

CHAPTER 1

CODE OF ORDINANCES

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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Charles City, Iowa.

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined in the *Code of Iowa*, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Charles City, Iowa.
3. “Clerk” means the city clerk of Charles City, Iowa.
4. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. “Code of Ordinances” means the Code of Ordinances of the City of Charles City, Iowa.
6. “Council” means the city council of Charles City, Iowa.
7. “County” means Floyd County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Charles City, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
15. “Shall” imposes a duty.
16. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
17. “State” means the State of Iowa.
18. “Statutes” or “laws” means the latest edition of the *Code of Iowa*, as amended.
19. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

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

(Code of Iowa, Sec. 364.1)

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

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

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

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at one hundred and five dollars (\$105.00) but not to exceed eight hundred and fifty-five dollars (\$855.00). Said violator will not be subject to the penalty of imprisonment.[†] *(Ord. 1147 – Nov. 20 Supp.)*

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

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

CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

2.04 Number and Term of Council
2.05 Term of Mayor
2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Charles City, Iowa.

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

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules and regulations of the City.

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

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CHAPTER 3

ELECTION PRECINCTS

3.01 ELECTION PRECINCTS. The City is divided into three election precincts, as follows:

1. First Precinct. The first precinct contains that portion of the City within a boundary commencing at a point of intersection of the west corporate line of the City and the center line of the Cedar River, thence southeasterly along the center line of the Cedar River to the point of intersection of the south corporate line of the City and the center line of the Cedar River, thence commencing west and south continuing along the corporate line back to the point of beginning.
2. Second Precinct. Precinct 2 contains that portion of the City within a boundary commencing at the point of beginning at the intersection of the south corporate line of the City and the center line of the Cedar River; thence east and continuing along the south corporate line to the point of intersection of the south corporate line and the east corporate line at Clark Street (also known as 210th Street); thence north continuing along the east corporate line to the point of intersection of the east corporate line and 5th Avenue (also known as Hwy 18); thence west along 5th Avenue to the point of intersection of 5th Avenue and the Cedar River Railroad; thence northwesterly along the Cedar River Railroad to the point of intersection of the Cedar River Railroad and E Street and; thence south along E Street to the point of intersection of E Street and 4th Avenue (also known as Hwy 18); thence west along 4th Avenue continuing southwest along Brantingham Street to the center line of the Cedar River; thence southeasterly along the centerline of the Cedar River to the point of beginning.
3. Third Precinct. Precinct 3 contains that portion of the City within a boundary commencing at the point of beginning at the intersection of the west corporate line of the City and the centerline of the Cedar River; thence north and continuing along the west corporate line of the City to the point of intersection of the west corporate line and the north corporate line; thence east and continuing along the north corporate line of the City to the point of intersection of the north corporate line and the east corporate line at Triumph Avenue; thence south continuing along the east corporate line of the City to the point of intersection of the east corporate line and the Cedar River Railroad at Fifth Avenue (also known Hwy 18); thence northwesterly along the Cedar River Railroad to the point of intersection of the Cedar River Railroad and E Street; thence south along E Street to the point of intersection of E Street and 4th Avenue (also known as Hwy 18); thence west along 4th Avenue continuing southwest along Brantingham Street to the center line of the Cedar River; thence northwesterly along the centerline of the Cedar River to the point of beginning AND that portion of St. Charles Township north and east of a line beginning at the intersection of the north township line and the centerline of the railroad known as the Canadian Pacific Railroad, thence southeasterly along the I & M Rail Link to the east Township line.

(Ch. 3 – Ord. 1157 – Apr. 22 Supp.)

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Alternative Penalties

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

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

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

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

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

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

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

1. Standard Civil Penalties.
 - A. First Offense – Not to exceed \$750.00
 - B. Each Repeat Offense – Not to exceed \$1,000.00

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

2. Special Civil Penalties.
 - A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an

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

industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

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

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

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

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

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

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

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

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

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

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

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.07 Conflict of Interest
5.02 Bonds	5.08 Resignations
5.03 Duties: General	5.09 Removal of Appointed Officers and Employees
5.04 Books and Records	5.10 Vacancies
5.05 Transfer to Successor	5.11 Gifts
5.06 Meetings	

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the

purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars (\$1,500.00) in a fiscal year.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Nominations by Petition
6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit
6.05 Filing, Presumption, Withdrawals, Objections
6.06 Persons Elected

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the *Code of Iowa*.

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than twenty-five (25) eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

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

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

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

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8[3])

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

7.05 Operating Budget Preparation
7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports

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

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

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

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

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

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

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

4. Change Fund. The finance officer is authorized to draw a warrant/check on the Utility Fund for establishing a change fund for the purpose of making change without commingling other funds to meet the requirements of the office. Said change fund shall be in the custody of the finance officer, who shall maintain the integrity of the fund.

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

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

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(IAC, 545-2.5 [384,388], Sec. 2.5[2])

4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

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

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

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

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

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

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

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

4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

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

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

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

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

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

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

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

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

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

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

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

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

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

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

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

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

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

(Section 7.05 – Ord. 1143 – Feb. 20 Supp.)

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Clerk following Council approval, except as provided by subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

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

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

URBAN RENEWAL

8.01 Purpose

8.02 Riverside Tax Increment Area

8.03 Southwest ByPass T.I.F. District

8.04 South Grand Urban Renewal Area

8.05 East Park Urban Renewal Area

8.06 Park Avenue Economic Development District

8.07 2017 South Grand Urban Renewal Area Addition

8.08 December 2020 Addition to the South Grand Urban
Renewal Area

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

8.02 RIVERSIDE TAX INCREMENT AREA. The provisions of this section apply to the Riverside Tax Increment Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolutions adopted in December, 1968, and on July 18, 1977:

Commencing at the point of intersection of centerline of Clark Street and Grand Avenue; thence north along said centerline of Grand Avenue to the centerline of Thirteenth Avenue; thence east along said centerline of Thirteenth Avenue to the extended east line of Lots 21 through 30 in Block 132 to Lane's Addition and Lots 19 through 24 of Block 131 of Lane's Addition; thence north along said extended lot line to the centerline of Sixteenth Avenue; thence west along said centerline of Sixteenth Avenue to the centerline of Grand Avenue; thence north along said centerline of Grand Avenue to the extended south line of Lots 1 through 19 of Block 1 of Laun's Addition "A"; thence west along said extended south lot line to the east line of the Illinois Central Railroad right-of-way; thence west along said extended south lot line to the east line of the Illinois Central Railroad right-of-way; thence southerly along said railroad right-of-way to the centerline of Iowa Street; thence southwest along said centerline of Iowa Street to the centerline of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence west along said railroad right-of-way line to the centerline of Richings Street; thence southeast along said centerline of Richings Street to the centerline of Johnson Street; thence southwest along said centerline of Johnson Street to the centerline of Spriggs Street; thence southeast along said centerline of Spriggs Street to the centerline of Jackson Street; thence southwest along said centerline of Jackson Street to the centerline of Blunt Street; thence northwest along said centerline of Blunt Street to the centerline of Johnson Street; thence southwest along said centerline of Johnson Street to the centerline of the Cedar River to the centerline of Jackson Street extended; thence southwest along said centerline of Jackson Street to the centerline of Court Street; thence southeast along said centerline of Court Street to the centerline of Main Street; thence southwest along said centerline of Main Street to the centerline of Gilbert Street thence southeast along said centerline of Gilbert Street to the centerline of Cedar

Street; thence south along said centerline of Cedar Street to the centerline of Third Street; thence east along said centerline of Third Street to the centerline of Hildreth Street; thence north along said centerline of Hildreth Street to the centerline of Second Street; thence east along said centerline of Second Street to the centerline of South Grand Avenue; thence southeasterly along said centerline of South Grand Avenue to the extended southeast line of Lot 21 of Boulton's Park Addition; thence northeasterly along said extended lot line to the centerline of Riverside Street; thence northwesterly along said centerline of Riverside Street to the extended southeast line of Lot 5 of Block 158 of Lane's Addition; thence northeasterly along said extended line to the point of beginning.

The taxes levied on the taxable property in the Riverside Tax Increment Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of the ordinance codified in this section, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Riverside Tax Increment Area, as shown on the assessment roll as of January 1, 1989, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Riverside Tax Increment Area on the effective date of the ordinance codified in this section, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1989, shall be used in determining the assessed valuation of the taxable property in said Riverside Tax Increment Area on the effective date.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Riverside Tax Increment Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Riverside Tax Increment Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in Subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Riverside Tax Increment 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 Riverside Tax Increment Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
3. The portion of taxes mentioned in Subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for

the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Riverside Tax Increment Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

8.03 SOUTHWEST BYPASS T.I.F. DISTRICT. The provisions of this section apply to the Southwest ByPass T.I.F. District, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 7, 1992, and on November 1, 1993:

Beginning at a point on the easterly right-of-way line of the Charles City Railways located 486 feet north of the centerline of Highway Iowa 14, said point also on the south property line of Wildwood Park; thence south along the easterly right-of-way line of the railroad to the southeasterly corner of Lot 1, Green Acres Addition to Charles City; thence south along the westerly boundary line of Hillcrest Addition to the north right-of-way line of 11th Street; thence south 33 feet to the NE corner of the W¹/₂ NW¹/₄ Section 13, T95N, R16W; thence south along the east line of the W¹/₂ NW¹/₄ of said Section 13 to the SE corner of the W¹/₂ NW¹/₄ of Section 13; thence west along the south line of the NW¹/₄ of Section 13 to the SE corner of the NE¹/₄ of Section 14, T95N, R16W; thence west along the south line of the NE¹/₄ of said Section 14 to the east right-of-way line of Ridgeway Avenue; thence north along the east right-of-way line of Ridgeway Avenue to the southeasterly right-of-way line of the abandoned Charles City Western Railway; thence southwesterly along said southeasterly right-of-way line to south right-of-way line of 215th Street; thence west along the south right-of-way line of 215th Street to the west right-of-way line of Quail Avenue; thence north along the west right-of-way line of Quail Avenue to the centerline of Highway Iowa 14; thence east along the centerline of Iowa 14 33 feet to the west section line of Section 11, T95N, R16W; thence north along the west section line of Section 11 to the NW corner of the SW¹/₄ of the NW¹/₄ of Section 11; thence east along the south line of the NW¹/₄ of Section 11 to the NW corner of Wildwood Park; thence south along the west line of Wildwood Park 861.2 feet to the SW corner of Wildwood Park; thence east along the south line of Wildwood Park to the point of beginning.

The taxes levied on the taxable property in the Southwest ByPass T.I.F. District each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 871, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Southwest ByPass T.I.F. District, as shown on the assessment roll as of January 1, 1991, 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 Southwest ByPass T.I.F. District on the effective date of the ordinance codified

in this section, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1991, shall be used in determining the assessed valuation of the taxable property in said Southwest ByPass T.I.F. District on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Southwest ByPass T.I.F. District, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Southwest ByPass T.I.F. District exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Southwest ByPass T.I.F. District 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 Southwest ByPass T.I.F. District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Southwest ByPass T.I.F. District.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

8.04 SOUTH GRAND URBAN RENEWAL AREA. The provisions of this section apply to the South Grand Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 22, 1994:

Beginning at the point of intersection of the northerly right-of-way line of the Charles City Railways and the west right-of-way line of South Main Street, said point being 697.56 feet north of the south line of Section 12, T95N, R16W; thence south along the west right-of-way line of South Main Street to the north right-of-way line of 11th Street; thence west along the north right-of-way line of 11th Street, 1287 feet; thence south 33 feet to the northwest corner of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 13, T95N, R16W; thence continuing south along the west line of said E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 13, to the centerline of 215th Street, Floyd County, Iowa; thence east along the centerline of 215th Street to the west right-of-way line of South Main Street; thence south along said west right-of-way line of South Main Street to the centerline of 220th Street, Floyd County, Iowa; thence east along the centerline of 220th Street, said line being the south line of Section 13, T95N, R16W to the SW corner of Section 18,

T95N, R15W; thence east along the south line of said Section 18 to the SE corner of the W $\frac{1}{2}$ of said Section 18; thence north along the east line of the W $\frac{1}{2}$ of 18-95-15 to the north line of Section 18; thence continuing north along the east line of W $\frac{1}{2}$ of Section 7, T95N, R15W to a point of intersection on the north right-of-way line of the Charles City Railways; thence westerly along the north right-of-way line of Charles City Railways to the point of beginning. [The South Grand District includes properties in all of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 13, T95N, R16W, all of the E $\frac{1}{2}$ of Section 13, T95N, R16W; all of the W $\frac{1}{2}$ of Section 18, T95N, R15W; part of the W $\frac{1}{2}$ of Section 7, T95N, R15W and part of the E $\frac{1}{2}$ of Section 12, T95N, R16W.]

The taxes levied on the taxable property in the South Grand Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 897, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the South Grand Urban Renewal Area, as shown on the assessment roll as of January 1, 1993, 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 South Grand Urban Renewal Area on the effective date of Ordinance No. 897, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in said South Grand Urban Renewal Area on the effective date.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the South Grand Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the South Grand Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the South Grand 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 South Grand Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the

authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the South Grand Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

8.05 EAST PARK URBAN RENEWAL AREA. The provisions of this section apply to the East Park Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 16, 1996:

That part of the north 1480.0 feet of the Northwest Quarter (NW¼) of Section Eight (8), Township Ninety-five (95) North, Range Fifteen (15) West of the 5th P.M., Floyd County, Iowa, as measured at right angles to the north line of said Northwest Quarter (NW¼), lying northeasterly of the Illinois Central Railroad, containing 76.1 acres more or less, subject to an easement to the State of Iowa for highway purposes. [The foregoing property is platted as East Park, An Addition to Floyd County, Iowa, and recorded in Book 103 of Land Deeds at Pages 446-456 in the office of the Floyd County Recorder.]

