identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by responsible plant operating personnel and approved by the city council.

2. For all classes of uses granted connection to the city sewer system , but lying outside the incorporated city limits, a ten percent (10%) surcharge shall be added to the basic rate of the city for sanitary sewer service.

6-7-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay a sewer rent in proportion to the water used and determined by the City either by an estimate agreed to by the user or by metering the water system at the customer's expense. **The rates shall be the same as provided in Section 6-7-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-7-11.** Any negotiated, or agreed upon sales or charges shall be subject to approval of the City Council.

(Code of Iowa, Sec. 384.84(1))

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 STREET USE AND MAINTENANCE

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|-------|---|--------|-------------------------------------|
| 6-8-1 | Removal of Warning Devices | 6-8-7 | Burning Prohibited |
| 6-8-2 | Obstructing or Defacing | 6-8-8 | Cuts and Excavations |
| 6-8-3 | Placing Debris On | 6-8-9 | Maintenance of Parking or Terrace |
| 6-8-4 | Playing In | 6-8-10 | Failure to Maintain Park or Terrace |
| 6-8-5 | Traveling on Barricaded Street or Alley | 6-8-11 | Dumping of Snow |
| 6-8-6 | Use of Business Purposes | 6-8-12 | Driveway Culverts |
| | | 6-8-13 | Driveway Approaches |

6-8-1 **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, barricade 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)

6-8-2 **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)

6-8-3 **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, yard waste 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)

6-8-4 **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])

6-8-5 **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, law enforcement officer or member of the fire department.

6-8-6 **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 Public Works Director.

6-8-7 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.

6-8-8 CUTS AND EXCAVATIONS. 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 permission from the city. The city council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

1. 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 judgement of a law enforcement officer 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.
2. 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 party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the city specifications, the City of Villisca is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-8-9 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])

6-8-10 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.11 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 impeded 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])

6-8-12 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.

6-8-13 DRIVEWAY APPROACHES. There shall be no construction, reconstruction or repair of any driveway approach to the street except in accordance with the following:

1. Permit. A permit must first be obtained from the City prior to any construction, reconstruction or repair. The cost of such permit is ten dollars (\$10.00).
2. Width of Driveway. The driveway approach shall consist of all that part of the driveway lying between the curb and the property line and shall be a minimum width of eighteen (18) feet at the curb and ten (10) feet at the property line.
3. Driveway in Existing Pavement. A driveway approach to existing pavement shall be made by removing the entire separate curb or curb and gutter or by saw-cutting and removing a strip one foot wide in the case of integral curbs.
4. Expansion Joint. An expansion joint one inch thick and the full depth of the concrete shall be placed against the street pavement, in line with the back of the curb.

5. Materials. A driveway approach to a street shall be paved of reinforced portland cement concrete five inches in thickness and have a minimum 28-day compressive strength of 3,500 pounds per square inch. All materials used in constructing a driveway approach shall be subject to testing by the City.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 SIDEWALK REGULATIONS

6-9-1 Purpose	6-9-9 Barricades and Warning Lights
6-9-2 Definitions	6-9-10 Failure to repair or Barricade
6-9-3 Removal of Snow, Ice and Accumulations	6-9-11 Interference with Sidewalk Improvements
6-9-4 Responsibility for Maintenance	6-9-12 Awnings
6-9-5 City May Order Repairs	6-9-13 Encroaching steps
6-9-6 Sidewalk Construction Ordered	6-9-14 Openings and Enclosures
6-9-7 Permit Required	6-9-15 Fires or Fuel on Sidewalks
6-9-8 Sidewalk Standards	6-9-16 Debris on Sidewalks

6-9-1 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

6-9-2 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - a. Vertical separations equal to three-fourths (3/4) inch or more.
 - b. Horizontal separations equal to one (1) 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 percent (50%) 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 percent (50%) 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 the design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
 4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 5. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
 6. "Portland cement" means any type of cement except bituminous cement.
 7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
 8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
 9. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

6-9-3 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and natural accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twelve (12) hours after the cessation of snowfall, the Public Works Director may have the natural accumulations of snow or ice removed without notice to the property owner. The public works director 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 auditor for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12[2b&e])

6-9-4 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

6-9-5 CITY MAY ORDER REPAIRS. 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, the city may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. 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)

6-9-6 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 or receipt of the notice.

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.

When any improvement is ordered as provided by in the ordinances of the city, a written notice thereof shall be served upon the owner, occupant, or agent of the lots or lands adjoining, or adjacent to the street or place where any sidewalk so ordered or directed to be reconstructed or rebuilt is situated. Said notice shall be signed by the mayor and attested by the city clerk, and shall be made in substantially in the following form:

"To . You are hereby notified that the City Council of the City of Villisca, Iowa, on the _____ day of , A.D. 20_, by resolution ordered the construction, reconstruction, or rebuilding of the sidewalk as described as follows; _____ in the City of Villisca, Iowa, said sidewalk to be built in accordance with the specifications stated in 6-9-9 of the city code, said sidewalk to be in width. The sidewalk construction, reconstruction or rebuilding so ordered shall b e completed within thirty (30) days from and after completion of the service of this notice upon you. Otherwise the walk will be built by the city, and the costs thereof be assessed against the property abutting, and collected as by law and ordinance provided. You will take due notice hereof and govern yourself accordingly.

Dated: _____

Attest: _____

City Clerk

Mayor

The foregoing notice shall be served upon each owner or agent of the property along with the improvement is ordered; provided, that if the owner is unknown or is a nonresident of the city, service of the notice shall be made by posting a copy thereof for five (5) days in some conspicuous place on the property abutting the contemplated improvement.

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 public works director shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the public works director 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])

6-9-7 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. The fee for such permit is ten dollars (\$10.00).

6-9-8 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. All permanent sidewalks shall be constructed or reconstructed with stone, artificial stone or Portland cement concrete.

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 Director of public works.
4. The sidewalk bed shall be placed to the established grade of the street upon which it is constructed or reconstructed, and the city at its own expense will grade the bed of said sidewalk so that when completed the sidewalk will be at the established grade of the sidewalk as fixed by ordinance or designated by the public works director.
5. All sidewalks shall match existing sidewalk elevation and grade, shall be four (4) inches thick, and each section shall be no more than four (4) feet in length. All sidewalks six feet in width or wider shall extend from the lot line to the curb line. All other sidewalks shall be built within one foot of the lot line and the curb shall be brought to grade with the curb line well defined. 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. All sidewalks not otherwise designated below shall be at least four (4) feet wide.
 - a. Twelve foot (12') sidewalks: All of the following sidewalks shall be twelve feet in width: all sidewalks around the public square, on 3rd Avenue from 4th Street to the BN & SF RR property line, on the north side of 4th Street from 3rd Avenue to the west line of Lot 148, on the north side of 5th Street from 3rd Avenue to the west line of Lot 156, on the south side of 4th Street from 3rd Avenue to the west line of Lot 153, and on the west side of 3rd Avenue from 3rd Street to the alley on the north side of Lot 135.
 - b. Eight foot (8 ') sidewalks: All of the following sidewalks shall be eight feet in width: On the north side of 3rd Street from 3rd Avenue to the west line of Lot 136, on the west side of 4th Avenue from 4th Street to the south line of Lot 239, and on the south side of 3rd Street from 3rd Avenue to the west line of Lot 142.
 - c. Six foot (6') sidewalks: All of the following sidewalks shall be six feet in width: On the south side of 4th Street from the west line of Lot 153 to the alley on the west line of Lot 1 of Carlisle's Addition, on the south side of 3rd Street from the west side of Lot 142 to 2nd Avenue, on the south side of 5th Street from 3rd Avenue to the west line of Lot 2 of subdivision Lots 163 and 164, on the north side of 5th Street from 3rd Avenue to 4th Avenue, on the east side of 3rd Avenue from 3rd Street to 2nd Street, on the west side of 3rd Avenue from the north line of

Lot 135 to 2nd Street, and on the east side of 4th Avenue from 2nd Street to 3rd Street.

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 on a case-by-case basis.

6-9-9 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

6-9-10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

6-9-11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

6-9-12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

6-9-13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

6-9-14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

6-9-15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

6-9-16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

6-9-17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, grass, yard waste, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 VACATION AND DISPOSAL OF STREETS

6-10-1 Power to Vacate

6-10-2 Planning and Zoning Commission

6-10-3 Notice of Vacation Hearing

6-10-4 Findings Required

6-10-5 Disposal of Vacated Streets or Alleys

6-10-6 Disposal by Gift Limited

6-10-1 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])

6-10-2 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)

6-10-3 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.

6-10-4 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.

6-10-5 DISPOSAL OF STREETS AND ALLEYS. When in the judgment of the city council it would be in the best interest of the city to dispose of a vacated street or alley, or any portion of an official plat thereof, the city shall vacate the same by resolution following a public hearing, or by ordinance, and the vacating instrument shall be recorded. The city may convey the vacated property by deed or may convey the property to adjoining property owners through a vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining property owners to whom the vacated property is being conveyed along

with the corresponding description of each parcel being conveyed. A recorded vacation instrument which conforms to this section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the recorder and auditor.

(Code of Iowa, Sec. 354.23)

6-10-6 DISPOSAL 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 NUMBER	PURPOSE
1	City Boundaries
2	Ward Boundaries
24	Street Closing
34	Street Vacation
35	Alley Vacation
36	Street Vacation
37	Street Vacation
38	Street Vacation
39	Street Vacation
40	Street Vacation
178	Street Vacation
184	Street Vacation
191	Street Vacation
197	Street Vacation
223	Street Vacation (Portion of 41h Street)
266	Alley Vacation
267	Alley Vacation
268	Alley Vacation
277	Alley Vacation
328	Street Vacation (Portion of Prospect Street)
342	Alley Vacation

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 STREET AND SIDEWALK GRADES

6-11-1 Established Grades

6-11-2 Record Maintained

6-11-1 ESTABLISHED GRADES. The grades of all streets, alleys, and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

6-11-2 RECORD MAINTAINED. The City Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR’S NOTE:

The following ordinances not corfieid herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

ORDINANCE NUMBER	PURPOSE
1	City Boundaries
2	Ward Boundaries
22	Street and Alleys
28	Sidewalk Construction and Maintenance
41	Street Grades
42	Street Grades
43	Street Grades
168	Curb Elevations
176	Center and Curb Grades
177	Center and Curb Grades
179	Railroad Grades

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 NAMING OF STREETS

6-12-1 Naming New Streets

6-12-4 Official Street Name Map

6-12-2 Changing Name of Street

6-12-5 Revision of Street Name Map

6-12-3 Recording Street Names

6-12-1 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

6-12-2 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

6-12-3 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)

6-12-4 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 Villisca, Iowa."