The taxes levied on the taxable property in the East Park Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 931, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the East Park Urban Renewal Area, as shown on the assessment roll as of January 1, 1996, 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 East Park Urban Renewal Area on the effective date of Ordinance No. 931, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1996, shall be used in determining the assessed valuation of the taxable property in said East Park Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the East Park Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the East Park Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the East Park 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 East Park Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the East Park Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

8.06 PARK AVENUE ECONOMIC DEVELOPMENT DISTRICT. The provisions of this section apply to the Park Avenue Economic Development District, the boundaries of which are set out below, such as having been identified in the Urban Renewal Plan approved by the Council by resolutions adopted on April 21, 2003:

That tract of land located in portions of Section Seven (7) and Section Eight (8), Township Ninety-five North (95N), Range Fifteen (15) West of the 5th P.M., Floyd County, Iowa, described as follows: Commencing at a point on the east line of the Southeast Quarter of Section Seven, Township Ninety-five North, Range Fifteen, West of the Fifth P.M., which point is 758.6 feet North of the southeast corner of said Section Seven, thence North 56° 18' 40" West along the centerline of Clark Street, Charles City, Iowa, a distance of 743 feet to the point of beginning; thence continuing North 56° 18' 40" West along the centerline of Clark Street a distance of 863.1 feet to a point; thence North 00° 02' 50" East a distance of 987.7 feet to a point; thence North 89° 22' 30" East a distance of 1001.6 feet to a point; thence North 00° 00' 40" East a distance of 661.9 feet to a point; thence North 89° 29' 30" East a distance of 333.2 feet to a point; thence North 00° 03' 30" West a distance of 661.5 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter of said Section Seven; thence North 89° 07' East a distance of 375.0 feet to a point; thence South 00° 02' 40" East a distance of 1824.12 feet to a point; thence South 90° 00' West a distance of 300.0 feet to a point; thence South 29° 59' West a distance of 150.08 feet to a point on the east line of the Southeast Quarter of said Section Seven, said point being 2026.16 feet North of the Southeast corner of said Section Seven; thence South 35° 51' 20" West a distance of 1055.44 feet to the point of beginning, excepting therefrom the following described parcels:

Parcel No. 1: Commencing at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section 7, Township 95 North, Range 15; thence south along the east line of said Section 661.5 feet; thence West 333.2 feet; thence south parallel to the east line of said Section a distance of 661.9 feet; thence east a distance of 402.2 feet, the same being a point 69 feet East of the East Quarter corner of said Section; thence north parallel with the east line of said Section a distance of 1323.4 feet to the north line of the Southwest Quarter of the

Northwest Quarter of Section Eight, Township 95 North, Range 15 West of the 5th P.M.; thence west along said line a distance of 69 feet to the point of beginning;

Parcel No. 2: From a point on the East line of the Southeast Quarter of Section Seven, Township 95 North, Range 15, which point is 758.60 feet north of the southeast corner of said Section 7, thence North 56° 18' 40" West along the centerline of East Clark Street in Charles City, Iowa, a distance of 1307.10 feet; thence North 33° 41' 20" East 45 feet to the place of beginning; thence North 56° 18' 40" West 329.00 feet along the northeast line of Clark Street; thence North 00° 02' 50" East 187.7 feet; thence North 58° 33' East 282 feet; thence North 33° 41' 20" East 200 feet; thence North 56° 18' 40" East 317 feet; thence South 33° 41' 20" West 616 feet to the point of beginning;

Parcel No. 3: Commencing at the southeasterly corner of Lot 2, Block 12, Highland Terrace Addition to Charles City, Iowa, thence northeasterly along the easterly line of said Lot 2 and Lot 5, Block 12, Highland Terrace Addition to Charles City, Iowa, a distance of 616 feet to the northeasterly corner of said Lot 5; thence southeasterly parallel with the North line of Clark Street a distance of 60 feet; thence southwesterly parallel with the easterly line of said Lots 2 and 5 a distance of 616 feet to the north line of Clark Street; thence northwesterly along the north line of Clark Street a distance of 60 feet to the point of beginning; also, the southwesterly 60 feet of said Lot 5; also, from a point on the east line of the Southeast Quarter of Section 7, Township 95 North, Range 15, West of the 5th P.M., which point is 758.6 feet north of the southeast corner of said Section 7; thence North 56°18'40" West along the centerline of East Clark Street in Charles City, Iowa, a distance of 1307.10 feet, thence North 33°41'20" East 45 feet; thence North 56°18'40" West 329.0 feet along the Northeast line of Clark Street; thence North 00°02'50" East 187.7 feet to the point of beginning; thence North 00°02'50" East 620 feet; thence East 90° a distance of 300 feet; thence south parallel with the west line of the Northeast Quarter of the Southeast Quarter of Section 7, Township 95 North, Range 15, to a point where said line intersects a line parallel to and 60 feet north of the southwesterly boundary line of said Lot 5; thence northwesterly along said parallel line to the northwesterly line of said Lot 5; thence southwesterly along said line to the corner of Lot 4, Block 12, Highland Terrace Addition to Charles City, Iowa; thence southwesterly 282 feet along the northwesterly line of said Lot 4 to the point of beginning, all being located in the Northeast Quarter of the Southeast Quarter of Section 7, Township 95 North, Range 15 West of the 5th P.M., Floyd County, Iowa;

Parcel No. 4: Part of the SE¼ of Section 7, T 95 N, R 15 W of the 5th P.M. and Lot 5, Block 12, Highland Terrace Addition to Charles City, Floyd County, Iowa, described as follows: Commencing at the most easterly corner of Lot 5, Block 12, Highland Terrace Addition to Charles City, Iowa; thence N 56°19'41" W along the northeasterly line of said Lot 5, Block 12, 30.00 feet to the point of beginning; thence N

33°40'19" E 60.00 feet; thence N 56°19'41" W 448.58 feet to a point on the East line of Clark View Drive; thence S 0°03'00" W 182.83 feet to a point on the Northwesterly line of said Lot 5; thence continuing along Clark View Drive S 0°03'00" W 57.70 feet; thence continuing along the Northeasterly line of Clark View Drive S 56°19'41" E 285.41 feet to a point on the Northwesterly line of Terrace Drive; thence N 33°40'19" E 140.00 feet to a point on said Northeasterly line of said Lot 5; thence S 56°19'41" E 30.00 feet to the point of beginning, containing 1.66 acres. NOTE: the north line of Lot 5, Block 12, Highland Terrace Addition is assumed to bear N 56°19'41" W;

Parcel No. 5: Begin at a point on the North line of the Southeast Quarter of Section 7, T95N, R15W of the 5th P.M. in Charles City, Floyd County, Iowa, which bears S 89° -22' W 836.05 feet from the Northeast Corner of the Southeast Quarter, thence continue S 89°22' W 500.0 feet; thence S 0°08'37" W 125.88 feet; thence S 89°59'28" E 300.18 feet; thence S 0°03'12" W along the East line of Clarkview Drive 195.27 feet; thence S 56°19'29" E 240.18 feet; thence N 0°03'12" E 459.9 feet to the point of beginning, containing 2.68 acres.

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, from and after the effective date of Ordinance No. 999, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in subsection 2 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.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this 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 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

8.07 2017 SOUTH GRAND URBAN RENEWAL AREA ADDITION. The provisions of this section apply to the 2017 South Grand Urban Renewal Area Addition, the boundaries of which are set out below, such are having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on June 19, 2017:

Certain real property situated in the City of Charles City, Floyd County, State of Iowa more particularly described as follows:

Beginning at the point of intersection of the easterly right-of-way of Brantingham Street and the southwest bank of the Cedar River; thence southerly along the easterly right-of-way line of Brantingham Street to the southwest corner of Lot 4 Block P Freeman Addition; thence west 452 ft. along the north right-of-way line of Gilbert Street to the southeasterly corner of Lot 5 Block G Freeman Addition; thence south of the northeast corner of the Public Square Freeman Addition; thence south 360 ft. along the west right-of-way line of Hildreth Street to the northeast corner of Lot 6 Block F Freeman Addition; thence east 772 ft. along the south right-of-way line of Third Street to the northeast corner Lot 1 Block N Freeman Addition; thence south 2,141 ft. along the west right-of-way line of Allison Street to the southeast corner of Lot 8 Block 123 Lane’s Addition; thence west along the north right-of-way line of Ninth Street to a point of intersection of the extension of the west right-of-way line of Hildreth Street; thence south along the west right-of-way line of Hildreth Street to the intersection of the north right-of-way line of the Charles City Charley Western Recreation Trail (formerly Charles City Western Railway Company); thence east along the north right-of-way line of the Charley Western Recreation Trail to the intersection of the westerly bank of the Cedar River; thence north and northwesterly along the west and southwesterly bank of the Cedar River to the Point of Beginning.

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, from and after the effective date of Ordinance No. 1105,[†] shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in subsection 2 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.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the *Code of Iowa*, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the *Code of Iowa* and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 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 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the

[†] **EDITOR'S NOTE:** Ordinance No. 1105 adopted by the City Council on July 17, 2017.

authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 1105 – Aug. 17 Supp.)

8.08 DECEMBER 2020 ADDITION TO THE SOUTH GRAND URBAN RENEWAL AREA. The provisions of this section apply to the December 2020 Addition to the South Grand Urban Renewal Area Addition, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 21, 2020:

ALL OF LOT 2 OF BLOCK 2, BONNER’S THIRD ADDITION TO CHARLES CITY, IOWA, AN OFFICIAL PLAT IN THE CITY OF CHARLES CITY, FLOYD COUNTY, IOWA

AND

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 95 NORTH, RANGE 16 WEST OF THE 5TH P.M., FLOYD COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2 OF BLOCK 2; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF 9TH STREET, N89°10’48”E, 931.24 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET; THENCE ALONG SAID WEST LINE, N00°47’23”W, 326.28 FEET TO THE SOUTH LINE OF BONNER’S 1ST ADDITION; THENCE ALONG SAID SOUTH LINE, S89°20’04”W, 931.77 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 OF BLOCK 2; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF DANBURY DRIVE, S00°52’53”E, 328.79 FEET TO THE POINT OF BEGINNING. DESCRIBED LAND CONTAINS 7.00 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD; and

The taxes levied on the taxable property in the Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Addition is located, from and after the effective date of Ordinance No. 1149,[†] shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in Subsection 2 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 Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed

[†] **EDITOR’S NOTE:** Ordinance No. 1149 adopted by the City Council on December 21, 2020.

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 Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the *Code of Iowa*, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the *Code of Iowa* and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in Subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in Subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Section 8.08 – Ord. 1149 – Jan. 21 Supp.)

[The next page is 71]

CHAPTER 9

INDUSTRIAL PROPERTY TAX EXEMPTIONS

9.01 Purpose

9.02 Definitions

9.03 Period of Partial Exemption

9.04 Amounts Eligible for Exemption

9.05 Limitations

9.06 Applications

9.07 Approval

9.08 Exemption Repealed

9.09 Dual Exemptions Prohibited

9.01 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers.

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council upon the recommendation of the Iowa Department of Economic Development.
4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.
5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the *Code of Iowa*, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

9.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses

and distribution centers is eligible to receive a partial exemption from taxation for a period of five (5) years.

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

9.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

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

1. For the first year, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

9.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

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

9.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.
2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

9.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty (30) days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

9.08 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

9.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

EDITOR'S NOTE

Ordinance No. 936, not codified herein and specifically saved from repeal, was adopted by the Council on July 7, 1997, by which the City granted its approval to exemption from taxation of the actual value added to real estate legally described as:

The south 75 feet of the north 235 feet of the east 300 feet of the west 333 feet of Lot 71 of the Irregular Survey of the Southwest Quarter of Section 7, Township 95 N, Range 15W of the 5th P.M. in the City and also the west 33 feet of the south 75 feet of the north 235 feet of the aforementioned Lot 71.

Such ordinance remains in full force and effect.

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CHAPTER 10

TAX REBATE AND GRANT PROGRAM

10.01 Purpose

10.02 Definitions

10.03 Rebates and Grants to Eligible Purchasers

10.04 City Held Harmless

10.05 Grants Disallowed

10.01 PURPOSE. The purpose of this chapter is to promote the economic development of the City. The Council declares that the lack of construction of new houses within the City hinders the economic development of the City and that a real estate tax rebate and grant for new construction will promote the economic development of the City.

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

1. “Eligible property” means any dwelling within the City limits which is designed or used exclusively for residential purposes by the purchaser, but not including a tent, cabin, trailer, mobile home or multi-family structure. Also excluded are all dwellings located within an urban renewal area within which a division of revenue is made, as provided in Section 403.19 of the *Code of Iowa*, for the purpose of providing or aiding in the provision of public improvements related to housing and residential development.
2. “Eligible purchaser” means:
 - A. Newly constructed residence – any person purchasing a newly constructed residence in the City during the 24-month period of time beginning May 1, 2002, through April 30, 2004, provided the residence must be used as a residence by the owner.
 - B. Other residences – any person purchasing a new residence in the City which has not been previously occupied during the 24-month period of time beginning May 1, 2002, through April 30, 2004, provided the residence must be used as a residence by the owner.
3. “Purchase” means the construction of a new residence or the purchase of a new residence which has not been previously occupied.
4. “Rebate and grant application” means applications made by eligible purchasers on forms provided by the Clerk.

10.03 REBATES AND GRANTS TO ELIGIBLE PURCHASERS. Rebates and grants will be made to eligible purchasers of eligible property in the following manner:

1. The City will credit to eligible purchasers of either newly constructed residences or purchasers of any new residence which has not been previously occupied an amount of money equal to the utility bill collected by the City during the first 24 months beginning with the occupancy by the eligible purchaser of the property, but said grant shall be in no event greater than \$360.00.
2. The City will pay a real estate tax rebate to the eligible purchasers of newly constructed residence only an amount of money equal to seventy-five percent (75%) of the portion of the real estate taxes for the City levy which would become delinquent

if not paid by the eligible purchaser during the first twelve (12) months following purchase, and fifty percent (50%) of the real estate taxes for the City levy which would become delinquent if not paid by the eligible purchaser during the second twelve (12) months following purchase, and twenty-five percent (25%) of the real estate taxes for the City levy which would become delinquent if not paid by the eligible purchaser during the third twelve (12) months following purchase. Before receiving payments under this subsection, the eligible purchaser must provide the Clerk with a receipt from the County Treasurer showing payment of real estate taxes delinquent if not paid during each of the respective time periods set forth above.

3. Grants referred to above shall be paid at the time or times as directed by the Council.

10.04 CITY HELD HARMLESS. Recipients of the grants provided herein must, as part of the application for said grant, agree to hold the City harmless and refund to the City any grants made under this chapter later determined to be illegal.

10.05 GRANTS DISALLOWED. No grants shall be allowed when the purchase is from a related party. Related parties are defined as presently defined in the Internal Revenue Code section or sections which disallow a deduction for losses from sales or exchanges between related parties.

CHAPTER 11

REDEVELOPMENT INCENTIVE FUND

11.01 Purpose
11.02 Definitions
11.03 Applications

11.04 Committee Review
11.05 Grant Entitlement and Default

11.01 PURPOSE. The purpose of this chapter is to promote the economic development within the Riverside Tax Increment Financing District by providing financial incentives to preserve commercial buildings constructed prior to 1950, and financial incentives to encourage occupancy of vacant commercial buildings or, in the alternative, to avoid the occurrences of a vacancy in such buildings.

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

1. “Option 1 Eligible Property” means any commercial building located within the TIF district which was constructed prior to 1950. “Option 2 Eligible Property” means any vacant or potentially vacant commercial building located within the TIF district.
2. “Preservation” means such renovation of the existing structure of a building as is necessary to make such building structurally sound and shall not include work that is essentially decorative and not necessary to the preservation of said building.
3. “RIF” means Redevelopment Incentive Fund.
4. “TIF” means Tax Increment Financing.

11.03 APPLICATIONS. A RIF application may be submitted by the owner in the case of Option 1, and the owner or prospective tenant in the case of Option 2, subject to the following conditions:

1. Under Option 1:
 - A. The financial assistance must be used for preservation of the eligible property.
 - B. The owner is required to contribute a minimum of ten percent (10%) of the funds necessary to complete the preservation project, and the source of these funds cannot be a loan.
 - C. The owner must have a commitment for long-term financing if necessary for a minimum of fifty percent (50%) of the cost of the project.
 - D. Subject to approval of the Council, the City will then provide a grant up to and not to exceed forty percent (40%) of the project costs, and which grant will in no event exceed \$25,000.00. Thirty-five percent (35%) of the grant shall be provided upon proof of financing by the owner, and the remaining sixty-five percent (65%) of the grant shall be provided upon completion of the project.

2. Under Option 2:
 - A. The financial assistance may be used for preservation of the eligible property but is not restricted to this use.
 - B. The property must either be vacant at the time of application, or the fact that without the use of RIF funding, the property will become vacant must be established.
 - C. The owner or prospective tenant must provide detailed plans for the intended use of the grant and must demonstrate that the assistance provided under this program will result in immediate occupancy by a commercial business other than the present tenant or the tenant that had possession immediately preceding the vacancy.
 - D. Subject to approval by the Council, a grant will be made within the following guidelines:

Affected Area	Incentive Maximum
Up to 1,000 square feet	\$3,000.00
1,001 to 4,000 square feet	\$5,000.00
4,001 square feet and up	\$1.25/square foot

3. A specific area cannot qualify for more than one RIF grant. The Council shall have the right to reject any application submitted under this chapter.

11.04 COMMITTEE REVIEW. The Mayor, upon approval of the Council, shall appoint a seven-member RIF review committee to review applications and make recommendations to the Council. The committee shall consist of: one Council Member, one officer of the Charles City Area Development Corporation, City Administrator or designee, one member of the Planning and Zoning Commission, and three citizens of Charles City. The committee shall adopt general guidelines for review of applications and shall adopt a procedure for conduct of all committee meetings. All recommendations of the RIF committee shall be forwarded to the Council for final approval.

11.05 GRANT ENTITLEMENT AND DEFAULT. The City’s Redevelopment Incentive Fund grant to an applicant under either Option 1 or Option 2 will be in the form of a forgivable loan. The grant shall be repaid in an amount and manner hereafter described if any of the following events occur during the 36-month period immediately following completion of the approved project:

1. The benefited property is sold or otherwise conveyed by the owner to another individual or entity; or
2. The business located in the benefited property ceases operation; or
3. The City becomes aware that the applicant made false or misleading statements in the application which were material in making the grant; or
4. The applicant becomes insolvent.

The City shall give written notice to the applicant upon determination that one of the foregoing events has occurred, in which case repayment shall be made in twelve (12) equal monthly installments of principal only beginning on the first of the month next following the date of the notice and continuing on the first day of each month thereafter until repaid in full.

Except for repayment caused by reasons set forth in subsection 3 above, the amount to be repaid shall be calculated as follows:

$$\text{Amount to be Repaid} = \frac{\text{Total Grant}}{36} \times \text{Number of Months}$$

“Number of Months” is equal to the number of full months from the date of project completion to the date of repayment notice.

For repayment triggered by reasons set forth in subsection 3 above, the full amount of the grant shall be repaid. If no notice of repayment, as above described, is given to the applicant within the 36-month period after project completion, then the grant shall be deemed forgiven. Pending forgiveness of the entire grant, or pending full repayment of the grant, the grant shall be secured by a mortgage upon the benefited premises given by the owner at the time of grant approval and subject to foreclosure upon default in making a required payment. A mortgage shall not be required if applicant has only a leasehold interest in the benefited property.

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CHAPTER 12

ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTION

12.01 Purpose
12.02 Definitions
12.03 Eligibility

12.04 When Effective
12.05 Application

12.01 PURPOSE. The purpose of this chapter is to provide for a property tax exemption for shell buildings constructed by community development organizations or for-profit entities for speculative purposes in accordance with Section 427.1[41] of the *Code of Iowa*.

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

1. “Community development organization” means a City organization or a multi-community group formed for one or more of the following purposes:

- A. To promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, or region and its citizens.
- B. To encourage and assist the location of new business and industry.
- C. To rehabilitate and assist existing business and industry.
- D. To stimulate and assist in the expansion of business activity.

For purposes of this definition, a community development organization must have at least fifteen (15) members with representation from the government at the level or levels corresponding to the community development organization’s area of operation; a private sector lending institution; a community organization in the area; business in the area; and private citizens in the community.

2. “New construction” means new buildings or structures and includes new buildings or structures which are constructed as additions to existing buildings or structures. “New construction” also includes reconstruction or renovation of an existing building or structure which constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations or for-profit entities to market a building or structure as a speculative shell building, which determination must receive prior approval from the Council.

3. “Speculative shell building” means a building or structure owned and constructed or reconstructed by a community development organization or a for-profit entity without a tenant or buyer for the purpose of attracting an employer or user

which will complete the building to the employer's or user's specification for manufacturing, processing, or warehousing the employer's or user's product line.

12.03 ELIGIBILITY. The new construction of shell buildings by the community development organization or for-profit entity for speculative purposes is eligible for property tax exemption. The exemption shall be for one of the following:

1. The value added by new construction of a shell building or addition to an existing building or structure.
2. The value of an existing building being reconstructed or renovated, and the value of the land on which the building is located, if the reconstruction or renovation constitutes complete replacement or refitting of the existing building or structure.

12.04 WHEN EFFECTIVE.

1. If the exemption is for a project described in subsection 1 of Section 12.03, the exemption shall be effective for the assessment year in which the building is first assessed for property taxation or the assessment year in which the addition to an existing building first adds value. If the exemption is for a project described in subsection 2 of Section 12.03, the exemption shall be effective for the assessment year following the assessment year in which the project commences. An exemption allowed under this section shall be allowed for all subsequent years until the property is leased or sold or until the exemption is terminated by ordinance of the City Council.
2. Eligibility for an exemption as a speculative shell building shall be determined as of January 1 of the assessment year. However, an exemption shall not be granted for a speculative shell building of a for-profit entity if the building is used by the for-profit entity or a subsidiary or majority owners thereof for other than as a speculative shell building. If the shell building or any portion of the shell building is leased or sold, the portion of the shell building that is leased or sold and a proportionate share of the land on which it is located, if applicable, shall not be entitled to an exemption under this section for subsequent years. Upon the sale of the shell building, the shell building shall be considered new construction for purposes of Section 427B.1 of the *Code of Iowa* if used for purposes set forth in Section 427B.1.

12.05 APPLICATION.

1. If the speculative shell building project is a project described in subsection 1 of Section 12.03, an application shall be filed pursuant to Section 427B.4 of the *Code of Iowa*.
2. If the speculative shell building project is a project described in subsection 2 of Section 12.03, an application shall be filed pursuant to Section 427.1[27] of the *Code of Iowa*.

EDITOR'S NOTE

Ordinance No. 898, adopted by the Council on January 16, 1995, granted an exemption from taxation for a speculative shell building to be constructed upon property owned jointly by the Charles City Area Development Corporation and for-profit entities. Ordinance No. 959, adopted by the Council on May 17, 1999, granted an exemption from taxation for the speculative shell building to be constructed upon real property jointly owned by the Charles City Area Development Corporation and Floyd County Progressive Growth, LLC. The ordinances are not codified herein but are specifically saved from repeal.

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CHAPTER 13

BUSINESS DEVELOPMENT REVOLVING LOAN PROGRAM

13.01 Purpose

13.02 Eligible Projects

13.03 Loan Terms

13.04 Loan Application Procedure and Approval

13.05 Loan Review Committee

13.06 Disbursement of Loan Proceeds

13.01 PURPOSE. The purpose of this chapter to promote economic development within the Riverside Urban Renewal Area by creating a Business Development Revolving Loan Program for the rehabilitation, preservation and expansion of existing commercial buildings within the district, and for the construction of new commercial buildings within the district.

13.02 ELIGIBLE PROJECTS. To qualify for a loan under this chapter, the following criteria must be met:

1. The project must involve the rehabilitation, preservation or expansion of an existing commercial building, or the construction of a new commercial building which will enhance the economic development of the urban renewal district through increased employment opportunities or otherwise.
2. The requested loan proceeds must be devoted to the building improvements, and may not be utilized for other business purposes, such as the purchase of personal property.
3. The project must have other financing equivalent to 70% or more of total project cost and of which not less than 10% of total project cost must be monetary investment by the borrower. The loan granted under this chapter, together with any other form of assistance from the City, whether in form of grant or loan, shall not exceed 30% of total project cost, nor shall the loan granted under this chapter exceed the amount of \$75,000.00. These limits shall apply only to projects utilizing loans made under the provisions of this chapter.

13.03 LOAN TERMS. The terms of repayment of the loan made under this chapter, including the frequency and amount of periodic payments, shall be subject to negotiation with the borrower but with the following requirements:

1. Not less than one loan payment shall be scheduled for each year of the loan term.
2. The term of the loan shall not exceed five (5) years.
3. The interest rate during the entire loan term shall accrue at the rate of two (2) points below New York prime rate on the date that the loan is approved by the Council, except that the rate shall not be less than the average interest rate realized by the City on its investments as calculated on the date that the loan is approved by the Council.
4. The loan shall be secured by a first mortgage on the benefited property, except that a mortgage may be second in priority to the mortgage of the primary

lender to the extent that such lender's mortgage secures funds used for project construction.

5. If the borrower is other than an individual, then all owners of the borrowing entity must personally guarantee, jointly and severally, loan repayment and shall execute a guarantee on a form provided by the City.

6. The borrower, and if other than an individual, the owners of the entity receiving the loan must sign a loan agreement with the City describing the nature of the project and reciting all terms and conditions under which the loan is made.

13.04 LOAN APPLICATION PROCEDURE AND APPROVAL. Any person or entity seeking a loan under this chapter shall submit an application to the Clerk on a form provided by the City. The application shall be submitted by the Clerk to the loan review committee established under this chapter for review and recommendation to the Council. Once filed with the Clerk in completed form, the application shall be reviewed by the loan review committee and its recommendation made to the Council within thirty (30) days of the application's filing date, unless additional information is requested by the committee from the applicant, in which case the deadline for final recommendation shall be extended to 30 days from the receipt by the Clerk of the additional information. The loan review committee's recommendation shall be filed with the Clerk and presented by the Clerk to the Council for initial consideration within twenty (20) days of the Clerk's receipt of the recommendation. The Council shall have the right to approve or reject any application with or without cause.

13.05 LOAN REVIEW COMMITTEE. The loan review committee shall consist of seven (7) members appointed by the Mayor for staggered terms of two (2) years. The loan review committee shall elect a chairperson and shall meet upon call of the Chairperson or the Mayor or any two committee members. The committee shall have a quorum of four (4) members to conduct business and shall make its decisions by a majority vote. The loan review committee shall establish such other bylaws for its effective operation as it deems necessary. The loan committee shall develop criteria for objection evaluation of each loan application presented under this chapter. These criteria shall be designed to provide a cost-benefit analysis of each project, whereby the public benefit to be gained by the project is measured against the cost to the City. The committee shall also consider the merit of each project relative to the merit of other pending projects for which loan applications have been submitted.

13.06 DISBURSEMENT OF LOAN PROCEEDS. Fifty percent (50%) of the loan proceeds shall be disbursed to the borrower upon occurrence of the following:

1. Approval of the loan by the Council; and
2. Execution by the borrower (and guarantors) of the required loan agreement, promissory note, mortgage and guarantee agreement; and
3. Receipt by the Clerk of proof, in the form of a loan commitment letter, of the additional financing required by the provisions of this chapter; and
4. Initiation of construction.

The remaining fifty percent (50%) of the loan shall be disbursed upon final completion of the project as certified by the City Engineer.

CHAPTER 14

HOTEL/MOTEL TAX

14.01 Imposition of Tax

14.03 Effective Date of Tax

14.02 Use of Funds

14.01 IMPOSITION OF TAX. A tax of seven percent (7%) is imposed upon the sales price from the renting of sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, manufactured or mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, with or without meals, except for sleeping rooms provided for guests of a religious institution if the property is exempt under Section 427.1[8] of the *Code of Iowa*, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally. This tax only applies within the corporate boundaries of the City.

(Code of Iowa, Sec. 423A.1)

14.02 USE OF FUNDS. Revenues derived from this tax shall be used as follows:

1. Sixty percent (60%) thereof shall be expended for the promotion and encouragement of tourist and convention business in the City.
2. Forty percent (40%) shall be expended for Park and Recreation capital projects within the City. Capital projects are defined as projects involving the acquisition of construction of fixed assets which are of a long-term character and intended for long-term use such as land, buildings, machinery, furniture and other equipment.

14.03 EFFECTIVE DATE OF TAX. The hotel and motel tax as set forth in this chapter shall be imposed on all sales prices beginning July 1, 2001.

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CHAPTER 17

MAYOR

17.01 Term of Office
17.02 Powers and Duties
17.03 Appointments

17.04 Compensation
17.05 Voting

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

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, except for supervisory duties delegated to the City Administrator, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

(Code of Iowa, Sec. 372.14[1])

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

(Code of Iowa, Sec. 372.14[2])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

(Code of Iowa, Sec. 372.14[1])

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

(Code of Iowa, Sec. 380.5 & 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

6. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

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

17.03 APPOINTMENTS. The Mayor shall appoint the Mayor Pro Tem and shall appoint, subject to approval of the Council, the following officials:

(Code of Iowa, Sec. 372.4)

1. Library Board of Trustees
2. Park and Recreation Board
3. Civil Service Commission
4. Board of Adjustment
5. Charles City Housing and Redevelopment Authority Board of Commissioners
6. Board of Appeals
7. Electrical Trade Advisory Board
8. Plumbing and Mechanical Advisory Board
9. Building Trades Advisory Board
10. Broadband Telecommunications Commission
11. Historic Preservation Commission
12. Utility Advisory Board
13. Business Development Revolving Loan Review Committee
14. Redevelopment Incentive Fund Committee
15. Pavement Management Advisory Board
16. Two North Cedar Aviation Authority Board members

Except as otherwise provided by ordinance, the Mayor shall have the authority to remove members from these Boards and Commissions and to appoint new members to fill vacancies created by removal, resignation, death or extended disability.

17.04 COMPENSATION. The salary of the Mayor is four thousand eight hundred dollars (\$4,800.00) per year, payable on a biweekly basis. † *(Ord. 1100 – Mar. 17 Supp.)*

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

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

(Code of Iowa, Sec. 372.4)

† **EDITOR'S NOTE:** Compensation is effective beginning January 1, 2018.

CHAPTER 18

MAYOR PRO TEM

18.01 Vice President of Council
18.02 Powers and Duties

18.03 Voting Rights
18.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 19

CITY COUNCIL

19.01 Number and Term of Council
19.02 Powers and Duties
19.03 Exercise of Power

19.04 Council Meetings
19.05 Appointments
19.06 Compensation

19.01 NUMBER AND TERM OF COUNCIL. The Council consists of five Council members elected at large for staggered terms of four years.

(Code of Iowa, Sec. 372.4 & 376.2)

19.02 POWERS AND DUTIES. The powers and duties of the Council include, but are not limited to the following:

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

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

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

(Code of Iowa, Sec. 372.13[7])

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

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

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

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

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.

(Code of Iowa, Sec. 26.10)

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

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

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the 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 Council. A record of the service of notice shall be maintained by the Clerk.

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

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

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

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

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

5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. City Administrator
4. Planning and Zoning Commission

19.06 COMPENSATION. The salary of each Council Member is forty dollars (\$40.00) for each regular and special meeting of the Council attended.† *(Ord. 1101 – Mar. 17 Supp.)*

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

† **EDITOR’S NOTE:** Compensation is effective beginning January 1, 2018.

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CHAPTER 20
CITY CLERK

20.01 Appointment and Compensation
20.02 Powers and Duties: General
20.03 Publication of Minutes
20.04 Recording Measures
20.05 Other Publications
20.06 Authentication
20.07 Certification

20.08 Records
20.09 Attendance at Meetings
20.10 Licenses and Permits
20.11 Notification of Appointments
20.12 Elections
20.13 City Seal
20.14 City Funds

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

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

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

20.03 PUBLICATION OF MINUTES. Except as otherwise provided herein, the Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. The Clerk may be excused from attendance at a Council meeting or portion thereof by the Council, and in such event the Council shall designate another person to keep minutes and otherwise perform the duties of the Clerk in the Clerk's absence. The minutes shall be surrendered to the Clerk at the conclusion of the meeting for safekeeping and publication, as required by law.

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

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

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

20.05 OTHER PUBLICATIONS. The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

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

2. Manner of Publication. A publication required by this Code of Ordinances or

law must be in a newspaper published at least once weekly and having general circulation in the City.

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])

5. **Filing of Communications.** Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

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

20.09 ATTENDANCE AT MEETINGS. The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

20.10 LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

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

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

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

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

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

20.14 CITY FUNDS. The Clerk shall perform the following duties relating to City funds.

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.
2. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.
3. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
4. Special Assessments. Keep a separate account of all money received from special assessments.
5. Reconciliation. Reconcile depository statements with the Clerk's books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.
6. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

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CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Term
21.02 Compensation

21.03 Duties
21.04 Appointments

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

21.02 COMPENSATION. The City Administrator shall receive such compensation as the Council shall from time to time determine by resolution.