6-12-5 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the

following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 BUILDING CODE

6-13-1 Adoption of Code

6-13-2 Copies on File

6-13-1 **ADOPTION OF CODE.** The 2012 Edition of the International Building Code, as published by the International Code Council, and the 2012 International Residential Code, as published by the International Code Council are hereby adopted in full except for such portions deleted, modified or amended. The latest editions are hereby adopted in full except for such portions as hereinafter may be deleted, modified or amended.

6-13-2 **COPIES ON FILE.** Office copies of the aforementioned Codes are on file in the office of the Clerk.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 BUILDING PERMITS

6-14-1 Permit Required

6-14-4 Lapsed Permits

6-14-2 Issuance of Permit

6-14-5 Appeals

6-14-3 Permit Fees

6-14-1 PERMIT REQUIRED. No person shall proceed with the erection, construction, conversion, alteration, enlargement, extension, raising, or demolition or moving of any building, structure, or property or any portion thereof without having first received an approved building permit with building specifications from the Public Works Director. A building permit shall only be required for the building projects stated herein.

6-14-2 ISSUANCE OF PERMIT. All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon and the location and dimensions of the existing or proposed building or alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land, the number of families, housekeeping units or rental units the building is designed to accommodate, conditions existing on the lot and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

6-14-3 PERMIT FEES. Fees for building permits shall be as provided by city ordinance:

Cost is \$1.00 per \$1,000.00 (of project cost) with a minimum of \$10.00.

6-14-4 BUILDING PERMIT PROJECTS AND TIME LIMITS.

1. The following time limits shall apply for any of the following building projects.
 - a. Fences, posts, trees, vicious dog structures and other small projects. 30 days
*Applicant shall be assessed a fine of \$10.00 per day for each day the project goes uncompleted.
 - b. Sidewalks, driveways and any concrete floor under 1000 sq. feet. 30 days
*Applicant shall be assessed a fine of \$10.00 per day for each day the project goes uncompleted.
 - c. Accessory buildings, building additions & garages under 1000 sq. feet. 60 days
*Applicant shall be assessed a fine of \$20.00 per day for each day the project goes uncompleted.

d. Houses and larger buildings. 1 year

*Applicant shall be assessed a fine of \$50.00 per day for each day the project goes uncompleted.

2. Extensions of Time Limits.

a. It shall be the duty of the Public Works Director to inspect the progress of any building or construction site and the discretion of the Public Works Director to grant any requests for extensions of time as well as the length of any extension of time limit.

b. Any requests for extensions of building permit time limit shall be made in writing with the stated reasons for the extension and shall be delivered to the Public Works Director in person or by mail no less than five calendar days prior to the running of the time limit.

c. A building time limit shall only be extended once for any building permit.

d. The applicant shall notify City Hall in writing no later than the last day of the time limit for said building permit to cancel the permit with no refund.

6-14-5 APPEALS. If the Public Works Director refuses to issue a building permit duly applied for or refuses to grant an extension of time for any of the building time limit stated herein, the party or applicant may appeal to the City Council for a hearing on the matter.

Any appeal for a refusal to extend a building permit time limit must be made prior to the running of the time limit and the appeal shall toll the time limit until a final decision can be made by the City Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 BUILDING NUMBERING

6-15-1 Definitions

6-15-3 Building Numbering Map

6-15-2 Owner Requirements

6-15-1 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof

6-15-2 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements.

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the City Council.
(Code of Iowa, Sec. 354.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three (3) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for an period of ninety (90) days after being notified in writing by the city to do so, the city may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

6-15-3 BUILDING NUMBERING MAP. The city shall prepare and maintain a city-wide building numbering map.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 FLOOD PLAIN REGULATIONS

6-16-1 Statutory Authority, Findings of Fact and Purpose	6-16-5 Administration
6-16-2 General Provisions	6-16-6 Nonconforming Uses
6-16-3 Establishment of Floodplain (Overlay) District	6-16-7 Penalties for Violation
6-16-4 Standards for Floodplain (Overlay) District)	6-16-8 Amendments
	6-16-9 Definitions

6-16-1 – STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
2. Findings of Fact
 - a. The flood hazard areas of the City of Villisca are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - b. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
3. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Villisca 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 SECTION 6-16-1(1a) of this Ordinance with provisions designed to:
 - a. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

- b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

6-16-2 GENERAL PROVISIONS

1. Lands to Which Ordinance Apply. The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Villisca which are located within the boundaries of the Floodplain (Overlay) District as established in 6-16-3.
2. Rules for Interpretation of Floodplain (Overlay) District. The boundaries of the Floodplain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Clerk shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk 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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
4. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
5. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Villisca or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
7. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

6-16-3 ESTABLISHMENT OF FLOODPLAIN (OVERLAY) DISTRICT

The areas within the jurisdiction of the City of Villisca having special flood hazards are hereby designated as a Floodplain (Overlay) District and shall be subject to the standards of the Floodplain (Overlay) District (as well as those for the underlying zoning district). The Floodplain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Montgomery County and Incorporated Areas, City of Villisca, Panels 19137C0345D, 0355D, 0365D, dated May 2, 2016.

6-16-4 STANDARDS FOR FLOODPLAIN (OVERLAY DISTRICT).

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where floodway data and 100-year flood elevations have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the Floodplain (Overlay) District shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
 - d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of 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.
4. All new and substantially improved structures:
 - a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - i. 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.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. Factory-built homes:
- a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
 - b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
6. Utility and Sanitary Systems:
- a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

- d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.
11. Accessory Structures to Residential Uses
 - a. 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.
 - i. 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 BFE must be constructed of flood-resistant materials.
 - ii. 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.
 - iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

- iv. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
 - v. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the base flood elevation.
 - vi. The structure's walls shall include openings that satisfy the provisions of 6-16-4(4A) of this Ordinance.
- b. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles

- a. Recreational vehicles are exempt from the requirements of SECTION 6-16-4 (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
- i. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - ii. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION 6-16-4(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. 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.

6-16-4 ADMINISTRATION

1. Appointment, Duties and Responsibilities of Zoning Administrator

- a. The City Clerk is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- b. Duties of the Administrator shall include, but not necessarily be limited to the following:

- i. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
- ii. 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.
- iii. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the Floodplain (Overlay) District.
- iv. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.
- v. 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.
- vi. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

c. Floodplain Development Permit

- i. 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, excavation or drilling operations), including the placement of factory-built homes.
- ii. 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. Indication of the use or occupancy for which the proposed work is intended.
 4. Elevation of the 100-year flood.
 5. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- iii. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.
- iv. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

2. Variance

- a. The City Council 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.
 - i. 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.
 - ii. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - iii. In cases where the variance involves a lower level of flood protection for buildings 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.
- b. Factors Upon Which the Decision of the City Council Shall be Based - In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:
 - i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - ii. The danger that materials may be swept on to other land or downstream to the injury of others.
 - iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - v. The importance of the services provided by the proposed facility to the City.

- vi. The requirements of the facility for a floodplain location.
- vii. The availability of alternative locations not subject to flooding for the proposed use.
- viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- ix. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- xi. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- xii. 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.
- xiii. Such other factors which are relevant to the purpose of this Ordinance.
- xiv. Conditions Attached to Variances - Upon consideration of the factors listed above, the City Council 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:
 - xv. Modification of waste disposal and water supply facilities.
 - xvi. Limitation of periods of use and operation.
 - xvii. Imposition of operational controls, sureties, and deed restrictions.
 - xviii. 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.
 - xix. Floodproofing measures.

6-16-6 – NONCONFORMING USES

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - 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 fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety 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.

6-16-7 – PENALTIES FOR VIOLATION

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$(500.00 (FIVE HUNDRED) or imprisoned for not more than (30 (THIRTY) days. Nothing herein contained prevent the City of Villisca from taking such other lawful action as is necessary to prevent or remedy violation.

6-16-8 AMENDMENTS

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

6-16-9 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. **BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
2. **BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
3. **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.
4. **EXISTING CONSTRUCTION** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
5. **EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - 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.
6. **EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. **FACTORY-BUILT HOME** - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. **FACTORY-BUILT HOME PARK** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. **FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. **FLOOD ELEVATION** - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
11. **FLOOD INSURANCE RATE MAP (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. **FLOODPLAIN** - Any land area susceptible to being inundated by water as a result of a flood.
13. **FLOODPLAIN MANAGEMENT** - 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.
14. **FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
15. **FLOODWAY** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
16. **FLOODWAY FRINGE** - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. **HISTORIC STRUCTURE** - Any structure that is:
 - a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
18. **LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of SECTION IV(D)1 of this Ordinance and
 - b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - d. The enclosed area is not a "basement" as defined in this section.
 - e. In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
19. **MINOR PROJECTS** - Small development activities (except for filling, grading and excavating) valued at less than \$500.
20. **NEW CONSTRUCTION** - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
21. **NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - 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 floodplain management regulations adopted by the community.

22. ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

23. RECREATIONAL VEHICLE - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

25. SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

26. **START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
27. **STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
28. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
29. **SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:
- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - b. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

- c. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after 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.
30. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.
31. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 TREES

6-17-1	Definitions	6-17-7	Diseased Trees Subject to Removal
6-17-2	Planting Restrictions	6-17-8	Duty to Remove
6-17-3	Duty to Trim Trees	6-17-9	Inspection
6-17-4	Assessment	6-17-10	Removal from City Property
6-17-5	Trimming Trees to be Supervised	6-17-11	Removal from Private Property
6-17-6	Removal of Trees	6-17-12	Commercial Tree Service

6-17-1 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Parking" shall mean 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.
2. "Director" shall mean the Director of Public Works or such other person as may be designated by the city council.
3. "Street" as used herein shall refer to that portion of a platted street which is not covered by concrete, asphalt, gravel, or otherwise used for vehicular travel.

6-17-2 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter 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. Prohibited trees. No person shall hereinafter plant in any street, any fruit-bearing tree or any cotton bearing cottonwoods, poplars, box elder, Siberian elm (Chinese elm), evergreens, silver maple, Russian Olive, mulberry trees or any thorn bearing trees.

6-17-3 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.

6-17-4 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

6-17-5 TRIMMING TREES TO BE SUPERVISED. It shall be 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. Except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right of way.