21.03 DUTIES. The duties of the City Administrator are as follows:

1. Supervise enforcement and execution of this Code of Ordinances, City policies and Council directives and have general supervision and direction of the administration of the City government.
2. Attend all meetings of the Council unless excused by the Council or Mayor.
3. Be directly responsible to the Council for the administration of municipal affairs as directed by the Council. All City departmental administration requiring the attention of the Council shall be brought before the Council by the Administrator. Council involvement in administration initiated by the Council must be coordinated through the Administrator.
4. Employ persons for positions which have been approved by the Council and discharge employees except for the positions of City Clerk, City Attorney, City Librarian, and employees of the City library. The Administrator shall advise the Council on the performance of the City Attorney and City Clerk and make recommendations with regard to their performance and employment. Hiring and discharge of employees shall always be accomplished in compliance with applicable employee contract provisions, and in accordance with applicable State and Federal law. The Administrator may delegate the power to hire and discharge employees to subordinate department heads to the extent the Administrator deems appropriate.
5. Obtain, upon order of the Council, such specialized and professional services deemed necessary by the Council and not already available to the City.
6. Supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City.
7. Make such investigations into the affairs and conduct of any department, agency, officer or employee under the supervision of the City Administrator as are necessary or desirable or as directed by the Council.
8. Supervise the recording, issuing and revocation of licenses and permits and to sign the same when authorized by this Code of Ordinances.
9. Keep the Council fully advised of the financial and other conditions of the City and of its future needs.
10. Make to the Council periodic itemized financial reports in writing.

11. Assemble the department heads' proposed annual departmental budgets, which proposals shall include projected revenues, proposed expenditures and salary requests and thereafter submit said proposed budget on prescribed forms to the Council.
12. Conduct the business affairs of the City and cause accurate records to be kept.
13. Designate one or more City employees to discharge the duties of the office of City Administrator when the Administrator is absent, such designation being subject to Council approval.
14. Order in writing the removal, at public expense, any nuisance for which no person can be found responsible and liable.
15. Cooperate with area economic development agencies and other governmental bodies in promoting economic development within the Charles City area; provide direction to the Council regarding measures which can be undertaken by the City to promote economic development; and supervise implementation of such economic development measures as are approved by the Council.
16. Assist the Council in establishing long-range goals for the City in order to provide a framework for decision making on a daily basis and to provide guidance and direction to successive City Councils.
17. Promote good relations with the citizens of the City and its civic organizations; to ensure that citizens' complaints, inquiries and needs are given prompt attention and timely response in a manner which communicates genuine interest in the concerns of each citizen.
18. Represent the City in all negotiations properly entered into in accordance with law or ordinance.
19. Perform such other duties as the Council may direct.
20. Open and announce bids at the time and place described in the published notice advertising for bids, and submit such bids to staff for review and recommendation to the City Council at its next meeting. If the City Administrator is absent or otherwise unavailable at the time for opening bids, he or she may direct either the City Engineer or the City Clerk to open and announce bids at the time and place described in the published notice advertising for bids, and in such case these bids shall also be reviewed by staff as directed by the City Administrator and submitted to the City Council with staff recommendation at its meeting.

21.04 APPOINTMENTS. The City Administrator shall appoint the following officials:

1. Police Chief
2. Fire Chief
3. Public Safety Director (Building Official)
4. Water Superintendent, Wastewater Superintendent and Street Superintendent
5. Zoning Administrator
6. Director of Foster Grandparent Program
7. Director of Housing and Redevelopment Authority
8. Director of Parks and Recreation

9. Building Official
10. All other department heads except only the City Librarian and those for whom the Council by ordinance reserves the right of appointment.

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CHAPTER 22

CITY ATTORNEY

22.01 Appointment and Compensation
22.02 Attorney for City
22.03 Power of Attorney
22.04 Ordinance Preparation

22.05 Review and Comment
22.06 Provide Legal Opinion
22.07 Attendance at Council Meetings
22.08 Prepare Documents

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

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

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

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

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

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

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

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

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

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

22.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Council, the Mayor, the City Administrator, or the City Clerk.

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

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

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

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

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

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CHAPTER 23

LIBRARY BOARD OF TRUSTEES

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

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

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

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

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

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

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.

7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

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

(Code of Iowa, Ch. 661)

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

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

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

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate

organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

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

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

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

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

23.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by any two Board members.

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

CHAPTER 24

PLANNING AND ZONING COMMISSION

24.01 Planning and Zoning Commission
24.02 Term of Office
24.03 Vacancies

24.04 Compensation
24.05 Powers and Duties

24.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven (7) members appointed by the Council. Members shall not hold any elective office in City government, and six (6) members shall be residents of the City. The remaining member shall be either a resident of the City or a resident of the area outside of the City over which the zoning jurisdiction (within a two mile radius of the City) of the City has been extended.

(Code of Iowa, Sec. 414.6 & 392.1)

(Ord. 1150 – Jan. 21 Supp.)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 25

PARKS AND RECREATION BOARD

25.01 Board Created
25.02 Organization
25.03 Duties

25.04 Rules
25.05 Special Penalties

25.01 BOARD CREATED. A Parks and Recreation Board is hereby created to advise the Council on the needed facilities and funds to provide open space such as parks, playgrounds and community facilities for other forms of recreation. It shall also plan, operate and supervise certain recreation facilities and parks as designated by the Council.

25.02 ORGANIZATION. The Board shall consist of seven (7) members, appointed by the Mayor with the approval of the Council, for overlapping terms of three years. The Board shall choose from its membership a Chairperson. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties.

25.03 DUTIES. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans from time to time, the Board has oversight of the properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations. The Board shall be responsible for preparing and executing the annual budget to be presented to the Council for its approval.

25.04 RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs. It shall also promulgate and establish certain policies for the care and use of parks and recreational facilities and properties.

25.05 SPECIAL PENALTIES. Violation of a Board rule which has been approved and either posted or publicized may be cause for denial of use of a facility or participation in a program, but such denial may be appealed to the Board.

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CHAPTER 26

CIVIL SERVICE COMMISSION

26.01 Purpose	26.06 Chairperson
26.02 Appointment and Term	26.07 Clerk
26.03 Qualifications	26.08 Records
26.04 Human Rights Commission	26.09 Rooms and Supplies
26.05 Compensation	26.10 Powers and Duties

26.01 PURPOSE. The purpose of this chapter is to provide for the appointment, powers and duties of a Civil Service Commission in accordance with the requirements of State law.

26.02 APPOINTMENT AND TERM. A Civil Service Commission consisting of three members shall be appointed by the Mayor with the approval of the Council for staggered terms of four years.

(Code of Iowa, Sec. 400.1)

26.03 QUALIFICATIONS. Commissioners must be citizens of Iowa, eligible electors and residents of the City preceding their appointment. No person while on said Commission shall hold or be a candidate for any office of public trust.

(Code of Iowa, Sec. 400.2)

26.04 HUMAN RIGHTS COMMISSION. Notwithstanding the provisions of Section 26.03, when a human rights commission has been established, the director thereof shall ex officio be a member, without vote, of the Civil Service Commission.

(Code of Iowa, Sec. 400.2)

26.05 COMPENSATION. Civil Service Commissioners shall serve without compensation.

(Code of Iowa, Sec. 400.2)

26.06 CHAIRPERSON. The Commission shall elect a chairperson from among its members.

(Code of Iowa, Sec. 400.4)

26.07 CLERK. The City Clerk shall be clerk of the Commission.

(Code of Iowa, Sec. 400.4)

26.08 RECORDS. The Civil Service Commission shall keep a record of all its meetings and also a complete individual service record of each civil service employee which record shall be permanent and kept up to date.

(Code of Iowa, Sec. 400.4)

26.09 ROOMS AND SUPPLIES. The Council shall provide suitable rooms in which the Commission may hold its meetings and supply the Commission with all necessary equipment and a qualified shorthand reporter or an electronic voice recording device to enable it to properly perform its duties.

(Code of Iowa, Sec. 400.5)

26.10 POWERS AND DUTIES. The Commission shall administer the civil service procedure as contained in Chapter 400, *Code of Iowa*, and amendments thereto and shall have, exercise and perform all powers and duties as provided thereby.

CHAPTER 27

HOUSING AND REDEVELOPMENT AUTHORITY BOARD OF COMMISSIONERS

27.01 Purpose

27.02 Powers Defined and Commission Established

27.03 Commissioners

27.04 Meeting and Organization

27.05 Executive Director

27.01 PURPOSE. The purpose of this chapter is to provide for the administration of all municipal housing programs and projects pursuant to Chapter 403A of the *Code of Iowa*, as amended.

27.02 POWERS DEFINED AND COMMISSION ESTABLISHED. The City Council of the City of Charles City, Iowa shall exercise all powers conferred by Chapter 403A of the *Code of Iowa*, as amended, but shall exercise such powers through the Charles City Housing and Redevelopment Authority Board of Commissioners and its Executive Director (collectively referred to herein as the Charles City Housing and Redevelopment Authority). The Charles City Housing and Redevelopment Authority shall not constitute an independent municipal housing agency as defined by Section 403A.2(1) of the Iowa Code, but rather it shall be a department of the City of Charles City, subject to the jurisdiction of the City Council of Charles City and supervision of the City Administrator. The Board of Commissioners may exercise all powers of the City Council concerning housing projects and programs and the Executive Director is authorized to sign all contracts and documents approved by the Board of Commissioners, subject to the following limitations:

1. All employees engaged in the administration of the housing projects and programs shall be hired and fired by the City Administrator of Charles City; and
2. All procurement by the Housing Authority shall be made pursuant to the Housing Authority Procurement Policy approved by the City Council of the City of Charles City.

The Executive Director shall attend City Council meeting as directed by the City Administrator to report on Authority activities to the City Council.

27.03 COMMISSIONERS. The Commission shall consist of five members to be appointed by the Mayor, subject to Council approval, for overlapping terms of two years. Member of the Commission shall serve without compensation but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of their duties. Members of the Commission may be removed from office by the Mayor, subject to Council approval. Each Commissioner shall hold office until a successor has been appointed and qualified.

27.04 MEETING AND ORGANIZATION. The Commission shall meet at regular intervals, said meetings to be public. It shall adopt its own bylaws and shall keep an accurate record of all its proceedings. Three members shall constitute a quorum for the transaction of business. The Commission may, through its bylaws, provide for appointment of a Chairperson and Vice Chairperson from among the Commissioners.

27.05 EXECUTIVE DIRECTOR. An Executive Director may be appointed by the City Administrator of Charles City, subject to approval by the City Council, to supervise the day-to-day operation of the municipal housing program. The Executive Director shall be under the direct supervision of the City Administrator but shall be subject to the direction of the Board of Commissioners created under this chapter.

(Ch. 27 – Ord. 1099 – Mar. 17 Supp.)

CHAPTER 28

HISTORIC PRESERVATION COMMISSION

28.01 Purpose and Intent

28.02 Definitions

28.03 Charles City Historic Preservation Commission

28.04 Powers of the Commission

28.05 Student Representatives on Historic Preservation Commission

28.01 PURPOSE AND INTENT. The purpose of this chapter is to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

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

1. "Commission" means the Charles City Historic Preservation Commission, as established by this chapter.
2. "Historic district" means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
 - A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
 - C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
 - D. Is associated with the lives of persons significant in our past; or
 - E. Has yielded, or may be likely to yield, information important in prehistory or history.

3. “Historic site” means a structure or building which:
 - A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. Is associated with the lives of persons significant in our past; or
 - C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - D. Has yielded, or may be likely to yield, information important in prehistory or history.

28.03 CHARLES CITY HISTORIC PRESERVATION COMMISSION.

1. The Commission shall consist of not to exceed eight (8) members who shall be residents of Charles City. Terms shall be three (3) years from January 1 following the year of appointment or until a successor is appointed.
2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
3. The Commission members are appointed for staggered terms of three (3) years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Members shall serve without compensation.
6. A simple majority of the Commission shall constitute a quorum for the transaction of business.
7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.
8. The Commission shall meet at least three (3) times a year.

28.04 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
4. The Commission may appoint five members to a local design review committee, which committee shall have the power to review applications for the Main Street Linked Investments for Tomorrow program. Projects receiving preliminary design review approval from this committee will be submitted to the State Main Street LIFT Design Review Board.
5. In addition to those duties and powers specified above, the Commission may, with Council approval:
 - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;
 - B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;
 - C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;
 - D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;
 - E. Contract with State or Federal government or other organizations;
 - F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;
 - G. Provide information for the purpose of historic preservation to the Council; and
 - H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

28.05 STUDENT REPRESENTATIVES ON HISTORIC PRESERVATION COMMISSION.

1. The Historic Preservation Commission may nominate up to four (4) high school students to participate as non-voting members of the Commission. These persons shall be known as student representatives. Following nomination by the Commission, nominated student representatives shall be appointed by the Mayor with the advice and consent of the Council.
2. Student representatives must be residents of the Charles City Community School District. Student representatives should demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
3. Vacancies shall be published on the Charles City website, the Charles City Community School District website, and through outreach to local schools when City resources allow for such publication and outreach. The Commission is authorized to prepare an application form that is relevant to the powers and responsibilities of the Commission and to interview students who have submitted applications. All

applicants shall be forwarded to the Commission for consideration. After the applications have been considered, nominations shall be voted on by the Commission in an open public meeting.

4. Each student representative shall serve a one-year term that commences on September 1 of each year. Student representative attendance at Commission meetings during the summer shall be optional and any absences during the summer shall be excused by the Commission. A student representative may apply for re-appointment to the same position for successive terms, provided that the Commission shall evaluate all applicants for the student representative position and any re-appointment shall be voted on in an open public meeting. A student representative may be removed for cause prior to the end of the term on a majority vote of the full Commission. Vacancies occurring, other than expiration of term of office, shall be only for the unexpired portion of the term of the student representative replaced.

5. This section shall not repeal, replace, amend, or modify Section 28.03 of this chapter. Accordingly, student representative shall not be considered Commission members for purposes of Section 28.03 of this chapter.

(Section 28.05 – Ord. 1131 – Jun. 19 Supp.)

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CHAPTER 29

NORTH CEDAR AVIATION AUTHORITY

29.01 Creation of Authority

29.02 The North Cedar Aviation Authority Board

29.01 CREATION OF AUTHORITY. The City of Charles City, Iowa, shall participate in the creation of, and thereafter become a member of, the North Cedar Aviation Authority (the Authority), which when created, shall be comprised initially of two members, namely: Floyd County, Iowa, and the City of Charles City, Iowa. The Mayor, on behalf of the City of Charles City, Iowa, is authorized to execute an agreement (the Authority Agreement) creating the North Cedar Aviation Authority pursuant to the provisions of Chapter 330A *Code of Iowa*, as amended.

29.02 THE NORTH CEDAR AVIATION AUTHORITY BOARD. The Authority shall have a board of three (3) representatives who shall be the governing body of the Authority exercising all of the rights, duties, and powers conferred by Chapter 330A *Code of Iowa*, as amended, upon the Authority. Two representatives of the Board shall be residents of the City of Charles City and one representative shall be a resident of the unincorporated area of Floyd County. The Mayor, with the approval of the City Council, shall appoint two residents of the City of Charles City to serve on the Board of the Authority at such time as this chapter takes effect. Additional representatives shall be added to the Board as provided in the Authority Agreement as additional municipalities become members of the Authority in the manner prescribed by Chapter 330A *Code of Iowa*, as amended.