6-17-6 REMOVAL OF TREES. The Director shall remove, on the order of the city council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

6-17-7 DISEASED TREES SUBJECT TO REMOVAL. Diseased, dead, dying or injured trees within the city shall be removed as follows:

1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh) or trees which have been determined to harbor the Emerald Ash Borer.
2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.
3. Injured or Dying Trees. Any tree which has been injured whether by disease or physical damage to the point that the tree will die, or its limbs might fall, shall be removed.

6-17-8 DUTY TO REMOVE. No person, firm, or corporation shall permit any tree or material as defined in 6-17-7 to remain on the premises owned, controlled or occupied by such person, firm or corporation.

6-17-9 INSPECTION. The Director shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 6-17-7 exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-17-10 REMOVAL FROM CITY PROPERTY. If the Director upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

6-17-11 REMOVAL FROM PRIVATE PROPERTY. If the Director upon inspection or examination, in person or by some qualified person acting for him, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition 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 thereof, the city council may cause the nuisance to be removed and the cost assessed against the property. If the Director is unable to determine within reasonable certainty whether or not a tree on private premises is infected with Dutch Elm Disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis thereof.

6-17-12 COMMERCIAL TREE SERVICE. Any person performing tree service, or any commercial tree service company working within the City of Villisca must obtain a permit from the office of the city clerk. To obtain a permit, the applicant must show proof of insurance and workman's compensation adequate for the protection of the citizens of the city and the city itself. Liability insurance shall be a minimum of \$300,000 for bodily injury and \$100,000 for property damage.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 ZONING ORDINANCE

6-18-1	Definitions	6-18-11	Industrial District
6-18-2	Districts Established	6-18-12	Exceptions Interpretations
6-18-3	Application of Regulations	6-18-13	Special Permits
6-18-4	Nonconforming Uses	6-18-14	Board of Adjustment
6-18-5	General Regulations	6-18-15	Appeals
6-18-6	A-Agricultural District	6-18-16	Changes and Amendments
6-18-7	R- Residence District	6-18-17	Fees
6-18-8	RM – Mobile Home District	6-18-18	Administration, Enforcement, and Penalties
6-18-9	C- Commercial District		
6-18-10	HC- Highway Commercial District		

6-18-1 DEFINITIONS. For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm association, organization, partnership, trust, company or corporation, as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is mandatory, the word “may” is permissive.
4. The word “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
5. The word “lot” includes the words plot or parcel.
6. "Accessory Use or Structure". A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
7. "Alley". A public way other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

8. "Basement". A story having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation.
9. "Block". That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
10. "Billboard". As used in this ordinance shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
11. "Board". Shall mean the Board of Adjustment.
12. "Boarding Houses" A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
13. "Building, Height of". The vertical distance from the average natural grade at the building line to the highest point of the roof of a that roof~ or to a deck line or a mansard roof or to the mean height level (between eaves and ridge) for gable, hip and gambrel roofs.
14. "Building Line". The line of the outside wall of the building or any enclosed projections thereof nearest the street.
15. "Bulk Stations". Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
16. "Court". An open, unobstructed and unoccupied space other than a yard, which is bounded on two (2) or more sides by a building on the same lot.
17. "District". A section or sections of the city within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
18. "Dog Kennel" "Kennel". Means the keeping of any dog or dogs, or other animals, regardless of number, for sale, breeding, boarding or treatment purposes, except in a animal hospital, veterinarian clinic, pet beauty parlor or pet shop, as permitted by law, or

the keeping of three or more dogs, six months and older, on premises used for residential purposes, or the keeping of more than one dog on vacant property or on property used for business or commercial purposes.

19. "Dwelling". Any building or portion thereof which is designated or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

20. "Dwelling, single-family". A building designed for or occupied exclusively for residence purposes by one (1) family.

21. "Dwelling, two-family, (duplex)". A detached building designed or constructed to contain two families residing in individual dwelling units independently of one another, and shall include duplex condominium dwellings wherein the fee title to each dwelling unit is held independently of the other.

22. "Dwelling Multiple". "Multi-family dwelling" or "apartment house" means a building designed or constructed to contain three or more families therein in individual dwelling units independent of one another, and shall include multi-family condominium dwellings and apartment house condominiums wherein the fee title to each dwelling unit is held independently of the others.

23. "Family". One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within a single dwelling unit, no more than four (4) of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

- a. Persons related by blood, marriage, or adoption;
- b. Person(s) residing with a family for the purpose of adoption;
- c. Person(s) living with a family at the direction of a court.

24. "Family Home" means a community-based residential home which is licensed as a residential care facility under chapter 135C Code of Iowa or as a child foster care facility under chapter 237 Code of Iowa to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel.

25. "Farm". An area often (10) acres or more which is used for the growing of the usual farm products, such as vegetables, fruits, trees and grain, and their storage on the

area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes operating of such an area for one or more of the above uses including the necessary accessory uses for treating or storing the produce' provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

26. "Fence, Sight Obscuring". A fence or a planting arranged in such a way as to obstruct vision.

27. "Garage, Private". Any structure shall be constructed of rigid materials under the guidelines and specifications of the state and City of Villisca municipal building codes and requirements.

28. "Garage, Public". Any building or premises other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

29. "Grade". The average elevation of the finished ground at the exterior walls of the main building.

30. "Home Occupation". Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling purposes and which does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises. The following, but not limited to the following, shall not be deemed home occupations: clinics, doctor's offices, hospitals, barber shops, beauty parlors, dress shops, real estate offices, millinery shops, tea rooms, tourist or nursing homes, animal hospitals and kennels.

31. "Hotel". A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house.

32. "Junk Yard". Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

33. "Lodging House". A building where lodging or boarding is provided for compensation for five (5) or more, but not exceeding twenty (20) persons not members of the family.

34. "Lot". For zoning purposes, as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:

- a. A single lot of record or portion of a lot of record.
- b. A combination of complete lots of record and/or portions of lots on record.
- c. A parcel of land described by metes and bounds; provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

35. "Lot Line". Property line bounding a lot.

36. "Lot Measurement".

- a. Depth- the mean horizontal distance between the front and rear lot lines.
- b. Width- of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line.

37. "Lot of Record".

- a. A lot which is part of a subdivision which is recorded in the office of the County Recorder or a lot of parcel described by metes and bounds, the deed to which has been so recorded.

38. "Lot Types". Terminology used in this ordinance with reference to various types of lots is as follows:

- a. "Corner" lot. A lot located at the intersection of two (2) or more streets.
- b. "Interior" lot. A lot other than a corner lot with only one (1) frontage on a street other than an alley.
- c. "Double frontage" lot. A lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as "through" lots.

- d. "Reversed corner" lot. A corner lot, the side street line of which is substantially continuation of the front lot line of the first lot to its rear.

39. "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. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

(Code of Iowa, Sec. 435.1)

40. "Mobile Home Park". Shall mean any site, lot, field or tract of land open which two or more mobile homes, manufactured homes, or modular 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.

41. "Manufactured Home". Is a factory-built structure, which is manufactured or constructed under authority of 42 U.S.C. Section 5403, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in the zoning ordinance is not a manufactured home, unless it has been converted to real property as provided in section 435.26 Code of Iowa, and shall be taxed as a site-built dwelling.

42. "Modular Home". Means a factory-built structure built on a permanent chassis 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, and must display the seal issued by the State Building Code Commission.

43. "Motel, Motor Lodge". A building or group of attached or detached buildings containing individual sleeping or living units with separate entrances, without cooking facilities, for rental to transients with garage attached or parking facilities conveniently located to each such unit.

44. "Non-Conforming Use". Any building or land lawfully occupied by a use at the time passage of this Zoning Ordinance (or any amendment thereto) which does not conform after the passage of the Zoning Ordinance (or amendment thereto) with the use regulations of the district in which it is situated.

45. "Nursing or Convalescent Homes". A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled persons not including insane and other mental cases, inebriate or contagious cases.
46. "Planning Commission". The Planning and Zoning Commission of Villisca, Iowa.
47. "Permitted Use". The purpose for which land, a building or structure thereon is, under the provisions of this ordinance, authorized to be occupied or maintained.
48. "Parking Space". A surfaced area, enclosed or unenclosed, of not less than two hundred fifty (250) square feet, either within a structure or in the open, exclusive of driveway or access drives for the parking of motor vehicle.
49. "Sign, On-Site". A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
50. "Special Exception Uses". A reasonable use that will not impair the public health, safety, or welfare in a zone but does not conform with the character of the zone in which it is located. Certain restrictions on such a use may be imposed by the Board of Adjustment.
51. "Story". That portion of a building, other than a basement included between the surface of any floor and the surface of the floor next , above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
52. "Story, Half". A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
53. "Structural Alterations". Any replacement or changes in the type of construction or in the supporting members of building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
54. "Structure". Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include buildings, walls, fences, billboards and poster panels.
55. "Tourist Home". A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

56. "Variance". A relaxation of the terms of the ordinance which will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

57. "Yard". An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein.

58. "Yard Front". A yard extending across the full width of the lot and measured using the least distance between the front lot line and the building or any projection thereof other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot is considered the front lot line, regardless of where the building entrance is located.

59. "Yard Rear". A yard extending across the full width of the lot and measured, using the least distance, between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots, the opposite end of the lot from the front yard.

60. "Yard Side". A yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

61. "Zoning Administrator/Administrative Officer". Shall mean the public works director.

6-126-2 DISTRICTS ESTABLISHED - ZONING MAP. For the purpose of this ordinance, the following four (4) classes of districts are hereby established within the city as shown on the "Official Zoning Map", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance:

- A -Agricultural District
- R -Residence District
- RM -Mobile Home Park District
- C -Commercial District

HC -Highway Commercial District
M -Industrial District

The Official "Zoning Map" shall be identified by the signature of the mayor, attested by the city clerk under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Ordinance of the City of Villisca, Iowa, adopted on this _____ day of _____, 1998."

1. Zoning Map - Change in District Boundaries. If, in accordance with the provisions of this ordinance and Chapter 414, Code of Iowa, changes are made in district boundaries on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the city council.
2. Zoning Map -Final Authority. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City of Villisca.
3. Zoning Map- Interpretation. Where there is uncertainty as to the boundaries of districts as shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.
4. Zoning Map- Procedure for Replacement. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the city council may by resolution adopt a new Official Zoning Map which shall superseded the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the mayor attested by the city clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the prior Official Zoning Map. Adopted as part of Ordinance No. of the City of Villisca, Iowa.