EDITOR'S NOTE

Ordinance No. 1030, adopted by the Council on November 6, 2006, amended the Agreement Establishing North Cedar Aviation Authority, which Amendment authorized the transfer of all aviation facilities, as that term is defined under §330A.2[2] of the *Code of Iowa*, owned by the City of Charles City to the North Cedar Aviation Authority on the terms and conditions set forth in the Amendment. Ordinance No. 1030 is hereby saved from repeal.

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CHAPTER 30**VOCATIONAL ADVISORY BOARDS****30.01 Purpose****30.02 Composition of the Boards****30.03 Term of Office and Meetings****30.04 Duties**

30.01 PURPOSE. This chapter authorizes the appointment of an Electrical Trade Advisory Board, a Plumbing and Mechanical Advisory Board, and a Building Trades Advisory Board for the purpose of providing advice and counsel to City Officials in the performance of their responsibilities that involve the particular fields of expertise represented by each of these Boards.

30.02 COMPOSITION OF THE BOARDS.

1. The Electrical Trade Advisory Board shall consist of three members appointed by the Mayor and approved by the City Council. At least one member shall be a licensed electrical contractor and the remaining members shall be licensed electricians.
2. The Plumbing and Mechanical Advisory Board shall consist of three members, appointed by the Mayor and approved by the City Council, all of whom shall be licensed plumbers.
3. The Building Trades Advisory Board shall be composed of three members, appointed by the Mayor and approved by the City Council, and shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction.

30.03 TERM OF OFFICE AND MEETINGS. The members of each Board shall serve staggered terms of three years. Each Board may schedule regular meetings and shall also meet upon the call of the Building Official, a Code Enforcement Officer, or the City Engineer.

30.04 DUTIES. Each of the Vocational Boards shall provide advice and counsel to City Officials on questions presented for their consideration in their particular field of expertise. This advice and counsel is not binding upon the City Official or upon the City. Rather, such advice and counsel shall be for the sole purpose of assisting the City Officials in making informed decisions in the performance of their respective responsibilities. Advisory Board members are not employees of the jurisdiction.

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CHAPTER 33

POLICE DEPARTMENT

33.01 Department Established
33.02 Organization
33.03 Peace Officer Qualifications
33.04 Required Training
33.05 Compensation
33.06 Police Chief Appointed

33.07 Police Chief: Duties
33.08 Departmental Rules
33.09 Summoning Aid
33.10 Taking Weapons
33.11 Uniform Allowance

33.01 DEPARTMENT ESTABLISHED. The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

33.02 ORGANIZATION. The Department shall be a separate division of the Public Safety Department and shall consist of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council. The Chief and all personnel in the Police Department shall be under the direct supervision of the Public Safety Director.

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

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

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

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

33.06 POLICE CHIEF APPOINTED. The City Administrator shall appoint the Police Chief. The Police Chief shall, at all times, be subject to the orders and supervision of the Public Safety Director.

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

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

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

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

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

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

33.11 UNIFORM ALLOWANCE. All police officers shall be provided a uniform allowance as determined by resolution of the Council, which shall be granted in the form of the purchase of clothing meeting the standard of color, style and quality specified by the City. Any officer who leaves the department's service shall turn over all items identifiable as official uniforms, including insignia, before receiving final compensation.

CHAPTER 34

PUBLIC SAFETY DEPARTMENT

34.01 Public Safety Department Established

34.02 Organization

34.03 Public Safety Director

34.04 Compensation

34.05 Training

34.06 Delegation of Duties

34.01 PUBLIC SAFETY DEPARTMENT ESTABLISHED. A Public Safety Department is hereby established which shall consist of the police and fire departments under the supervision of the Public Safety Director. The Public Safety Department shall also have responsibility for enforcement of all building and property maintenance provisions as set forth in Chapters 145 through 158 of the Charles City Code of Ordinances and for enforcement of the nuisance laws as set forth in Chapters 50 and 51 of the Charles City Code of Ordinances. The Building Official and all Code Enforcement (inspection) Officers of the City shall be under the supervision of the Public Safety Director.

34.02 ORGANIZATION. The Police and Fire Departments shall operate as separate subdivisions of the Public Safety Department. Each department shall have a chief who is appointed by the City Administrator upon the recommendation of the Public Safety Director.

34.03 PUBLIC SAFETY DIRECTOR. The Public Safety Department shall be under the supervision of a Public Safety Director appointed by the City Administrator. The Public Safety Director shall have the duties and responsibilities as established by the Council and as set forth in the job description adopted by the Council. The Public Safety Director may also serve as Police Chief or Fire Chief at the discretion of the Council, and as Building Official at the discretion of and upon appointment by the City Administrator.

34.04 COMPENSATION. The Public Safety Director shall receive compensation as established by the Council and set forth in a written contract approved by the Council by resolution.

34.05 TRAINING. The Public Safety Director shall have knowledge of both law enforcement and fire protection and shall be versed in both disciplines to the extent that the Director is capable of managing both departments and have a good working knowledge of both departments' functions.

34.06 DELEGATION OF DUTIES. The Public Safety Director may delegate duties to the chiefs of either the Police and Fire Departments as he/she determines necessary to carry out the respective responsibilities of each department.

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Appointments
35.04 Training
35.05 Compensation
35.06 Fire Chief Appointed
35.07 Fire Chief: Duties
35.08 Obedience to Fire Chief

35.09 Department Rules
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside Fire District
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Uniform Allowance

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

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The Fire Department shall be a separate division of the Public Safety Department and shall consist of the Fire Chief and such other officers and personnel, whether full or part-time, as may be authorized by the Council. The Chief and all personnel in the Fire Department shall be under the direct supervision of the Public Safety Director.

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

35.03 APPOINTMENTS. Regularly employed full-time members of the Fire Department shall be appointed by the Fire Chief, subject to approval of the City Administrator in accordance with the rules and regulations of the Civil Service Commission and the civil service laws of the State. Volunteer members of the Fire Department shall be appointed by the Fire Chief subject to the approval of the City Administrator.

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

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

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

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

35.06 FIRE CHIEF APPOINTED. The Fire Chief shall be appointed by the City Administrator and shall hold office until resigning or being removed from office as provided by the civil service laws of the State and the rules and regulations of the Civil Service Commission. The Fire Chief shall at all times be subject to the orders and supervision of the Public Safety Director.

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires, and enforce the following provisions of the Charles City Municipal Code of Ordinances: Chapters 50, 51, 105, 145, 157, 158 and 159. The authority of the Fire Chief to enforce these ordinances and laws does not preclude enforcement of these same laws and ordinances by the Police Chief under §33.07 of the Charles City Municipal Code of Ordinances.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

4. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the Fire Department.

(Code of Iowa, Sec. 102.2)

5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

6. Command. Be charged with the duty of maintaining the efficiency, discipline and control of the Fire Department. The members of the Fire Department shall, at all times, be subject to the direction of the Fire Chief.

7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the Fire Department.

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

(Code of Iowa, Sec. 100.2 & 100.3)

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

investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

12. Records. Cause to be kept records of the fire department personnel, firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

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

35.09 DEPARTMENT RULES. The Fire Chief shall establish such rules, not in conflict with this Code of Ordinances and rules of the Civil Service Commission, and subject to the approval of the Council, as may be necessary for the operation of the department, including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during regular and off-duty hours.
2. Communication. The procedures, use and care of the radio and other communication systems.
3. Training. The nature, time and attendance requirements for in-service training of members of the department.
4. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the Council.
5. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
6. Penalties. The penalties which may be imposed for violation of established departmental rules by members.
7. Notice. The Fire Chief shall give written notice to any member charged with a violation of departmental rules specifying the rules violated, the nature of the violation and the penalty to be imposed.
8. Appeal. A member of the department charged with a violation of rules may request a hearing before the Council by filing notice of appeal with the Clerk within ten (10) days of receipt of notice of violation. The Council, at its next meeting, shall review the facts and affirm, modify or revoke the action of the Fire Chief.

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 100.41)

35.15 UNIFORM ALLOWANCE. All Fire Department members shall be provided a uniform allowance as determined by resolution of the Council, which shall be granted in the form of the purchase of clothing meeting the standard of color, style and quality specified by the City. Any member who leaves the department's service shall turn over all items identifiable as official uniforms, including insignia, before receiving final compensation.

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36.05 NOTIFICATIONS.

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

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

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

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

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

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

(Code of Iowa, Sec. 723.4[6])

A. “Deface” means to intentionally mar the external appearance.

B. “Defile” means to intentionally make physically unclean.

C. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.

D. “Mutilate” means to intentionally cut up or alter so as to make imperfect.

- E. “Show disrespect” means to deface, defile, mutilate, or trample.
 - F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.
7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

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

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

- A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
- B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.
- C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.1A)

41.04 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

41.12 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB

guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

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

41.14 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

1. **Definitions.** For purposes of this section, the definitions for “consumer fireworks,” “display fireworks,” and “novelties” shall be as enumerated in Iowa Code section 727.2, subsection 1, which definitions are incorporated herein by reference.

2. **Consumer fireworks.**

A. **Use and Explosion.** The use and explosion of consumer fireworks is prohibited within the corporate limits of the City of Charles City.

B. **Sale, Transfer, and Purchase.**

(1) **Sale.** The sale of consumer fireworks shall at all times be conducted in accordance with the provisions of the Iowa Code and the administrative rules adopted by the Iowa State Fire Marshal relating to the sale, transfer, and purchase of consumer fireworks. Accordingly, it shall be unlawful to sell consumer fireworks without meeting the requirements specified in the Iowa Code and by the State Fire Marshal, or to sell consumer fireworks outside of the following dates:

i. Approved consumer fireworks sales meeting the requirements of this Chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

ii. Approved consumer fireworks sales meeting the requirements of this Chapter shall be allowed from an approved temporary structure between June 13 and July 8.

(2) **Requirements.** Prior to engaging in the sale of consumer fireworks, a person, firm, partnership, or entity who sells consumer fireworks shall provide the Fire Chief of the City of Charles City with proof of a valid and current license issued by the state fire marshal.

(3) **Peddlers, Solicitors, and Transient Merchants.** A person, firm, partnership, or entity who sells consumer fireworks and meets the definition of a Peddler, Solicitor, or Transient Merchant, as those terms are defined in Chapter 122 of the Charles City Code of Ordinances, shall be subject to the provisions provided in said Chapter 122 of the Charles City Code of Ordinances.

(4) **Notice of Prohibition of Use and Explosion.** Any person, firm, partnership, or entity who sells Consumer fireworks under this Chapter shall display in a prominent location on the premises a notice

that the use and explosion of consumer fireworks is prohibited within the corporate limits of the City of Charles City, Iowa.

(Subsection 2(B) – Ord. 1110 – Nov. 17 Supp.)

3. Display Fireworks. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any display fireworks; provided the City may, upon application in writing, grant a permit for the display of display fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Bodily Injury and Property Damage: \$2,000,000
- B. Total Liability Coverage: \$2,000,000

4. Violations. A person who violates this Chapter commits a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars. A court shall not order imprisonment for violation of this Chapter. Violations of this Chapter shall be reported to the state fire marshal.

5. Applicability.

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

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

C. Unless specifically provided otherwise, the Chapter does not apply to novelties.

(Sec. 41.14 – Ord. 1104 – Jul. 17 Supp.)

41.15 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

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

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness, or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

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

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

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Other Public Property Offenses

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

(Code of Iowa, Sec. 716.8)

1. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Specific Exceptions. "Trespass" does not mean either of the following:
(Code of Iowa, Sec. 716.7[2b])

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 23 – Library
 - A. Section 23.10 – Injury to Books or Property
 - B. Section 23.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control
 - A. Section 105.07 – Littering Prohibited
 - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.12 – Interference with Sidewalk Improvements
 - B. Section 136.17 – Fires or Fuel on Sidewalks
 - C. Section 136.18 – Defacing
 - D. Section 136.19 – Debris on Sidewalks
 - E. Section 136.20 – Merchandise Display
 - F. Section 136.21 – Sales Stands

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

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

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine or beer from any licensee or permittee.

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

A. “Arrest” means the same as defined in Section 804.5 of the *Code of Iowa* and includes taking into custody pursuant to Section 232.19 of the *Code of Iowa*.

B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

C. “Peace Officer” means the same as defined in Section 801.4 of the *Code of Iowa*.

D. “School” means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

3. A person shall not simulate intoxication in a public place.

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

(Code of Iowa, Sec. 123.46)

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

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

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

CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco
46.02 Contributing to Delinquency

46.03 Curfew

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

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

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

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

46.03 CURFEW. The Council has determined that a curfew for minors under the age of 15 is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors, and to protect minors from improper influences and criminal activity that may exist in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:
 - A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.
 - B. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. "Minor" means any unmarried person under the age of eighteen (18) years.
 - D. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is

permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

E. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

2. Curfew Established. It is unlawful for any minor under the age of 15 to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 6:00 a.m. of the following day on weekdays (Sunday, Monday, Tuesday, Wednesday and Thursday). The curfew on Friday and Saturday shall be from 11:00 p.m. to 6:00 a.m. on Saturday and Sunday.

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

A. The minor is accompanied by a responsible adult.

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

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

(1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within 30 minutes after the end of work;

(2) Minor's place of religious activity or, if traveling, within 30 minutes after the end of the religious activity;

(3) Governmental or political activity or, if traveling, within 30 minutes after the end of the activity;

(4) School activity or, if traveling, within 30 minutes after the end of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within 30 minutes after the end of the activity.

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

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

F. The minor's business, trade or occupation, in which the minor is permitted by law to be engaged, requires the presence of the minor in the public place.

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

5. Enforcement.
 - A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a peace officer or reserve officer on the street shall, in the first instance, use his or her best judgment in determining age.
 - B. Officer's Discretion. When a curfew violation has been identified, an officer may use reasonable discretion in determining an appropriate course of action. These options include directing the juvenile to proceed directly home, transporting the juvenile home, arresting the juvenile and detaining him/her until his/her parents or guardian can be reached for pickup, issuance of a citation to the juvenile, and issuance of a citation to the responsible adult(s) having custody or control of the minor child. Each option is not exclusive but may be utilized cumulatively with the other options at the discretion of the officer.
6. Penalties.
 - A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
 - B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
 - C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.
 - D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

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CHAPTER 47

PROHIBITIVE USE OF PROPERTY FOR CRIMINAL PURPOSES

47.01 Purpose
47.02 Definitions

47.03 Specified Crime Property Prohibited
47.04 Civil Violations and Penalties

47.01 PURPOSE. The purpose of this chapter is to prohibit the use of property for criminal purposes as subject to the definitions appearing in Section 47.02.

47.02 DEFINITIONS. The following terms are defined for the purpose of this chapter:

1. “Bootlegging” means the illegal sale or service of alcoholic liquor, wine or beer in violation of Chapter 123 of the *Code of Iowa*.
2. “Controlled substance” means a drug, substance or immediate precursor as defined in Chapter 124 of the *Code of Iowa*.
3. “Gambling” means gaming or betting as defined by Section 725.7 of the *Code of Iowa*.
4. “Owner” means any person, agent, firm, corporation, association or partnership in whom or in which has been vested all or part of the legal title to property or all or part of the beneficial ownership and the right to present use and enjoyment of the premises, or an occupant of that structure.
5. “Prostitution, pimping and pandering” means those acts or activities as defined by Chapter 725 of the *Code of Iowa*.
6. “Specified crime property” means any structure in which activity involving the unauthorized delivery or manufacture of a controlled substance, illegal gaming or betting, bootlegging, prostitution, pimping or pandering is occurring.
7. “Structure” means any building or structure including, but not limited to, single-family residences, multi-family residences, commercial buildings, or any portion thereof.

47.03 SPECIFIED CRIME PROPERTY PROHIBITED. No person shall use or allow to be used any structure as a specified crime property.

47.04 CIVIL VIOLATIONS AND PENALTIES. Any person who violates the provisions of this chapter is guilty of a municipal infraction. A charge filed against an owner for violation of this chapter shall not preclude the City from seeking additional relief, including, but not limited to, an order for abatement or injunctive relief from the court in the same action or as a separate action.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Notice to Abate: Contents
50.07 Method of Service

50.08 Request for Hearing
50.09 Abatement in Emergency
50.10 Abatement by City
50.11 Collection of Costs
50.12 Installment Payment of Cost of Abatement
50.13 Failure to Abate

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

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

9. Weeds, Brush. Dense growth of all weeds and grasses over six (6) inches in height or other vegetation having reached a height exceeding eight (8) inches, except for any cultivated agricultural commodities which are planted and harvested within the City, provided the same are regularly maintained and otherwise free from the type of offensive vegetation that would constitute a health, safety or fire hazard. The property owner shall cause all weeds, vines, grasses and vegetation to be cut or destroyed within seven (7) days of receipt of notice to cut or destroy.

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

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

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

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**
5. Property Maintenance Code **(See Chapter 158)**

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

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner or occupant a written order to abate the nuisance within a reasonable time after notice. Authorized municipal officers include the Mayor, the Public Safety Director, the Fire Chief, the Police Chief, and the Building Official, each of whom shall have authority to issue notices and orders and to execute civil citations as necessary to enforce the provisions of this chapter and the provisions of any other chapter of this Code of Ordinances pertaining to prohibited nuisances.[†]

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

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

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Description of Remedial Action. A statement that if the nuisance or condition is not abated as directed that the City may: (a) abate the nuisance and assess the costs against the person and/or the property; or (b) file a civil citation for municipal infraction pursuant to Chapter 4 of the Charles City Code of Ordinances. If the City intends to abate the nuisance, upon the offender's failure to do so, and without filing a municipal infraction citation, it must also include notification of the person's right to contest the City's finding of a nuisance at hearing before the City Council by filing a written request with the City Clerk as provided in Section 50.08 of this chapter.

50.07 METHOD OF SERVICE. The notice to the property owner or occupant may be served by certified mail, by personal service as provided by Iowa Rule of Civil Procedure 1.305, by publication in the manner provided by Iowa Rule of Civil Procedure 1.310 and subject to the conditions of Iowa Rule of Civil Procedure 1.311, or by both ordinary and certified mail and posting the notice at the residence of the person being served or at the building that is the subject of the notice. In the event that the nuisance to be abated is the growth of weeds, grasses, or other vegetation, as described in Section 50.02(8) of this Code of Ordinances and a Notice to Abate has been previously served upon the owner or occupant of the property as provided in this Section, then for all subsequent occasions during the same growing year that similar nuisance conditions arise on the property, the Notice to Abate may be served by posting it in a conspicuous location on the property at least 48 hours prior to remediation of the nuisance conditions by the City. In such case, the Notice to Abate shall contain a statement notifying the owner or occupant that he or she must abate the nuisance conditions within 48 hours of the posted date or alternatively file a written request for hearing with the City Clerk within this same 48 hour period.

(Ord. 1095 – Aug. 16 Supp.)

50.08 REQUEST FOR HEARING. Any person who is advised by an order to abate nuisance, given pursuant to Section 50.06 of this chapter, of the right to a hearing before the City Council to contest the finding of nuisance, must file a written request for hearing with the City Clerk within the time stated in the order to abate nuisance, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. Findings of the Council shall be

assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

50.10 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.

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

50.11 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

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

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

51.06 Sale of Junk or Junk Vehicles

51.07 Collection of Costs

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

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

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

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

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

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

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

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

1. A garage or other enclosed structure; or
2. The premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the Zoning Ordinance of the City; or
3. An appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

51.06 SALE OF JUNK OR JUNK VEHICLES. If the City, in its sole discretion, determines that any junk or junk vehicles which it has removed from property through abatement action can be sold to help defray the costs of the abatement, then the City may sell such property at public auction or at private sale and apply the proceeds realized from sale to the cost of abatement and the cost of sale. Any excess revenue, over these costs, shall be paid to the owner of the junk or junk vehicle if such ownership can be ascertained. If junk or junk vehicles are sold at private sale, then written notice by certified mail or personal service shall be provided to the owner at least five (5) days prior to the date of sale, advising the owner of the time, place and terms of the sale. If, prior to the time of sale as set forth in the notice, the owner makes payment to the Clerk of the costs of abatement and sale or of the proposed sale price of the junk or junk vehicles, if less than the total costs incurred for abatement and sale, then the owner may thereby redeem the items to be sold and retrieve the same from the City at the owner's expense.

51.07 COLLECTION OF COSTS. Costs incurred by the City to abate the nuisance and which are not recovered from the sale of the junk or junk vehicles removed from the property pursuant to Section 51.06 of this chapter shall be collected in the same manner as provided in Chapter 50 of this Code of Ordinances.

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CHAPTER 52

PROCEDURES FOR ABATING AND REMEDYING UNLAWFUL ACTIVITIES THAT REPEATEDLY OCCUR AT A PROPERTY

52.01 Purpose

52.02 Definitions

52.03 Chronic Nuisance Properties

52.04 Procedure

52.05 Violation and Penalties

52.01 PURPOSE. The purpose of this chapter is to provide a procedure for abating and remedying unlawful activities that repeatedly occur or exist at a property, which activities create a chronic nuisance and negatively impact the quality of life and safety in neighborhoods where such activities occur.

52.02 DEFINITIONS. For the purpose of interpreting this chapter, the following definitions shall apply:

1. "Abate" or "Abatement" means:
 - A. As applied to Occupants: The removal or correction of the condition or circumstances causing the property to be deemed a chronic nuisance property or the complete cessation of the action causing the same.
 - B. As applied to non-occupant Owners: The initiation of all such actions or steps as may be reasonable and legal under the circumstances (and which would ordinarily lead to an abatement of the problem) together with a good faith continuation of those efforts.
2. "Chronic Nuisance Property" means any Property on which three or more Nuisance Activities have occurred within a twelve (12) month period which result in Enforcement Action.
3. "Enforcement Action" means an arrest, the issuance of a citation, or issuance of a verbal or written warning associated with a nuisance activity as defined herein.
4. "Nuisance Activity" means any of the following behaviors, activities, or conduct:
 - A. Public disturbances, assaults, brawls, fights, indecent exposure, or public urination;
 - B. Harassment under Iowa Code §708.7 or Section 40.02 of this Code;
 - C. Disorderly Conduct under Iowa Code §723.4 or Section 40.03 of this Code;
 - D. Unlawful sale, manufacture, or possession of a controlled substance, or related offenses, under Chapter 124 of the Iowa Code;
 - E. Unlawful intoxication, social host, and/or underage consumption under Chapter 45 of this Code;
 - F. Discharge of a firearm under Section 41.11 of this Code;

- G. Public property offenses in violation of Section 42.07 of this Code;
- H. Unlawful use of fireworks in violation of Section 41.14 of this Code;
- I. Violations of Chapter 55 of this Code relating to animal protection and control;
- J. Violations of Sections 50.02 and 50.03 of the Code relating to nuisance conditions.

“Nuisance Activity” does not include activities, behaviors, or conduct that result in a call for assistance made by the Owner or Occupant requesting police services nor calls for assistance relating to any of the following:

- K. Domestic abuse under Chapter 236 of the Iowa Code
- L. Sexual Assault under Chapter 209 of the Iowa Code
- M. Stalking under Iowa Code §708.11

5. “Occupant” means any person, persons, entity, or entities, individually or collectively, that resides at, or that have possession and/or control of, a Property.

6. “Owner” means any person, persons, entity or entities that have legal title, individually or collectively, to a Property.

7. “Property” means any building, lot, parcel, dwelling, rental unit, real estate, land, or portion thereof, including but not limited to property used as residential or commercial property. For property consisting of more than dwelling one unit, property is limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

Property does not include any real property owned by a governmental entity.

52.03 CHRONIC NUISANCES PROPERTIES. The Owner of a Property deemed to be a Chronic Nuisance Property who fails or refuses to abate the Nuisance Activities as set forth herein is in violation of this chapter and shall be subject to its remedies.

52.04 PROCEDURE.

1. When the Chief of Police receives two or more police reports documenting the occurrence of Nuisance Activities on a Property which result in Enforcement Action, the Chief of Police shall independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under Charles City Code 52.02(4)(a)-(j). Upon such a finding, the Chief of Police or his or her designee (hereafter collectively referred to as the Chief of Police) shall notify the Owner in writing that the Property is in danger of becoming a Chronic Nuisance Property under this chapter (“the initial notice”). The initial notice shall contain the following information:

- A. The street address or a legal description sufficient for identification of the Property; and, if the Property has multiple units, the particular dwelling unit(s), commercial unit(s), or common area which is the subject of the notice;
- B. A statement that the City of Charles City Police Department has documented the occurrence of two or more Nuisance Activities which have

resulted in Enforcement Action on the Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Chief of Police shall offer the Owner an opportunity to propose a course of action that the Chief of Police agrees will abate the Nuisance Activities giving rise to the initial notice.

C. Demand that the Person in Charge respond to the Chief of Police the within ten (10) days to discuss the Nuisance Activities.

2. When the Chief of Police receives a police report documenting the occurrence of additional Nuisance Activity on a Property which results in Enforcement Action after providing the Owner with the initial notice, the Chief of Police notify the Owner in writing that the Property has been determined to be a Chronic Nuisance Property (“the final notice”). The final notice shall contain the following information:

A. The street address or a legal description sufficient for identification of the Property; and, if the Property has multiple units, the particular dwelling unit(s), commercial unit(s), or common area(s) which is the subject of the notice;

B. A concise statement of the Nuisance Activities which have resulted in Enforcement Action that have occurred at the Property within the last twelve months;

C. A demand that the Owner respond within ten (10) days to the Chief of Police and propose a course of action that the Chief of Police agrees will result in the abatement of the Nuisance Activities giving rise to the violation.

D. A statement that if the Owner fails to respond to the notice, the City may file a civil citation for a municipal infraction against the Owner requesting imposition of a civil penalty of not less than \$750.00 and/or requesting authorization for the City to assess the costs of abatement to the Owner and/or Property in an amount not to exceed \$50.00 for each subsequent Nuisance Activity on the Property which results in Enforcement Action.

E. The name, address, telephone number of a representative of the Charles City Police Department to contact concerning the notice.

3. Service of the final notice shall be made and addressed to the Owner at the address shown on the tax rolls of Floyd County and shall also be made on the Occupant at the address of the Property, if the Occupant is different than the Owner, and shall be made either personally or by certified mail, return receipt requested.

4. If the Owner fails to respond to the final notice as required by Section 52.04(2)(c), the Chief of Police may direct the City Attorney to file a civil citation for a municipal infraction against the Owner requesting imposition of a civil penalty of not less than \$750.00 and/or requesting authorization for the City to assess the costs of abatement to the Owner and/or Property in an amount not to exceed \$50.00 for each subsequent Nuisance Activity on the Property which results in Enforcement Action. Prior to taking such action, the final notice shall also be posted at the Property.

5. If the Owner responds to the final notice as required by Section 52.04(2)(c), the Chief of Police shall postpone referring the matter to the City Attorney. If the agreed course of action does not result in the abatement of the Nuisance Activities within forty-five (45) days; or, if no agreement concerning abatement is reached

within forty-five (45) days, the Chief of Police may direct the City Attorney to file a civil citation for municipal infraction against the Owner requesting imposition of a civil penalty of not less than \$750.00 and/or requesting authorization for the City to assess the costs of abatement to the Owner and/or Property in an amount not to exceed \$50.00 for each subsequent Nuisance Activity on the Property which results in Enforcement Action.

6. There shall be a conclusive presumption that the Owner has taken appropriate corrective action to abate the Nuisance Activities if there is no additional Enforcement Action associated with the Property from the end of the forty-five day period until the earlier of (1) the end of the calendar year or (2) the conclusion of ninety days.

52.05 VIOLATION AND PENALTIES. The Owner of a Chronic Nuisance Property is in violation of this chapter and the Charles City Code of Ordinances and shall be subject to a civil citation for a municipal infraction under Chapter 4 of this Code of Ordinances. Such penalty is not exclusive and does not preclude the City from seeking any other remedies available under state law or local ordinance, including, but not limited to, any order for abatement, injunctive relief, and/or any order assessing the costs of abatement to the Owner and against the Property in the manner provided by Chapter 50 of the Charles City Code of Ordinances and Chapter 364.22 of the Iowa Code.

(Ch. 52 – Ord. 1111 – Nov. 17 Supp.)

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Vicious Dogs
55.02 Animal Neglect	55.10 Rabies Prevention
55.03 Livestock	55.11 Dog Registration Required
55.04 Abandonment of Cats and Dogs	55.12 Impounding Animals
55.05 At Large Prohibited	55.13 Number of Animals Limited
55.06 Animals at Public Events	55.14 Pet Awards Prohibited
55.07 Damage or Interference	55.15 Disposition of Impounded Dogs Adjudicated to be Vicious
55.08 Annoyance or Disturbance	

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

1. “Animal” means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. “At large” means off the premises of the owner and:
 - A. Not within an enclosed structure or area such as a house, garage, veterinary office, fenced yard, etc. that controls the animal’s movement and contact with other persons or animals, or
 - B. Not restrained by a firmly anchored chain or rope that prevents the animal from having contact with persons on a public or private walkway or in a public area, or
 - C. Not restrained by a leash of six feet or less in length controlled by a competent person, or
 - D. Not within an area designated by the City (either temporarily or permanently) as an animal or dog park, or
 - E. Not a certified police dog acting on behalf of a public safety agency.
3. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(Code of Iowa, Sec. 717.1)
4. “Owner” means any person owning, keeping, sheltering or harboring an animal.

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

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

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

3. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
4. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
5. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
6. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
 - A. A condition caused by failing to provide for the animal's welfare as described in this subsection.
 - B. An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

(Section 55.02 – Ord. 1148 – Nov. 20 Supp.)

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

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

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

55.05 AT LARGE PROHIBITED. It is unlawful for any person to allow any animal to run at large within the corporate limits of the City. (See definition for "at large.")

55.06 ANIMALS AT PUBLIC EVENTS. The City Council on its own motion or upon the petition of any citizen may prohibit the presence of animals at an event held on public property. If the Council acts to prohibit the presence of animals from an event held on public property it shall post a notice of such prohibition at the location of the event at least four (4) hours prior to the time that the event begins. This prohibition shall not act to prohibit the presence of a certified service dog in the custody and control of its owner.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for any owner, keeper or walker of any dog or cat or other animal to permit said dog or cat or other animal to discharge said animal's feces upon any public or private property, other than the property of the owner of the dog or cat or other animal, within the City if such owner, keeper or walker does not immediately thereafter remove and clean up said animal's feces from the public or private property.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by

frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when:

1. It has attacked, or bitten, or otherwise injured, any person without provocation; or
2. It has attacked or bitten another dog or cat on the property where the other dog or cat resides; or
3. The dog is at large and attacks and injures another dog or cat that is restrained; or
4. The propensity to attack or bite persons exists and is known or reasonably should be known to the owner.

55.10 RABIES PREVENTION.

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

3. Confinement. If a local board of health or local law enforcement officer receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board or officer 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, and after ten (10) days the animal may be humanely destroyed. If such animal is returned to the owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.11 DOG REGISTRATION REQUIRED.