6-18-3 APPLICATION OF DISTRICT REGULATIONS. The regulations set by the ordinance within each district shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other rules, regulations, or ordinances, the provisions of this ordinance shall control. The regulations shall apply uniformly to each class or kind of structure or land, except as herein after provided:

1. Building Conformance. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

- a. No building or other structure shall hereafter be erected or altered:
 - i. to exceed the height limit herein established;
 - ii. to accommodate or house a greater number of families;
 - iii. to occupy a greater percentage of lot area;
 - iv. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; or in any other manner be contrary to the provisions of this ordinance.
2. Yards, Open Space, and Off-Street Parking- Shared Use Prohibited. Yards or parts of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall not be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. Yards or Lots- Not to be Reduced. Yards or lots existing at the time of passage of this ordinance shall not be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

6-18-4 NON-CONFORMING USES.

1. Authority to Continue. Any building, structure or use, lawfully established and existing on the effective date of this ordinance, which does not conform to all of the regulations of the district in which it is located, may be continued subject to the provisions of this ordinance. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.
2. Repairs and Alterations. May be made to a non-conforming building, provided that no structural alteration shall be made to a building which is designed or intended for a use not permitted in the district in which it is located, except that structural alterations may be

made if they are required by law or are necessary to make the building and use thereof conform to the regulations of the district.

3. Additions and Expansions, A non-conforming building which is non-conforming as to size, height, or setbacks, or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless such addition, expansion or enlargement conforms to all the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district as to size. A non-conforming use of land shall not be expanded or extended beyond the area it occupies at the date of the adoption of this ordinance.
4. Discontinuation of a Non-Conforming Building or Use. A building, substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a period of two (2) years, shall not thereafter be occupied or used except in a manner which conforms to the use regulations of the district in which it is located. If a non-conforming use of land only is discontinued for a period of six (6) months, such use shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which it is located.
5. Restoration of a Damaged Non-Conforming Building. A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restorations shall exceed sixty percent (60%) of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed sixty percent (60%) of the cost of replacement of the entire building, no repairs or reconstruction shall be made unless such restoration is commenced within one (1) year from the date of the fire or other casualty or act of God and is diligently pursued until completion.
6. Uses under "Special Permit" Uses. Any use for which a special exception is permitted as provided in Section 6-8-14(7) shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use.

6-18-5 GENERAL REGULATIONS.

1. Street Frontage Required. Lots containing any building used in whole or in part for residence purposes shall abut for at least forty feet (40') on at least one (1) street, or have an exclusive unobstructed private easement of access or right-of-way of at least twenty

feet (20') wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement.

2. **Accessory Buildings and Garages.** Accessory buildings shall be erected in any yard other than a front yard as provided hereinafter. Accessory buildings shall be distant at least three feet (3 ') from all lot lines, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure; provided said buildings comply with all yard requirements for a principal building. An accessory building which is not a part of the main building may occupy a maximum of thirty percent (30%) of the rear yard, but shall not exceed fifteen feet (15') in height and shall be distant at least ten feet (10') from other separate buildings on the lot.
 - a. In the "R" District, a private garage is permitted in the rear yard on the same lot with a dwelling, either as a separate building or in a separate room within, or attached to the dwelling, provided that space for not more than three (3) motor vehicles is permitted on one lot. When wholly or partially within the limits of the side yard and attached to a principal building, such garage shall be considered as a part of such principal building and shall conform to all yard and space requirements as specified in this ordinance for principal buildings.
3. **Corner Lots.** For corner lots, platted after the effective date of this ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record at the time of the effective date of this ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be side yard on the longer street side of the corner lot or not less than fifty percent (50%) of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this ordinance to less than twenty-eight feet (28 ') nor to prohibit the erection of an accessory building.
4. **Home Occupations.** Home occupations can be conducted entirely within a dwelling and carried on by the inhabitants thereof; provided that any such activity shall not occupy more than fifty percent (50%) of the floor area of one (1) story of such buildings; provided further that only the proprietor and one additional person shall be regularly employed; provided further there may be a small non-illuminated sign not exceeding two

(2) square feet in area; provided further there is no mechanical equipment except such as is normally used for domestic or household purposes.

5. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the Office of the Council Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this ordinance unless specific yard requirements in this ordinance require a greater setback.
6. **Front Yards- Exceptions.** In areas where some lots are developed with a front yard that is less than a minimum required for the district by this ordinance, or where some lots have been developed with a front yard greater than required by this ordinance, the following rule shall apply. The front yard depth for a principal building located on a lot within two hundred fifty feet (250') measured along the street line from the nearest corner of the lot under consideration, to any portion of two (2) or more lots in the same block and which lots are occupied by dwellings that front on the same street as the proposed principal dwelling, shall be the average front yard depth of such existing dwellings.
 - a. Buildings located entirely on the rear half of a lot shall not be counted.
 - b. Buildings shall not be required to have a front yard greater than fifty feet (50') nor less than that required in the Zoning District in which it is located.
 - c. If no building exists on one (1) side of a lot within two hundred fifty feet (250') of the lot in question, the minimum front yard shall be the same as the building on the other side.
7. **Open Space.** Yards or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall not be considered as providing a yard or open space for any other building. The lot area per family shall not be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
8. **Mobile Homes.** Mobile homes, as defined in paragraph 34 of Section 6-18-2, shall not be used for dwelling purposes in any district, except when located within a mobile home park.
9. **Lots of Record.** Any lot of record on the effective date of this ordinance which is located in any Residence District and which does not comply in area and/or minimum dimensions with the requirements of the district in which it is located may be used for a single-family

structure, provided that all setback and other requirements of this ordinance are complied with.

10. Visibility at Intersections. In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them twenty-five feet (25') from their intersection. Within this triangle no site obstructing object shall be allowed between the height of three feet (3') and ten feet (10') above the elevation of the streets.

11. Fences and Walls. Fences and walls may be up to the lot or property line. Fences and walls may extend not over six feet (6') in height above the natural grade in side yards, and eight feet (8') above the natural grade in rear yards, and not over three feet (3') in height above the natural grade in the front yard. See Section 6-18-5 (10) for corner lots.

6-18-6 A-AGRICULTURAL DISTRICT- REGULATIONS. In "A" Districts, the following regulations shall apply, except as otherwise provided herein:

1. Permitted Uses.

- a. Agriculture, crop and tree farming, truck gardening;
- b. One and two-family dwellings including manufactured homes subject to the following standards:
 - i. For all building permits issued after the effective date of this ordinance, the principal structure shall have a floor area of not less than six hundred forty square feet (640'); and a minimum width for any building elevation of not less than twenty feet (20').
 - ii. All principal structures shall be roofed in the gable or hip styles and shall include an overhang of at least twelve inches (12").
 - iii. All principal structures shall be sided with material other than flat or corrugated sheet metal. Siding shall extend to within 6" of the ground adjacent to the structure.
 - iv. All principal structures shall be placed on a foundation system that is provided for by the Uniform Building Code, 1997, or is recommended by the manufacturer, and which make a dwelling permanently attached to the site.

- c. Family homes provided only one dwelling is contained in any one given city block;
 - d. Plant nurseries and greenhouses;
 - e. Public and private schools and education institutions of academic instruction;
 - f. Public museums, libraries, parks, playgrounds, or community centers and similar uses;
 - g. Golf courses, country clubs, tennis courts, and similar recreational uses, provided that such use is not operated primarily for commercial gain;
 - h. Churches and accessory buildings;
 - i. Hospitals, nursing homes, and charitable institutions (not to include penal or correctional institutions);
 - j. Nursery schools and childcare centers;
 - k. Cemeteries often (10) acres or more in size;
2. Special Exception Uses.
- a. The following special exception uses shall be permitted when authorized in accordance with Section 6-18-12:
 - i. Private playgrounds, golf courses and recreational uses; located not less than 200' from and "R" district;
 - ii. Public utility structures and equipment necessary for the operation thereof;
 - iii. Private campground facilities;
 - iv. Energy-promoting, energy-generating or energy-conserving structures;
 - v. Airports;
 - vi. Sand, gravel, rock quarries;
 - vii. Sewage treatment facilities;

- viii. Sanitary landfills in accordance with county and state regulations, except that no sanitary landfill shall be operated with 1,320' of any "R" district;

3. Accessory Uses.

- a. Home occupations (see Definitions; Sec 6-18-7 [3b] for signs);
- b. Customary accessory uses incidental to the permitted use;
- c. Signs, On-Site. One (1) only sign not exceeding eighty (80) square feet in area pertaining to the lease, hire or sale of the building or premises on which such sign is located. Outdoor identification signs or bulletin boards for hospitals, churches, schools and public buildings;
- d. Private garage (subject to Section 6-18-5 [2] and 6-18-1 [22]);
- e. Fences (subject to Section 6-18-5 [10 & 11]);
- f. Roadside stands located not less than twenty feet (20') from street right-of-way line;

4. Space Requirements.

- a. Building Height Limit: 2 ½ stories or thirty-five feet (35') maximum;
- b. Minimum Area and Yards:
 - i. Lot: 43,560 square feet (1 acre), exclusively of road right-of-way.
 - ii. Width: One hundred fifty feet (150').
 - iii. Front Yard Depth: Fifty feet (50') from proposed right-of-way line.
 - iv. Side Yard Width: Twenty feet (20'); twenty-five feet (25') for any other principal building.
 - v. Rear Yard Width: Forty feet (40 ') for any other principal building.