1. Registration of Dogs. Owners of dogs over six months of age shall register their dogs with the City Clerk or other person or entity designated by the City on or before March 1 beginning in the year 2016. An owner may register a dog for a period of one, two, or three years, at the discretion of the owner. Proof of vaccination for rabies in the form of a certificate of vaccination by a licensed veterinarian must be presented at the time of registration. The registration fees, with late registration penalty, will be established by resolution of the City Council. For those dogs which do not have an implanted microchip that provides identification of ownership, a

numbered tag will be issued by the City or its designated representative, which shall be securely fastened to the collar worn by the dog, together with a rabies tag supplied by the City or its designated representative. The registration must be renewed by application to the City Clerk or the City's designee before the date of expiration, and with each renewal proof of current vaccination for rabies must be presented together with current information of ownership and owner's place of residence. If the dog has an implanted microchip, then in addition to maintaining its registration with the City, the owner must maintain registration with the microchip registration company.

(Ord. 1089 – May 16 Supp.)

2. **Transfer of Ownership.** If ownership of a dog is transferred to another person, then the City Clerk must be notified within 30 days of transfer so that the transfer of ownership can be noted in the City's records. If the dog bears an implanted microchip then the transferring owner is responsible for ensuring that the microchip registration company is also notified of the change of ownership within 30 days of the transfer. Thereafter, the new owner will be responsible for renewal of the dog's registration with the City.

3. **Exemptions.** This section shall not apply to kennel animals that are kept and raised solely for the bona fide purpose of sale in state or federally licensed kennels.

55.12 IMPOUNDING ANIMALS.

1. **Impoundment.** Any animal may be impounded when any of the following apply:

A. The animal is found at large;

B. The animal is required to be registered and does not have a current registration;

C. The owner of a dog has been issued a citation for keeping or harboring a vicious dog within the City and the Chief of Police has reasonably concluded that allowing the dog to remain in the possession of the owner pending trial on this citation presents an unreasonable risk to the safety of other persons or domestic animals. Factors that will be considered by the Police Chief in making this determination include: a. the history of the animal's aggression, b. the nature of the incident that caused the citation to issue, c. the restraints that are available to keep the dog from having contact with other persons or animals, and d. the ability and willingness of the owners to effectively confine or restrain the animal pending trial on the citation.

D. The dog is causing serious annoyance or disturbance to other person or persons by frequent and habitual howling, barking, or yelping and the owner cannot be contacted to resolve the nuisance condition.

2. **Reclamation of Animal from Impoundment.**

A. **Notice.** Within two business days after impounding an animal, notice shall be given to its owner (if the owner's name and current address can be reasonably determined from a tag or other device that is on or part of the animal) by ordinary mail, that the owner's animal may be reclaimed by payment of the costs associated with care and treatment of the animal as set forth herein. Notice shall be deemed to be received by the owner three business days after the date that the notice is deposited for delivery in the U.S. Mail. If the owner does not reclaim its animal within seven days after

receiving notice, then the owner shall forfeit all ownership rights to the animal and it may thereupon be placed for adoption with another owner or euthanized, at the discretion of the City or its designated representative.

B. Payment of Costs. All impounded dogs will receive a microchip and, if proof of vaccination is not received within the seven day period for reclamation, then the dog shall also receive a rabies vaccination. The owner must pay for the cost of implant and vaccination and for the daily cost of care before the animal is released to the owner. The foregoing costs shall be prescribed by resolution of the City Council.

C. Animals Not Eligible for Reclamation. The following animals may not be reclaimed:

- (1) A dog that has been adjudicated to be a vicious dog;
- (2) A dog whose owner has a pending citation for harboring or keeping a vicious dog within the City and which is detained pursuant to Section 55.12(1)(C). A dog that is retained under this subparagraph but whose owner is found not guilty on the citation for owning and harboring a vicious dog may then reclaim the dog upon payment of the vaccination and microchipping expenses, but will not be charged for the cost of impoundment;
- (3) Dogs which have not been reclaimed within the 7 day notice period described in Paragraph 1 of this subsection, except that dogs which have not displayed aggressive conduct and which are eligible for adoption but have not been placed for adoption within the 7 day period, may be released to the owner at the discretion of the City or its designated representative upon payment by the owner of all costs associated with the care and impoundment of the dog.

55.13 NUMBER OF ANIMALS LIMITED. The total combined number of cats and dogs over the age of four (4) months which may be kept in any one household shall be limited to five (5). This section shall not apply to a person who operates a commercial kennel in an area properly zoned therefor.

55.14 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:

A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

(Ch. 55 – Ord. 1087 – Jan. 16 Supp.)

55.15 DISPOSITION OF IMPOUNDED DOGS ADJUDICATED TO BE VICIOUS.

1. Disposition of Impounded Dog.

A. After a dog which is impounded pursuant to Section 55.12 is adjudicated to be a vicious dog under Section 55.09 by a Court of competent jurisdiction, the Charles City Chief of Police, or his or her designated representative (hereafter collectively referred to in this Section 55.15 as the Chief of Police), shall review the circumstances surrounding the adjudication and shall do one of the following:

(1) Cause the animal to be humanely destroyed if, in the opinion of the Chief of Police the release of such animal would create an unreasonable risk of harm to the public safety; or

(2) Release such animal to the control of its owner pursuant to a written agreement to be signed by the owner, upon such terms and conditions as the Charles City Chief of Police reasonably necessary to ensure the public safety. Such terms and conditions shall include the relocation of the dog outside of the City of Charles City in accordance with Section 55.09.

B. In making its determination regarding the disposition of the animal, the Chief of Police shall consider all of the relevant circumstances surrounding the impoundment and adjudication, including but not limited to the factors set forth in Section 55.12(1)(C).

2. Notice of Destruction of Dog; Appeal

A. Notification of Owner; Appeal Procedure. If the Chief of Police determines that a dog which has been impounded is to be destroyed pursuant to the provisions of Section 55.15(1)(A)(1), the Chief of Police shall provide written notice to its owner, by personal service or by both ordinary and certified mail and posting the notice at the residence of the owner, of the intent to humanely destroy the dog. The notice shall inform such owner of his/her right to appeal as provided by this section. Notice shall be deemed to be received by the owner three business days after the date the notice is deposited for delivery in the U.S. mail.

(1) The owner of such dog may, within five (5) days of receiving written notice, appeal the determination of the Chief of Police to the City Administrator by filing a written notice of such appeal with the City Clerk.

- (2) After receipt of a notice of appeal under this section, the City Clerk shall calendar the appeal for hearing by the City Administrator, and shall notify the owner, the facility at which the dog is impounded, and the Chief of Police of such action.
 - (3) The dog shall not thereafter be destroyed until the City Administrator shall have first heard the appeal and rendered his or her decision.
 - (4) Any owner of an impounded dog which has been adjudicated to be vicious who fails to file an appeal within five (5) days after receiving notice as provided in this section shall be deemed to have waived any right in and claim to such animal and any right to claim any damages or other relief by reason of any action by the City of Charles City pursuant to this section.
- B. Action by City Administrator. After hearing such testimony and evidence as it may deem proper, the City Administrator may:
- (1) Uphold the decision of the Chief of Police and order the animal humanely destroyed.
 - (2) Modify or reverse, either in whole or in part, the decision of the Chief of Police, and order the return of the animal to its owner, and impose such conditions upon such return as may be reasonably necessary to ensure the public safety.
3. Enforcement of Decision. After the decision of the City Administrator has been rendered as provided in this section, the Chief of Police shall cause such action to be taken as is necessary to carry out such decision.
4. Costs. The owner of the dog shall be responsible for all costs set forth in Section 55.12(2)(B), including but not limited to the daily cost of care for the impounded animal and all costs associated with the humane destruction of the animal.

(Section 55.15 – Ord. 1108 – Oct. 17 Supp.)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

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

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

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Charles City Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

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

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Police Chief not less than four (4) days prior to the date of the parade. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to

parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control By Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Traffic Control Devices
61.02 Installation
61.03 Compliance

61.04 Crosswalks
61.05 Traffic Lanes
61.06 Standards

61.01 TRAFFIC CONTROL DEVICES. The Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

61.02 INSTALLATION. The Council shall cause to be placed and maintained traffic control devices to carry out the provisions of the Traffic Code of the City under State law or to regulate, guide or warn traffic. The City shall keep a record of all such traffic control devices.
(*Code of Iowa, Sec. 321.254 & 321.255*)

61.03 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the *Code of Iowa*.
(*Code of Iowa, Sec. 321.256*)

61.04 CROSSWALKS. The Police Chief is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or road-way, and at such other places as traffic conditions require.
(*Code of Iowa, Sec. 372.13[4] & 321.255*)

61.05 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.
(*Code of Iowa, Sec. 372.13[4] & 321.255*)

61.06 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.
(*Code of Iowa, Sec. 321.255*)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations

62.02 Play Streets Designated

62.03 Vehicles on Sidewalks

62.04 Clinging to Vehicle

62.05 Quiet Zones

62.06 Obstructing View at Intersections

62.07 Offensive Noise

62.08 Vehicles and Horses on Pedestrian Bridges
and Bicycle Paths

62.09 Vehicles On Cedar River

62.10 Traveling Off Roadway

62.11 Traveling On Airport Runways

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor’s licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

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

53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.
55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.

86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver’s view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.

120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.
122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.449A – Rail crew transport drivers.
149. Section 321.450 – Hazardous materials transportation.
150. Section 321.454 – Width of vehicles.
151. Section 321.455 – Projecting loads on passenger vehicles.
152. Section 321.456 – Height of vehicles; permits.
153. Section 321.457 – Maximum length.
154. Section 321.458 – Loading beyond front.

155. Section 321.460 – Spilling loads on highways.
156. Section 321.461 – Trailers and towed vehicles.
157. Section 321.462 – Drawbars and safety chains.
158. Section 321.463 – Maximum gross weight.
159. Section 321.465 – Weighing vehicles and removal of excess.
160. Section 321.466 – Increased loading capacity; reregistration.

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

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway. No person shall drive or ride any of the following described vehicles or devices on all interior sidewalks located in Blocks 65 and 70, Kelly and Company's Addition to the City of Charles City, Iowa, commonly known as Cedar Terrace North: any motorized vehicle, or any vehicle or mechanical device designed or constructed for the transportation of humans, including automobiles, motorcycles, bicycles, tricycles, skateboards, roller skates or any vehicle or recreational device wherein mobility for said vehicle or device is directly or indirectly controlled or aided by wheels, except devices designed for transportation of persons with disabilities.

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

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

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

62.07 OFFENSIVE NOISE. It is unlawful for any person to operate any motor vehicle upon the streets and public ways of the City in such a manner as to create loud and offensive noises and sounds or to create annoying smoke by the use of inadequate, defective or altered mufflers, or to cause tires to screech or squeal upon the surface of streets and public ways of the City. It is unlawful for a person to play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette, CD, DVD or other equipment for producing, reproducing or amplifying sound within or on a motor vehicle if the sound generated is audible at a distance of more than fifty (50) feet from the vehicle. **EXCEPTION:** The Police Chief or City Council may grant a temporary variance to this section to facilitate special

events, subject to terms and conditions as may be established, but any violation of any of the terms and conditions of the variance shall be considered a violation of this section.

62.08 VEHICLES AND HORSES ON PEDESTRIAN BRIDGES AND BICYCLE PATHS. No person shall drive a motorized vehicle, ride a bicycle or ride a horse on any pedestrian bridge. No person shall drive a motorized vehicle or ride a horse on any designated bicycle path other than bicycle paths which are dedicated street right-of-ways.

62.09 VEHICLES ON CEDAR RIVER. No person shall operate any vehicle upon the Cedar River within the City limits between sunset and sunrise of each day except for snowmobiles, in accordance with Chapter 75 of this Code of Ordinances, and boats, in accordance with Chapter 78 of this Code of Ordinances.

62.10 TRAVELING OFF ROADWAY. It is unlawful for any person to operate or park any motorized vehicle, other than golf carts, on any public park or public property except on designated traveled roadways.

62.11 TRAVELING ON AIRPORT RUNWAYS. It is unlawful for any person other than authorized airport personnel to operate any motorized vehicle other than airplanes on any airport runway.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Towing Speed

63.05 Special Speed Zones

63.06 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

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

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

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

63.04 TOWING SPEED. No vehicle towing or pulling any other vehicle shall exceed a speed of forty (40) miles per hour at any time within the City.

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

(Code of Iowa, Sec. 321.290)

1. Special 15 MPH Speed Zones. A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Blunt Parkway from North Main Street to Fourth Avenue.
 - B. Clark Street, from a point 250 feet east of the intersection of Clark Street and Brantingham Street to a point 775 feet east of the intersection of Clark Street and Brantingham Street when light is flashing.

2. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Clark Street from North Grand Avenue to Shaw Avenue.
 - B. Cleveland Street from Thirteenth Avenue to Sixteenth Avenue.
 - C. North Grand Avenue from Sixteenth Avenue to the north corporate line.
 - D. North Jackson Street from North Main Street to Lane Street.
 - E. Cleveland Avenue from Sixteenth Avenue to the north corporate line.
 - F. Eleventh Street from 150 feet east of Corporate Drive (east leg) to South Grand Avenue.
 - G. East Corporate Drive, from 11th Street to 215th Street, including Outlot A.
3. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Iowa Highway No. 14, from Gilbert Street to a point 100 feet west of the Iowa Terminal Railroad tracks.
 - B. U.S. Highway No. 18, from Second Street to the east corporate line.
 - C. U.S. Highway No. 218, from the west corporate line of Beck Street.
4. 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.S. Highway No. 218, from Beck Street to the south corporate line.
 - B. Clark Street, from Shaw Avenue to the east corporate line.
 - C. Kellogg Avenue, from a point 500 feet north of the intersection of Hart Street and Kellogg Avenue north to the north corporate line.
 - D. 215th Street, from South Grand Avenue to South Main Street.
5. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Thirteenth Avenue, from a point 250 feet east of the centerline of the intersection of Thirteenth Avenue and Cleveland Avenue, to the east corporate line.
 - B. On Iowa 14 from a point 800 feet east of the west line of SE¹/₄, Section 11, T95N, R16W, of the 5th P.M., to a point 100 feet west of the Iowa Terminal Railroad.
 - C. Eleventh Street, from 150 feet west of Ridgeway to 150 feet east of Corporate Drive (east leg).
 - D. On Gilbert Street (Highway 18-218) from the north line of the SE¹/₄, Section 2, Township 95 North, Range 16 West, to the west line of the SW¹/₄, Section 1, Range 16 West of the 5th P.M.
6. Special 55 MPH Speed Zones. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. Iowa 14 from the west line of SE¼, Section 11, T95N, R16W, of the 5th P.M. and to a point 800 feet east from the point of beginning.

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

(Code of Iowa, Sec. 321.294)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections

64.02 U-turns

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

(Code of Iowa, Sec. 321.311)

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

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

(Code of Iowa, Sec. 321.311)

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district and at any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Traffic Code and at intersections where there are automatic traffic signals.

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

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield

65.02 School Stops

65.03 Stop Before Crossing Sidewalk

65.04 Stop When Traffic Is Obstructed

65.05 Yield to Pedestrians in Crosswalks

65.01 STOP OR YIELD. Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Chapter 61 of this Traffic Code.

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

(Code of Iowa, Sec. 321.249)

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

(Code of Iowa, Sec. 321.353)

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

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

(Code of Iowa, Sec. 321.327)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges
66.05 Truck Route

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.471 & 472)

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

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.473 & 475)

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. When truck routes have been designated in accordance with Chapter 61, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle 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 those streets within the City designated as truck routes and none other.