5. Exceptions. For provisions on exceptions see Section 6-18-12.

6-18-7 R- RESIDENCE DISTRICT- REGULATIONS. In the "R" District, the following regulations shall apply except as otherwise provided herein:

1. Permitted Uses.

- a. One and two-family dwellings subject to the following standards:
 - i. For all building permits issued after June 6, 1985, the principal structure shall have a floor area of not less than six hundred forty square feet (640'); and a minimum width for any building elevation of not less than twenty feet (20');
 - ii. All principal structures shall be roofed in the gable or hip styles and shall include an overhang of at least twelve inches (12");
 - iii. All principal structures shall be sided with material other than flat or corrugated sheet metal. Siding shall extend to within 6" of the ground adjacent to the structure;
 - iv. All principal structures shall be placed on a foundation system that is provided for by Uniform Building Code, 1997, or is recommended by the manufacturer, and which make a dwelling permanently attached to the site;
- b. Family homes to be permitted provided only one dwelling is contained in any one given city block;
- c. Multi-family dwellings;
- d. Churches and accessory buildings;
- e. Public museums, libraries, parks, playgrounds, or community centers and similar uses;
- f. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain;
- g. Swimming pools, public and private;
- h. Hospitals;
- i. Public and private schools and educational institutions of academic instruction;
- j. Nursery schools and childcare centers;

- k. Boarding and/or lodging houses, provided that there be no conspicuous advertising signs;
 - l. Governmental buildings, except maintenance and storage buildings;
 - m. Clinics, sanitariums, dispensaries, home for the aged, nursing homes, educational, religious, philanthropic or charitable nature.
 - n. Funeral Homes
2. Special Exception Uses.
- a. The following special exception uses shall be permitted when authorized in accordance with Section 6-18-14(7):
 - b. Water Reservoirs;
 - c. Telephone transmission equipment buildings;
 - d. All other uses of similar character as may be determined by the Board of Adjustment;
 - e. Governmental buildings used for maintenance and/or storage;
3. Accessory Uses.
- a. Customary accessory uses and structures incidental to the permitted principal uses;
 - b. Signs, On-Site. One (1) only sign not exceeding eight (8) square feet in area, appertaining only to the lease, hire or sale of the building or premises on which such sign is located, and one (1) only sign, appurtenant to a home occupation or a permitted use, not exceeding two (2) square feet in area, provided that no such sign or nameplate shall emit any flickering, flashing or glaring light, provided that these signs shall conform to the setback line required of any principal building. Also, outdoor signs or bulletin boards for churches, schools and other public buildings not exceeding sixteen (16) square feet and not erected within twenty-five (25) feet of a street line;
 - c. Private garage (see Section 6-18-5[2] and 6-18-1[22]);
 - d. Home occupations (see Section 6-18-7 [3b]);

e. Fences (subject to 6-18-5 [10 & 11]).

4. Building Height Regulation.

a. Two and one-half (2 ½) stories, but not exceeding thirty-five (35) feet in height and no accessory structure shall exceed one (1) story or twelve (12) feet in height.

5. Minimum Lot Area (square feet).

	One-Family	Two Family	Three Family
Public water and sewer	7,200	12,000	12,000
Public water, no sewer	20,000	30,000	30,000
Public water and sewer available	6,500	12,000	12,000*

*Maximum three (3) units. Add two thousand square feet (2,000 s.f.) for each (1) or two (2) family maximum occupancy unit over three (3) and four thousand square feet (4,000 s.f.) for each three (3) family and above maximum occupancy unit over the first three (3) multi-family dwelling unit permitted.

6. Minimum Lot Width (feet).

	One-Family	Two Family	Three Family
Public water and sewer	60	80	80
Public water, no sewer	100	120	120
Public water and sewer available	66	80	80**

** Add fifteen feet (15') for each additional unit over the first three (3) dwelling unit permitted.

7. Minimum Front Yard Depth.

- a. Twenty-five feet (25') for a one-family dwelling.
- b. Thirty feet (30') for a two-family or multi-family dwelling.
- c. Fifty feet (50') for any other principal building.

8. Minimum Side Yard Width.

- a. Five feet (5') on each side for a one-family dwelling.

- b. Ten feet (10') on each side for a two-family or multi-family dwelling.
- c. Twenty feet (20') on each side for any other principal building.
- d. On lots of record at the time of adoption or amendment of this ordinance having width less than sixty feet (60'), the side yards may be reduced for single-family dwellings only as follows:

9. Minimum Rear Yard Depth.

- a. Thirty-five feet (35') for a dwelling and forty feet (40') for any other building.

10. Exceptions. See Section 6-18-12

6-18-8 RM - MOBILE HOME PARK DISTRICT. The "RM" District is a district designed to be used exclusively by mobile home parks, the following regulations shall apply except as otherwise provided herein:

1. Permitted Uses. Any site, lot, field, or tract of land on which two or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes, or other compatible uses as defined by Section 6-18-2 [34, 35, 36]), are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.
 - a. All principal structures shall be placed on a foundation system, concrete pad or site, and affixed to the earth with a tie-down system that is provided for by Uniform Building Code, 1997, or is recommended by the manufacturer;
 - b. Churches and accessory buildings;
 - c. Private Parks, playgrounds, or community centers and similar uses;
 - d. Golf courses, tennis courts, and similar recreational uses;
 - e. Park swimming pool;
2. Special Exception Uses. The following special exception uses shall be permitted when authorized in accordance with Section 6-18-4 (7):
 - a. All other uses as may be determined by the Board of Adjustment;

3. Accessory Uses. Customary accessory uses and structures incidental to the permitted principal uses; including service buildings which provide laundry facilities, accessory supplies, vending machines and similar services, park management buildings, maintenance buildings and other similar uses. All such buildings shall be located in one central area and restricted to use by park occupants.
 - a. Signs, On-Site. One (1) only sign not exceeding twenty (20) square feet in area pertaining to the identification of the mobile home park, provided that no such sign shall emit any flickering, flashing or glaring light, and provided that these signs shall conform to the setback line required of any principal building, and such sign shall be located at the entrance of the park
 - b. Private garage when allowed by park regulations and constructed in compliance with Section 6-18-5 [2] and 6-18-1[22];
 - c. Home occupations when allowed by park regulations and in compliance with Section 6-18-7[3b]
 - d. Park fences subject to Section 6-18-5[10 & 11]. Interior fences when allowed by park regulations and in compliance with Section 6-18-5 [10 & 11].
4. Building Height Regulation. Two and one-half (2 ½) stories, but not exceeding thirty-five (35) feet in height and no accessory structure shall exceed one (1) story or twelve (12) feet in height.
5. Minimum Park Area (square feet).
 - a. Minimum park area shall be two (2) acres.
 - b. The front yard set back shall be measured from all streets on which the park abuts shall be seventy-five feet (75');
 - c. The side yard shall be thirty-five feet (35');
 - d. The rear yard shall be thirty-five feet (35');
 - e. Each lot site on which a mobile home, manufactured home, or modular home is placed shall have the following minimum requirements:
 - i. Site area: Four thousand (4,000) square feet
 - ii. Lot frontage: Forty feet (40')

- iii. Lot depth: One Hundred feet (100')
- iv. Front yard set back: Fifteen feet (15')
- v. Side yard set back: Five feet (5')
- vi. Rear yard set back: Ten feet (10')
- vii. Each site shall provide a one each paved off street parking space of no less than 250 square feet;
- f. The entrance road connecting the park streets to the public street system and any interior park streets shall be a minimum thirty-five feet (35') right-of-way, and shall be paved with asphalt concrete or PCC pavement in accordance with the provisions of the city subdivision ordinance standards;
- g. The park shall be connected to the municipal water and sanitary sewer systems, and each site shall be serviced individually by a water, sanitary sewer, and electric connection.

6. Exceptions. See Section 6-18-12.

C- COMMERCIAL DISTRICT REGULATIONS.

1. Permitted Uses. Uses permitted in the "R" District;

A. Any local retail business or service establishment such as the following:

- Animal hospital, veterinary clinic or kennel
- Antique shop
- Apparel shop
- Art goods and bric-a-brac shop
- Artist shop and studio
- Automobile, truck, farm implement and mobile home sales and repair
- Baby store
- Bakery, whose products are sold only at retail and only on the premises
- Ballrooms and dance halls
- Bank, including drive-in teller service
- Barber shop or beauty parlor
- Bars and taverns
- Bicycle and motorcycle shop - sales and repair

Billboards
Billiard parlors and pool halls
Bookbinding, bookstores
Bowling alleys
Candy shops
Clothes dry cleaning
Cocktail lounges or taverns
Contractor's shop and warehouse
Commercial parking lots
Dairy store - retail
Dance and/or music studio
Drive-in eating and drinking establishment
Drugstore
Electric substations
Florist shop
Fruit and vegetable market
Furniture store
Garages, public
Gasoline service stations
Golf-driving range and miniature golf course
Gift shop
Grocery and delicatessen
Hardware store
Hobby Shop
Hotel, motel or motor lodge
Household appliance, equipment, sales and repair
Ice storage and distributing station of not more than five (5) ton capacity
Jewelry shop
Launderette and similar businesses
Laundry
Lawn mower repair shop
Locker plants
Lumber yard and sales
Monument sales and engraving
Office building
Packaging of candy, confections and/or frozen foods
Paint and wallpaper store
Photographic studios
Post office substation
Printing and/or publishing business
Radio and television - sales and repair
Real estate office

Restaurant, cafe and soda fountain
Sheet metal shop
Shoe repair shop
Sign painting shop
Sporting goods and camping equipment
Storage warehouse
Tailor shop
Tire repair shops
Truck terminals
Variety store

2. Permitted Accessory Uses and Structures in the Commercial District are as follows:
 - A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district;
 - B. Storage warehouses in conjunction with the permitted principal uses or structures of this district;
 - C. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;
 - D. Dwelling units in a commercial structure.
 - E. Business or professional offices, supplying commodities or performing services.
3. Special Exception uses. The following special exception uses shall be permitted when authorized in accordance with Section 6-18-11(7):
 - A. Any special exception use permitted in a class "R" district;
 - B. Automobile painting and upholstering;
 - C. Business, technical, and trade schools;
 - D. Caretakers quarters;
 - E. Railway passenger stations;.
 - F. All other uses of similar character, as may be determined by the Board of Adjustment.

4. Accessory Uses.
 - A. Accessory uses as permitted in the "R" District;
 - B. Accessory uses and structures customarily incidental to any permitted principal uses;
5. Building Height Limits. Three (3) stories, but not exceeding forty-five feet (45') in height;
6. Minimum Lot Area. For single-family dwelling; same as in the "R" District. No requirement for any other building.
7. Minimum Lot Width. For a dwelling and any building containing any dwelling units; same as in the "R" District. No requirement for any other buildings.
8. Minimum Front Yard Depth. For single-family dwelling, same as in "R" District. No requirement for other buildings.
9. Minimum Side Yard Width. None required except as follows:
 - A. Side yards shall be required for a dwelling unit as required in the "R" District;
 - B. A side yard of not less than eight feet (8 ') shall be required on that side of a lot which adjoins the "R" District.
10. Minimum Rear Yard Depth. Twenty feet (20') for commercial buildings. For each foot that the front yard is increased over twenty-five feet (25'), the rear yard may be decreased proportionately; except that where the rear yard adjoins the side lot line of a lot in the "R" District, there shall be a minimum rear yard of eight feet (8 ') required adjacent to said lot line.
11. Exceptions. See section 6-18-12.
12. Signs. Permitted signs in the C District are as follows:
 - A. Advertising signs, billboard and trade, business or industry identification signs provided that:
 - 1) Signs attached to a building shall not project above the height of the building and shall be flat, wall-mounted signs projecting not more than one foot (1 ') from the face of the building, except identification signs of less than two square feet in area.

2) Signs attached to a building shall not project above the height of the building and shall be flat, wallmounted signs projecting not more than one foot from the face of the building, except identification signs of less than two square feet in area.

3) Wall-mounted signs shall not exceed one hundred square feet in area or more than two square feet per linear foot of building frontage, whichever is smaller.

4) All new signs or all signs being replaced shall be flush-mounted.

B. No sign or billboards shall be located in, overhang, or project into a required yard except as otherwise provided for herein.

C. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

D. In the event a nonconforming sign is removed, it shall be replaced only by a sign conforming to the provisions contained herein.

6-18-10 HC- HIGHWAY COMMERCIAL DISTRICT REGULATIONS. The "HC- Highway Commercial District" is one designed to provide the highway services necessary for the highway user which will be compatible with other land uses and retain the orderly development of the community.

1. Permitted Uses. Uses permitted in the "C" District and:

a. Any primary business or service establishment such as the following:

Hotels and motels; Automobile, truck, farm implement and mobile home sales and service repair; Restaurant and restaurant lounges

2. Special Exception Uses. The following special exception uses shall be permitted when authorized in accordance with Section 6-18-14(7):

a. Any special exception use permitted in a class "R" district;

b. Automobile painting and upholstering;

c. Business, technical, and trade schools;

- d. Caretakers quarters;
 - e. Railway passenger stations;
 - f. All other uses of similar character, as may be determined by the Board of Adjustment.
3. Accessory Uses. Accessory uses as permitted in the "R" District;
- a. Accessory uses and structures customarily incidental to any permitted principal uses;
4. Signs. Permitted signs shall be as follows:
- a. Temporary signs advertising the sale or lease of the premises not to exceed thirty-two square feet in area.
 - b. Billboards and advertising signs, provided that:
 - i. They are not within two hundred fifty feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semipublic building or another billboard or advertising sign facing the same direction.
 - ii. No billboard or advertising sign shall exceed seven hundred fifty square feet in area per face or twenty-five feet in height.
 - c. Trade, business or industry identification signs for the firms located on the site, provided that:
 - i. Freestanding signs shall not exceed seventy-five square feet in area or thirty-five feet in height.
 - ii. Signs mounted or painted on the wall of a building shall not exceed twenty percent of the area of the wall on which they are located or one (100) hundred square feet, whichever is smaller.
 - iii. Signs attached to a building shall not project above the height of the building and shall not have more than twenty-five (25) square feet of area.

Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back-to-back sign, and all signs shall be

maintained in a neat, safe, presentable condition and in the event their use shall cease, they shall be promptly removed.

5. Building Height Limits. Three (3) stories, but not exceeding forty-five feet (45') in height;
6. Minimum Lot Area. For single-family dwelling; same as in the "R" District. No requirement for any other building except where living facilities are hereafter erected or altered above stores or other commercial uses, there shall be provided a lot area of not less than one thousand square feet (1,000') per dwelling unit.
7. Minimum Lot Width. For a dwelling and any building containing any dwelling units; same as in the "R" District. No requirement for any other buildings.
8. Minimum Front Yard Depth. One-hundred feet (100'). When fronting on the right-of-way of a major thoroughfare shown on the official city street map, the front yard shall be measured from the proposed right-of way line.
9. Minimum Side Yard Width. None required except as follows:
 - a. Side yards shall be required for a dwelling and any building containing any dwelling units as required in the "R" District;
 - b. A side yard of not less than eight feet (8 ') shall be required on that side of a lot which adjoins the "R" District.
10. Minimum Rear Yard Depth. Thirty-five feet (35'). For each foot that the front yard is increased over twenty-five feet (25'), the rear yard may be decreased proportionately; except that where the rear yard adjoins the side lot line of a lot in the "R" District, there shall be a minimum rear yard of eight feet (8 ') required adjacent to said lot line.
11. Exceptions. See Section 6-18-12

6-18-11 M- INDUSTRIAL DISTRICT REGULATIONS. In the "M" district, the following regulations shall apply except as otherwise provided herein:

1. Permitted Uses.
 - a. Uses permitted in the "C" District, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any

premises requiring them to live on said premises, including families of such employees when living with them;

b. Any of the following uses:

Grain elevators, feed mixing, and grinding.

Automobile assembly and major repair.

Creamery bottling, ice manufacturing, and cold storage plant.

Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceutical and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

Manufacturing, compounding, assembling or treatment of articles of merchandise from previously prepared materials such as bone or cloth, cork, fiber, leather, paper plastics, metals or stones, tobacco, wax, yarns, and wood.

Manufacture of musical instruments, novelties, and molded rubber products.

Manufacture or assembly of electrical appliances, instruments, and devices.

Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

Laboratories - experimental, film, or testing.

Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.

Blacksmith, welding, or other metal shop.

Foundry.

Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

Crematory- if located not less than two hundred (200) feet from the "R" District.

Enameling, lacquering, or japanning.

Concrete mixing plants, gravel, sand and concrete storage and sales, concrete products manufacture.

Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.

Building material sales yards, lumber yard, contractor's equipment storage yard or plant or rental of equipment commonly used by contractors and storage yards for vehicles of a delivery or drying service.

Inflammable liquids.

Truck terminal or yard, including repair.

Milk processing and canning factories.

Hatcheries of all kinds.

2. Other Uses. Any other use not otherwise prohibited by law; provided, however, that the following uses shall be permitted subject to approval by the city council after public hearing and after report by the Planning and Zoning Commission:

- a. Garbage offal or dead animal reduction or dumping;
- b. Acid manufacture;
- c. Cement, lime, gypsum, or plaster of paris manufacture;
- d. Correctional institutions;
- e. Distillation of bones, coal, tar, petroleum, refuse, grain or wood;
- f. Drilling for or removal of oil, gas, or other hydro-carbon substance;
- g. Explosives manufacture or storage;
- h. Fat rendering;
- i. Fertilizer manufacture;
- j. Gas manufacturer;
- k. Glue manufacturer;
- l. Hog operation;
- m. Mineral extraction, including sand and gravel;
- n. Petroleum or petroleum products refining;
- o. Rubber goods manufacture;
- p. Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags, storage or bailing. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden, metal or masonry fence or wall not less than six feet (6 ') in height and so constructed that it completely obscures the view of the operations on the premises from surrounding streets or private property;
- q. Smelting of ores;

- r. Stockyard or slaughter of animals, except poultry or rabbits;
 - s. Tannery. Livestock buying stations;
 - t. Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise or may impose hazard to health or property.
3. Required Conditions. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred feet (100') from an "R" District boundary, except where adjoining a railroad right-of-way.
 4. Building Height Limit. Three (3) stories but not more than fifty feet (50').
 5. Minimum Lot Area. No minimum.
 6. Minimum Lot Width. No minimum.
 7. Minimum Front Yard Depth. Thirty feet (30'). When fronting on the right-of-way of a major thoroughfare the front yard shall be measured from the proposed right-of-way line.
 8. Minimum Side Yard. None required except adjacent to the "R" District, in which case, not less than one hundred feet (100'), except where adjoining a railroad right-of-way.
 9. Minimum Rear Yard Depth. Forty feet (40'), unless the rear lot line adjoins a railroad right-of-way, in which case, none is required.
 10. Exceptions. See Section 6-18-12.

6-18-12 EXCEPTIONS- INTERPRETATION

1. Structures Permitted Above Height Limit. The building height limitations of this ordinance shall be modified as follows:
 - a. Chimneys, cooling towers, fire towers, grain elevators, monuments, pent houses, stacks, stage towers or scenery lofts, tanks, silos, water towers, ornamental towers, and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.

- b. Public, semi-public or public service buildings, hospital, sanitariums, or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one (1) foot, in addition to the minimum yard requirements for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.
2. Double Frontage Lots. Buildings on double frontage lots extending through from street to street shall provide the required front yard on both streets.
3. Rear Yards Adjacent to Alleys- How Computed. In computing the depth of a rear yard where the rear yard opens on an alley, one-half (1/2) of the alley width may be including as a portion of the rear yard.
4. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed with any building or structure except for a permitted accessory building in a rear yard and except for ordinary projections not to exceed twenty-four inches (24") including roof overhang.
5. Certificates of Zoning Compliance for new-Altered or Nonconforming Uses.
 - a. It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises or both or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative officer stating that the proposed use of the building or land conforms to the requirements of this ordinance.
 - b. Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed in conformity with the provisions of this ordinance.
 - c. A temporary certification of zoning compliance may be issued by the Administrative Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.
 - d. The Administrative Officer shall maintain a record of all certificates of zoning compliance and copies shall be furnished upon request to any person.

- e. Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Section 6-18-18.

6-18-13 SPECIAL PERMITS. The City Council may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are otherwise prohibited by this ordinance. Notice of time and place of hearing shall be given to all affected property owners at least ten (10) days in advance of the hearing by placing notices in the United States mail.

1. Any public building erected and used by any department of the City, Township, County, State, or Federal Government for maintenance or storage;
2. Airport or landing field;
3. Homes for the aged, nursing homes, nonprofit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or charitable character; provided, that the building shall be set back from all property lines a distance of not less than two feet (2') for each foot of building height but not less than the yard requirements for the district in which located;
4. Report from Planning and Zoning Commission. Before issuance of any special permit for any of the buildings or uses listed in Section 6-18-13, the city council shall refer the proposed application to the Planning and Zoning Commission, which commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general welfare of the public. No action shall be taken upon any application for a proposed building or use referred to in Article 6-18-13 until and unless the report of the Planning and Zoning Commission has been filed; provide, however, that if no report is received from the Planning and Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the commission.

6-18-14 BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established which shall consist of five (5) members. The term of office of the members of the Board and the manner of their appointment shall be as provided by Section 414.8, Code of Iowa.

1. Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witness. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions,

all of which shall be immediately filed in the Office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

2. Appeals. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Villisca affected by any decision of the Administrative Officer. Such appeal shall be taken within ten (10) days by filing with the Administrative Officer and with the Board, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board after notice of appeal shall have been filed with him, that by no reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the Administrative Officer and on due cause shown.

3. Fee for Appeal. Twenty-five dollars (\$25.00).
4. Hearings- Notice. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
5. Powers- Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this ordinance.
6. Powers- Special Exceptions. To permit the following exceptions to the district regulations set forth in this ordinance subject to the requirements of this section:
 - a. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare;
 - b. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one district;
 - c. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this ordinance; to decide such questions as

are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board unless and until:

- i. A written application for special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested,
- ii. Notice of time and place of the Board's meeting and of the purpose shall be given in advance of the public hearing. The owner of the property for which the special exception is sought, or his agent, and any other affected property owners shall be notified by mail. Notice of the hearing may also be posted on the property for which the special exception is sought,
- iii. The public hearing shall be held. Any party may appear in person, or by agent or attorney,
- iv. The Board shall make a finding that it is empowered under the Section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 6-18-18 of this ordinance. The Board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set, shall void the special exception.

7. Powers - Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board unless and until:

- a. A written application for variance is submitted demonstrating:

- i. That special conditions and circumstances exist which are a peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or building in the same district;
 - ii. That literal interpretation of the provisions of this ordinance would deprive the applicant rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - iii. That special conditions and circumstances do not result from the actions of the applicant;
 - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- b. Notice of public hearing shall be given in advance of the public hearing. The owner of the property for which the variance is sought, or his agent, and any other affected property owners shall be notified by mail.
- c. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
- d. The Board shall make findings that the requirements of this Section have been met by the applicant for a variance.
- e. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance.
- f. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 6-18-18 of this ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

8. Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board may so long as such action is in conformity with the terms of this ordinance reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Officer from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.

9. Judicial Review of Decision. Any taxpayer, or any officer, department, board, or bureau of the City of Villisca, or any persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole, or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

6-18-15 APPEALS. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Officer, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

1. City Council Authority. It is further the intent of this ordinance that the duties of the city council in connection with this ordinance shall not including hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in the previous section of this ordinance. Under this ordinance, the city council shall have only the duties of:
 - a. Considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law; and
 - b. Considering applications for special permits as specified in Section 6-18-13; and
 - c. Considering applications for uses listed in the M-Industrial District.

6-18-16 CHANGES AND AMENDMENTS. The city council may on its own motion or on petition after public hearing as provided by law and after report by the Planning and Zoning Commission amend supplement or change the boundaries or regulations herein or subsequently

established. Any owner or owners of property may present a petition duly signed and verified, requesting an amendment, supplement, or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least fifty percent (50%) of the area included in such proposed change and by the owners of fifty percent (50%) of the property within three hundred feet (300') therefrom, and said petition shall be filed with the Planning and Zoning Commission.

1. Planning and Zoning Commission Report - Council May Over-ride. The Planning and Zoning Commission shall make a report to the city council within sixty (60) days from the date of receipt of such petition. In case the proposed amendment, supplement, or change be disapproved by the Planning and Zoning Commission, or in case of a protest against any proposed amendment or change signed by the owners of twenty percent (20%) or more either of the area of lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed two hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the member of the city council.

6-18-17 FEES. Certificate of Zoning Compliance. The fee for certificate of zoning compliance shall be as follows:

1. New Structure- \$1.00 per one-thousand dollars or any part thereof, valuation with a minimum of \$5.00 for a building permit. The building permit fee shall include the certificate of zoning compliance.
2. Change of Use. The fee for a change of use shall be as follows:

Residential use	\$ 5.00
Any Other Use	\$10.00

6-18-18 ADMINISTRATION AND ENFORCEMENT. Permits and Licenses to be Issued to Conforming Uses Only. All departments, officials, and employees of the City of Villisca who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provision of this ordinance.

1. Penalties for Violation.
 - a. Administration and Enforcement Authority. The provisions of this ordinance shall be enforced and administered by the Administrative Officer. If the Administrative Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the

nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures: removal of illegal buildings or structures or of additions, alterations or structural additions thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

- b. **Complaints Regarding Violations.** Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the administrative officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.
- c. **Permits and Licenses to be Issued to Conforming Uses Only.** All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this title.
- d. **Penalties for Violation.** Violation of the provisions of this ordinance, or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
 - i. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other persons who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 SUBDIVISION REGULATIONS

6-19-1 Title	6-19-7 Final Plats
6-19-2 Jurisdiction	6-19-8 Variations and Exceptions
6-19-3 Definitions	6-19-9 Changes and Amendments
6-19-4 Procedure	6-19-10 Enforcement
6-19-5 Design Standards	6-19-11 Fees
6-19-6 Preliminary Plants	6-19-12 Validity

6-19-1 TITLE. These regulations shall be known as the "Subdivision Ordinance of Villisca, Iowa."

6-19-2 JURISDICTION. In accordance with the provisions of Chapter 354.9 of the Iowa Code, as amended, this ordinance is adopted by the City of Villisca, Iowa, governing the subdivision of all lands within the corporate limits of the City and within two (2) mile adjacent to said corporate limits.

6-19-3 DEFINITIONS. For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory, and the word may is permissive.

1. "Block" means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
2. "Building line" shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than is required by the Zoning Ordinance. Where the subdivided land is not under zoning control, the Commission shall require the building lines in accordance with the needs of each addition.
3. "Commission" means the Planning and Zoning Commission.
4. "Council" means the City Council of Villisca, Iowa.
5. "Collector Streets" means those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal interest streets of a residential development and streets for circulation within such development.

6. "Cul-de-Sac" means a short, minor street, having one end open to motor traffic; the other end being permanently terminated by a vehicular turnaround.
7. "Easement" means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
8. "Engineer" means a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.
9. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership, or for building development.
10. "Major thoroughfare" means a street primarily used for fast, large volume traffic.
11. "Marginal access street" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
12. "Minor street" means a street primarily used for access to abutting properties.
13. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this ordinance.
14. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in final form.
15. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
16. "Subdivision" means the division of land into three (3) or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easements. The term, when appropriate to the context, relates to 'the process of sub-dividing or to the land subdivided, or to the re-subdivision of land heretofore divided or platted into lots or other divisions of land; or, if a new street is involved, to any division of land.

17. "Surveyor" means a registered surveyor authorized to practice surveying as defined by the Registration Act of the State of Iowa.

6-19-4 PROCEDURE. The procedure for approval of a preliminary plat is as follows:

1. **Submission Required.** Whenever the owner of any tract or parcel of land within the jurisdiction of this ordinance wishes to subdivide or plat the same, he shall cause to be prepared a preliminary plat of said subdivision and shall submit three (3) copies of said preliminary plat and other information to the City Clerk. The preliminary plat shall contain such information and data as outlined in Section 6-19-6 hereof.
2. **Review by Engineer.** The City Clerk shall immediately refer copies of the preliminary plat to the Planning and Zoning Commission and to the City Engineer. The City Engineer shall carefully examine said plat as to its compliance with the ordinances of the City, the existing street system, and good engineering practices; and, as soon as possible, shall submit findings to the Commission.
3. **Commission Action.** After receiving the City Engineer's report, the Planning and Zoning Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by him. The Commission shall approve or reject such plan within forty-five days (45) after the date of submission thereof to the Commission. If the Commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one hundred eighty (180) days after the date of approval.
4. **Public Hearing.** Before approving a preliminary plat, the Commission may, in its discretion, hold a public hearing on the proposed plat. Notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing.

6-19-5 DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances; however, in the design and development of a plat, the subdivider should use standards consistent with the site conditions so as to insure an economical, pleasant, and durable neighborhood.

1. Streets.

- a. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan, Land Use Plan, or most recent Community Builder Program Plan.
- b. Continuation of Existing Streets. Proposed streets shall provide for continuation of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.
- c. Circulation. The street pattern shall provide for ease of circulation within the subdivision, as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street may eventually be extended beyond the plat, but is temporarily deadended, an interim turnaround may be required.
- d. Street Intersections. Street intersections shall be as nearly at right angles as possible.
- e. Cul-de-Sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one-hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than twenty-five (25) feet. A turnaround diameter greater than one-hundred (100) feet may be required by the Commission in the case of commercial or industrial subdivisions, if it is deemed necessary.
- f. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended, although the various portions be at considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
- g. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

- h. Half streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- i. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street parking and loading purposes. Except where justified by unusual conditions, alleys will not be appropriate in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- j. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purposes of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel straightening or relocation.
- k. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- l. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.
- m. Major Thoroughfares. When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means:
 - i. A parallel street supplying frontage for lots backing onto the traffic way.
 - ii. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing on to the highway.
 - iii. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.

- iv. A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.
 - n. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.
 - o. Railroads. If a railroad is involved, the subdivision plat should:
 - i. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
 - ii. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back on to the railroad, or form a buffer strip for park, commercial, or industrial use.
 - iii. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereon to.
 - p. Street Widths. Streets shall have a width and cross-section as shown in the Comprehensive Plan for the type of street involved.
 - q. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the City Engineer; for secondary and minor streets, fifteen (15) times. The grade alignment and resultant viability, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.
 - 2. Blocks. No block shall be longer than one-thousand three hundred and twenty (1,320) feet. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as standard.

3. Lots. Corner lots shall have a minimum width of seventy-five (75) feet in order to permit adequate building setbacks on both front and side streets. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of larger commercial or industrial lots. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - a. Lots which cannot be reasonably served by an existing sanitary public sewer system and public water mains, shall have a minimum width of one-hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
 - b. Lots which are not within a reasonable distance of a public sanitary sewer system, but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of not less than ten thousand (10,000).
 - c. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
4. Improvements. The subdivider shall install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision of the City Council and to its satisfaction.
 - a. Paving. Minimum paving required: Portland cement concrete-six inch (6") reinforced (3,000 p.s.i.), or seven inch (7") non-reinforced with six inch (6") integral curb; asphaltic concrete-seven inch (7") with five inch (5") coarse graded binder coarse, and two inch (2") fine graded surface coarse with six inch (6") cement concrete curb integral with twenty-four inch (24") cement concrete gutter (30" overall); asphaltic concrete must be approved by the City Engineer.
 - b. Water. Water mains shall have a minimum diameter of four inches (4") with larger sizes for feeder mains. Water mains shall be at least two feet (2') outside of the curb or traveled roadway on the high side of the street; with a minimum cover of sixty inches (60"). Water lines shall be available to each lot.
 - c. Sewers. Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving of the street. Sanitary sewers shall have a minimum diameter of eight inches (8") and be made available to each lot. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be in accordance with the State Board of Health.

- d. Storm Sewers and Drainage Facilities. Storm sewers shall have a minimum diameter of twelve inches (12") and larger as the increase in drainage area demands. Storm sewers are to be located on the low side of the street well outside of the curb or traveled roadway line. Storm drainage facilities shall be provided, such as storm sewers and intakes and suitable permanent culverts or bridges of a size and design approved by the City Engineer.
- e. Gas. Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.
- f. Underground Cables. Underground cables shall be laid either just outside the property line or at the back lot line within the area of the perpetual easement. Overhead lines shall be placed at the back lot lines within the area of perpetual easement.

Before the City Council approves the final plat, all the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the subdivider and the City.

This requirement may be waived if the subdivider will post a performance bond or certified check with the City Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape, and arrangement of the lots is being changed and no new streets are required and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

6-19-6 PRELIMINARY PLATS. The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider or his representative may call at the office of the

Commission in advance of the preliminary plat to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Three (3) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be 1" = 50" on small subdivisions unless otherwise approved by the Commission.
2. Contents of Preliminary Plats.
 - a. Name of subdivision, date, compass point, scale, and official description and acreage of the property being platted.
 - b. Name and address of recorded owner and/or developer.
 - c. Name and address of Engineer or surveyor.
 - d. Existing buildings, railroads, underground utilities, other rights-of-way, and easements.
 - e. Location names and widths of all existing and proposed roads, alleys, streets, or highways in or adjoining the area being subdivided.
 - f. Location and name (s) of adjoining subdivisions.
 - g. Proposed lot lines with appropriate dimensions.
 - h. Areas dedicated for public use, such as schools, parks, playgrounds, and streets.
 - i. Contour lines at intervals of not more than five (5) feet.
 - j. Building setback lines.
 - k. Boundaries of the proposed subdivision shall be indicated by a heavy line.
 - l. Zoning classification of the area.
 - m. Proposed utility service
 - i. Source of water supply.
 - ii. Provision for sewage disposal, drainage, and flood control.

- n. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
 - o. Lot numbers.
 - p. Easements for public utility purposes.
 - q. Corner radii.
3. Accompanying Material. Accompanying material shall include:
- a. An abstractor's title together with an attorney's opinion, in duplicate, showing that the fee title to the subdivision is in the owner as shown on the plat and showing any encumbrances that may exist against said land.
 - b. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

6-19-7 FINAL PLATS. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be 1" =50' on small subdivisions and 1"=100' on large subdivisions, unless otherwise approved by the Commission.

1. Contents of the Final Plat.
 - a. Name of subdivision.
 - b. Scale and compass point.
 - c. Corner radii.
 - d. Curve data, including delta angle, length of arc, degree of curve, and tangent.
 - e. Boundary of subdivided area in heavy line, with accurate distances, bearings, or boundary angles.
 - f. Exact name, location, width, and lot designation of all streets within the subdivision.
 - g. Easements for public utilities showing width and use intended.

- h. Building setback lines with dimensions.
 - i. Official legal description and acreage of the property being subdivided.
 - j. Lot numbers and dimensions.
 - k. Certification of registered engineer and/or land surveyor.
 - l. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
2. Accompanying Material.
- a. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and a five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, etc., to be placed under the streets and alleys. Profiles shall be drawn with North oriented to the top or left side of the drawing.
 - b. Any protective covenants or restrictions to be imposed upon the Plat shall be submitted for approval.
 - c. A deed to the City, properly executed, for all streets intended as public streets and for any other property intended for public use.
 - d. The following certificates:
 - i. By the owner and his spouse, if any, that the subdivision is with the owner's free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
 - ii. Performance bond, if any.
 - iii. Resolution and certificate for approval by the Council and signature of the Mayor and Clerk.
 - iv. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances, along with any bonds securing the encumbrances.

- v. A certificate from the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and the certified special assessments are secured by bond in compliance with Section 354.12 of the Iowa Code.
3. Recording Plat. There shall be three (3) copies of the final plat stamped as approved by the Council. The copies shall be filed as follows:
 - a. One (1) copy shall be retained for file with the Clerk.
 - b. One (1) copy shall be filed with the County Recorder.
 - c. One (1) copy with the accompanying resolution by the City Council approving and accepting the plat, shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

6-19-8 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the City Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but, at the same, so that the public welfare and interest of the City and surrounding area is protected, and the general intent and spirit of these regulations is preserved.

6-19-9 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the City Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a Public Hearing has been held, public notice of which shall be given in a newspaper of general circulation at least four (4) and not more than twenty (20) days prior to such hearing.

6-19-10 ENFORCEMENT.

1. Validity. No plat or any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.
2. City Funds. The City Council shall not permit any public improvements over which it has control to be made from City Funds or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption

of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein and accepted by the City Council as a public street.

6-19-11 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or his agent shall deposit with the City Clerk a fee of ten dollars (\$10.00) to be credited to the General Fund of the City.

6-19-12 VALIDITY. If any section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 20 URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
347	August 12,2014	Villisca Urban Renewal Area

ORDINANCE NO. 347

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Villisca Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Council of the City of Villisca, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Villisca Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Villisca to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Villisca, Iowa.

"County" shall mean Montgomery County, Iowa.

"Urban Renewal Area" shall mean the Villisca Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on August 12, 2014:

Certain real property situated in the City of Villisca, Montgomery County, Iowa, more particularly described as follows:

701 South U Avenue in the City of Villisca, County of Montgomery, State of Iowa bearing Montgomery County Property Tax Identification Parcel Number 641227151001000.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area 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 Urban Renewal Area 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 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 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 Urban Renewal Area 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 Urban Renewal Area 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 levy program 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 Urban Renewal Area 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 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.

(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.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law. Passed and approved by the Council of the City of Villisca, Iowa, on August 12, 2014.

Mayor

/s/ Marilyn Halda

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 21 SMALL WIND ENERGY SYSTEMS

6-21-1	Definitions	6-21-9	Sound
6-21-2	Purpose	6-21-10	Compliance with National Electric Code
6-21-3	Findings	6-21-11	Utility Notification
6-21-4	Permitted Use	6-21-12	Insurance
6-21-5	Tower Height/Setback	6-21-13	Abandonment
6-21-6	Requirements for Drawings	6-21-14	Signage
6-21-7	Compliance with FAA	6-21-15	Lighting
6-21-8	Safety		

6-21-1 DEFINITIONS

1. Blade - An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
2. Height, Total System- The height above grade of the wind energy system, including the tower generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.
3. Height Tower- means the height above grade of the fixed portion of the tower, excluding the generation unit and, attached blades or rotors.
4. Qualified Professional-An individual certified by the manufacturer of a wind energy conversion system as qualified to install and/or maintain that manufacturer's wind energy conversion system.
5. Small Wind Energy System. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility-supplied electricity. Shall be incidental and subordinate to a permitted use on the same parcel.
6. Total Extended Height. The height above grade to a blade tip at its highest point.
7. Tower- Vertical structure that supports the electrical generator, rotor blades, or meteorological equipment. Tower shall be limited to a single pole that is constructed without the support of guy-wires.

8. Wind Turbine -A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy.

16-21-2 PUPRPOSE. The purpose of this regulation is to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility-supplied electricity. Regulations for Wind Energy Conversion Systems are in order to protect the public health, safety and welfare of the citizens of the City of Villisca to ensure that all Wind Energy Conversion Systems are appropriately designed, sited and installed.

16-21-3 FINDINGS. The city finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of nonrenewable energy sources. Distributed small wind energy systems will help diversify the state's energy portfolio. Small wind energy systems also make the electricity supply market more competitive by promoting customer choice. The State of Iowa has enacted a number of laws and programs to encourage the use of small-scale renewable energy systems, including net metering, sales tax exemptions, property tax exemptions, production tax credits, and the Small Wind Innovation Zone program.

16-21-4 PERMITTED USE. Use. Small wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. The City of Villisca requires the installer of the small wind energy system, or the owner of the property upon which the system will be installed, to obtain a building permit for the system.

General Regulations.

1. Minimum Lot Size: Two acre minimum lot size required for any tower mounted wind energy system.

Maximum Height: (60) feet. No more than one (1) wind energy system may be placed on any parcel.

2. A wind energy conversion system shall be in compliance with the guidelines of the Federal Aviation Administration (FAA) regulations.
3. No wind energy conversion system shall be constructed within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least 5 (five) feet.

6-21-5 TOWER HEIGHT AND SETBACK. The base of the small wind energy system tower shall be set back from all property lines, public right of ways, and above ground public utility lines at a distance no less than 115% of the total extended height of the tower. Towers shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission, provided that the tower installation complies with the other applicable setbacks herein provided. As long as the total extended height meets the setback requirements in this section, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations as stated in section 4.3.

6-21-6 REQUIREMENT FOR ENGINEERED DRAWINGS/APPROVAL AND SOIL STUDIES.

A small wind energy system of greater than 20 kW, or a small wind energy system mounted on a structure other than a free-standing tower, shall not be erected in the City of Villisca, unless the plans and specifications for the system have received the stamped approval of an Iowa registered engineer. In lieu of obtaining the stamped approval of an Iowa registered engineer for each small wind energy system of 20 kW or less mounted on a free-standing tower, a manufacturer may submit its standard plans and specifications for a 20 kW system on a free-standing tower, including its soils study and foundation plans for such system, for a one-time review and stamped approval by an Iowa registered engineer as suitable for construction in any soil condition that exists in the State of Iowa. If such one-time stamped approval is obtained, that manufacturer may thereafter construct such small wind energy systems of 20kW or less in the City of Villisca, utilizing the approved soils study and foundation plans for the 20 kW small wind energy system, without obtaining and presenting the stamped approval of an Iowa registered engineer for each such installation.

6-21-7 COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS (FAA). No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

6-21-8 SAFETY. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

6-21-9 SOUND. Sound produced by the small wind energy system under normal operating conditions, as measured at the property line, shall: a) not produce sound at a level that would constitute a nuisance; b) shall comply with any local ordinance regulating the volume of sound as a nuisance, if applicable. Sound levels, however, may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe wind storms.

6-21-10 COMPLIANCE WITH NATIONAL ELECTRIC CODE. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical

components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the design and manner of installation conforms to the state National Electric Code.

6-21-11 UTILITY NOTIFICATION. No small wind energy system shall be installed until evidence has been given that the utility company has authorized interconnection of the small wind energy system to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Properties not connected the public utility system shall be exempt from this requirement.

6-21-12 INSURANCE. A person seeking a building permit to erect a small wind energy system shall provide evidence, in the form of a certificate of insurance satisfactory to the city showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

6-21-13 ABANDONMENT. If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the small wind energy system to operating condition. If the owner fails to restore the system to operating condition within the six month time frame, it shall be considered abandoned and the owner shall be required, at owner's expense, to remove the small wind energy system. A small wind energy system that has been abandoned may be abated as a public nuisance.

6-21-14. SIGNAGE. No signs, other than appropriate warning signs, or standard manufacturer's or installer's identification signage, shall be displayed on a wind generator, tower, building, or other structure associated with a small wind energy system, subject to local sign regulation if any.

6-21-15. LIGHTING. No illumination of the turbine or tower shall be allowed unless required by the FAA or unless allowed by applicable city ordinance.