(Code of Iowa, Sec. 321.473)

2. Deliveries Off Truck Route. Any such motor vehicle, 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 to

the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street

67.02 Hitchhiking

67.03 Pedestrian Crossing

67.04 Use of Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times, when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

67.04 USE OF SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. When appropriate signs are in place, as provided for in Chapter 61 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

(Code of Iowa, Sec. 321.236 [4])

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CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled
69.02 Park Adjacent to Curb
69.03 Parking on One-way Streets
69.04 Angle Parking
69.05 Manner of Angle Parking
69.06 Parking for Certain Purposes Illegal

69.07 Parking Prohibited
69.08 Persons With Disabilities Parking
69.09 Truck Parking Limited
69.10 Snow Removal
69.11 Controlled Access Facilities

69.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

- NONE -

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

(Code of Iowa, Sec. 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.

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

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

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])

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

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

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

(Code of Iowa, Sec. 321.360)

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

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

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

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

17. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

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

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

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

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

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
 - A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.
 - B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

69.09 TRUCK PARKING LIMITED. No person shall park or leave unattended on any streets within a district zoned as or directly abutting a Residential District or a Business District a motor truck, semi-tractor, or semi-trailer excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. The provisions of this section do not apply to pick-up or light delivery trucks. *(Ord. 1117 – Aug. 18 Supp.)*
(Code of Iowa, Sec. 321.236[1])

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.
(Code of Iowa, 321.236[1])

69.11 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities are as specified in Chapter 142 of this Code of Ordinances.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 & 321.485)

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

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

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

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

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

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

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

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

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

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

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

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

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

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES, AND SNOWMOBILES

75.01 Purpose	75.05 Exempt Vehicles and Operators
75.02 Definitions	75.06 Operation of Snowmobiles
75.03 General Regulations for Operation of All-Terrain Vehicles and Off Road Utility Vehicles	75.07 Snowmobile Hours of Operation
75.04 Unlawful Operation of All-Terrain Vehicles and Off Road Utility Vehicles	75.08 Negligence
	75.09 Accident Reports
	75.10 Penalties

75.01 PURPOSE. The purpose of this chapter is to provide rules and regulations for the operation of all-terrain vehicles, off road utility vehicles, and snowmobiles within the City of Charles City, Iowa.

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

1. “All-terrain vehicle, ATV” as defined by Iowa Code Section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. “Off-road utility vehicle, UTV” as defined in Iowa Code Section 321I.1(17)(a), means a motorized vehicle with not less than four and not more than eight nonhighway tires that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:
 - A. “Off-road utility vehicle – Type 1” means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - B. “Off-road utility vehicle – Type 2” means an off-road utility vehicle, other than a Type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
 - C. “Off-road utility vehicle – Type 3” means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
3. “Roadway,” as defined in Iowa Code Section 321I.1, means that portion of a highway/street improved, designed, or ordinarily used for vehicular travel, but does not include the ditch, nor does it include any area or roadway inside any City park.
4. “Snowmobile” means the same as defined in Iowa Code Section 321G.1. “Snowmobile” does not include an all-terrain vehicle or off-road utility vehicle which has been altered or equipped with runners, skis, belt-type tracks, or treads.

75.03 GENERAL REGULATIONS FOR OPERATION OF ALL-TERRAIN VEHICLES AND OFF ROAD UTILITY VEHICLES. An all-terrain vehicle or an off-road utility vehicle registered pursuant to Iowa Code Section 321I.3 or 321I.5 may be operated on any roadway in the City of Charles City pursuant to this ordinance and to applicable laws of the State of Iowa.

1. All-terrain vehicles and off-road utility vehicles may be operated on any roadway in the City of Charles City with subject to the regulations provided in this ordinance and the Iowa Code.
2. All-terrain vehicles (ATV) shall only be operated upon streets within 24 hours of a snow event on the public streets and alleys for the purpose of using the most direct route from one area of operation to another, and only when engaged in the activity of snow removal. ATVs shall have a blade or bucket fixed to the ATV. No ATVs shall be driven on the street or alleys solely for entertainment or pleasure. An all-terrain vehicle (ATV) may stop at service stations or convenience stores along the designated roadway.
3. All-terrain vehicles and off-road utility vehicles shall not be operated off the traveled portion of a roadway in any City park, in the ditch, or otherwise in violation of the restrictions imposed by the Iowa Code.
4. The Charles City Police Chief may temporarily prohibit the operation of ATVs and UTVs for the purpose of maintaining public safety at such time and locations as determined by the Police Chief.
5. At all times of operation, the driver and any passengers shall properly wear any seatbelts that were installed on the vehicle by the manufacturer or that are on the vehicle. No removal of any factory installed seatbelts is authorized.
6. A person shall not operate an all-terrain vehicle (ATV) or off-road utility vehicle (UTV) unless the operator is 18 years of age or older and has a valid Iowa driver's license and proof of insurance.
7. All off road utility vehicles (UTV) and ATVs must be registered with the Statte of Iowa and meet all requirements set forth in the Iowa Code.

(Code of Iowa, Ch. 321G and Ch. 321I)

75.04 UNLAWFUL OPERATION OF ALL-TERRAIN VEHICLES AND OFF ROAD UTILITY VEHLICES. A person shall not operate an all-terrain vehicle (ATV) or off-road utility vehicle (UTV) under any of the following conditions:

1. At a rate of speed greater than 35 miles per hour, or the posted speed limit, whichever is less.
2. In a careless manner such that it creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
3. Without an operational headlight on at all times to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle. All off road utility vehicles (UTV) must be equipped with working brake lights on the rear of the vehicle.

4. While the operator is under the influence of intoxicating liquor or narcotics or drugs.
5. Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the Clerk of Court prior to the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issues shall be dismissed by the court. Upon dismissal, the court or Clerk of Court shall assess the costs of the action against the defendant named on the citation.
6. A person shall not operate an ATV or UTV on any any part of the Charley Western trail or any other walking/biking trail or sidewalk except for purposes of snow removal.
7. An all-terrain vehicle (ATV) or off-road utility vehicle (UTV) shall not be operated on an operating railroad right-of-way. ATVs and UTVs may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

75.05 EXEMPT VEHICLES AND OPERATORS. This ordinance does not apply to any exemption under the Iowa Code for all-terrain vehicles and off-road utility vehicles operated pursuant to Iowa Code Section 321I.9 (government) or Iowa Code Section 321.234A (incidental to us by government, public utilities, licensed engineers and licensed surveyors).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Trails. Snowmobiles shall not be operated on trails except where so designated.

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-quarter of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.07 SNOWMOBILE HOURS OF OPERATION. No snowmobile shall be operated upon the streets of the City or upon the Cedar River within the corporate limits of the City, between the hours of 12:00 a.m. and 6:00 a.m., however, to the following exceptions: during periods of local emergency, the Chief of Police may suspend these restrictions, and clubs and social groups of snowmobile operators may obtain permits for the operation of snowmobiles outside these prescribed hours of operation from the Police Chief by making advance application. The Police Chief shall have the authority to prescribe the hours of operation in each permit granted.

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

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

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

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

75.10 PENALTIES. Violation of this ordinance shall constitute a simple misdemeanor except for any State codes which may vary in this determination.

(Chapter 75 – Ord. 1162 – Aug. 22 Supp.)

CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Speed

76.06 Emerging from Alley or Driveway

76.07 Carrying Articles

76.08 Riding on Sidewalks

76.09 Towing

76.10 Improper Riding

76.11 Parking

76.12 Equipment Requirements

76.13 Special Penalty

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

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

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

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

approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.397)

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

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

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

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CHAPTER 77

BICYCLE LICENSING

77.01 License Required
77.02 License Application
77.03 Issuance of License
77.04 Transfer or Sale

77.05 Rental Bicycles
77.06 Loss of License
77.07 Removal of License Prohibited
77.08 Alteration Prohibited

77.01 LICENSE REQUIRED. No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.

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

77.02 LICENSE APPLICATION. Application for a bicycle license shall be made upon a form provided by the City and shall be made to the Police Department. Such form shall provide for the furnishing of proper identification of the bicycle and the name and address of its owner. It shall include the manufacturer's name of the bicycle, any manufacture number on the bicycle, and other information identifying the bicycle.

77.03 ISSUANCE OF LICENSE. Upon proper application and payment of a fee of fifty cents (\$.50) the Police Department shall issue a license tag, plate or other means of identification which thereafter shall be kept permanently attached to said bicycle by the owner thereof. Such license shall be permanent until said bicycle is dismantled or no longer operated.

77.04 TRANSFER OR SALE. If a licensed bicycle is sold or transferred, the license tag, plate or other means of identification shall pass and be transferred to the new owner or transferee and the sale or the transfer of said bicycle shall be reported to the Police Department by the former owner within five (5) days after the sale or transfer of such bicycle and the Police Department shall make a record of said sale or transfer together with the name of the new owner or transferee of said bicycle. Every person engaged in the business of buying or selling new or second hand bicycles shall make a report to the Police Department on the first day of each month giving the name and address of the person from whom purchased or to whom sold, description of such bicycle by name or make, the frame number thereof and the number of the license tag, if any, found thereon, of each bicycle purchased, sold or transferred during the preceding month. Such report by such dealer shall be in lieu of the provisions of this section requiring the report thereof within five (5) days after the sale or transfer.

77.05 RENTAL BICYCLES. No person shall rent or offer any bicycle for rental unless the bicycle is registered and licensed as provided by this chapter and is equipped as provided by Chapter 76.

77.06 LOSS OF LICENSE. If any owner of a bicycle loses the license tag, plate or other means of identification, or if the same is destroyed or stolen, said owner shall report the same immediately to the Police Department. The Police Department shall then issue to such owner a new license tag, plate or other means of identification upon the payment of a fee of ten cents (\$.10).

77.07 REMOVAL OF LICENSE PROHIBITED. No person shall remove a license tag from a bicycle during the period for which issued except in the event the bicycle is dismantled and is no longer operated in the City. Every owner shall give notice to the City of the dismantling of a bicycle and shall surrender the license tag to the Police Department.

77.08 ALTERATION PROHIBITED. It is unlawful for any person to alter or counterfeit any license tag, plate or other means of identification issued in conformity with this chapter.

CHAPTER 78

BOATING REGULATIONS

78.01 Definitions

78.02 General Regulations

78.03 Restricted Speed Area

78.04 Restrictions

78.05 Public Dock and Ramp

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

1. “Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, or any vessel attached to another craft which is propelled by machinery.
2. “Vessel” means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice. Ice boats are watercraft.
3. “Watercraft” means any vessel which, through the buoyant force of water, floats upon the water and is capable of carrying one or more persons.

78.02 GENERAL REGULATIONS. No person shall operate a vessel on the Cedar River, within the corporate limits of the City, in violation of the provisions of Chapter 462A of the *Code of Iowa* or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

78.03 RESTRICTED SPEED AREA. No vessel shall be operated at a speed in excess of ten (10) miles per hour in the area from Johnson Street to the Main Street Dam except when motorboats towing skis or surfboards are starting from this area.

78.04 RESTRICTIONS.

1. No water skiers, surfboard riders or motorboats towing either shall come closer than fifty (50) feet to any docks, vessels or people along the bank participating in any other activities such as fishing, etc.
2. There shall be no swimming in the Cedar River between the Main Street Dam and the western City limits.
3. There shall be no more than two (2) persons using water skis, surfboards or other aquaplaning devices being towed behind any one motor boat upon the Cedar River within the corporate limits.

78.05 PUBLIC DOCK AND RAMP. Use of the public dock and ramp shall be subject to the following:

1. Boats Attended. There shall be no unattended boat tied to the public dock or ramps.
2. Time Limit. Use of the ramp shall be limited to five minutes per boat for loading and unloading.

3. Loading Area. That part of Jackson Street lying between Court Street and the Cedar River shall be used only for the loading and unloading of boats.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)

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

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

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

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

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

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

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay five dollars (\$5.00) if claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges, if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

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

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

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

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

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

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

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

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

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

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CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions
81.02 Warning Signals
81.03 Obstructing Streets

81.04 Crossing Maintenance
81.05 Speed

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

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

(Code of Iowa, Sec. 321.1)

81.02 WARNING SIGNALS. Operators shall sound a horn at least 1,000 feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

(Code of Iowa, Sec. 327G.13)

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

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

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.

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

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

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

(Code of Iowa, Sec. 364.11)

81.05 SPEED. It is unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than twenty-five (25) miles per hour.

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

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CHAPTER 90

WATER SERVICE SYSTEM

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

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

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

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

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

90.03 MANDATORY CONNECTION TO PUBLIC WATER SYSTEM AND USE OF PRIVATE WELLS.

1. Connection to the Public Water System. Except as otherwise provided herein, all residences and business establishments within the City limits using water for human habitation or occupancy shall connect to the public water system. Water shall be deemed to be used for human habitation or occupancy if it is used in the plumbing system of a residence or a business occupied by humans. This section does not prohibit use of water from a private well upon a residential or business property for other purposes such as irrigation.
2. Exceptions. A residence or business establishment within the City limits using water for human habitation or occupancy may obtain its water from a private well as follows:
 - A. Wells in Use on Effective Date of Ordinance - 07/11/03. A well in use on the effective date of the ordinance codified in this section and which is serving property located within 200 feet of the City water system or which serves a property later having access to the City water system within 200 feet may nevertheless continue in use for human habitation or occupancy until repairs requiring a permit are made to the well. At such time, use of the well for human habitation or occupancy shall be discontinued and connection made to the City water system.
 - B. New Wells. A well may be drilled only upon property which does not have access to the City water system within 200 feet of the property, and use of the well for human habitation or occupancy may continue until access to the City water system becomes available within 200 feet of the property and repairs requiring a permit are made to the well. At such time, use of the well for human habitation or occupancy shall be discontinued and connection made to the City water system.
3. Contaminated Areas. No new wells shall be drilled and no repairs requiring a permit shall be made to a well within an area that is contaminated or that may become contaminated due to contamination in the vicinity of the well site.
4. Permit Procedure. Permits for the construction of new wells or for repair or maintenance of existing wells shall be obtained through the Floyd County Health Department.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall have the corporation stop removed and replaced with a permanent brass plug and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time

within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 PERMIT FEE AND TAPPING FEE. A permit fee and a tapping fee as established by resolution of the Council shall be paid to the City prior to issuance of the permit. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled.

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *State Plumbing Code*. Backflow prevention devices approved by the Superintendent shall be installed on water lines servicing any type of chemical process when in the opinion of the Superintendent such devices are needed to protect the public water supply.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be of standard construction materials as contained in the State Building Code. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

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

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

90.20 FLUORIDATION. There shall be installed in the water system of the City the necessary equipment to provide a continuous and controlled addition of fluoride into the public water supply of the City. The Water Department of the City is directed to install said equipment and operate the same, subject to inspection by and direction of the Iowa Department of Natural Resources, Environmental Division.

90.21 WATER SUPPLY INTERCONNECTIONS. There shall be no physical connection between the public potable water supply system and an individual well or central water system which will permit the passage of any water from the individual well or central water system into the public potable water supply system.

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CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems – Exception
91.04 Location of Meters

91.05 Meter Setting
91.06 Meter Repair Costs
91.07 Right of Entry
91.08 Accuracy Test

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City in accordance with the following:

1. The City shall furnish at no charge and be responsible for the installation cost of the first standard-sized meter for the property.
2. If a customer requests installation of a meter larger than the standard size, the customer shall be responsible for the additional meter cost and installation cost.
3. The full cost of any subsequent meter, or additional meter installed for sprinkling system, and installation cost shall be the responsibility of the customer.
4. All water meters shall remain the property of the City.

91.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of a meter including, for all new construction, a valve on each side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent. *(Ord. 1093 – Aug. 16 Supp.)*

91.06 METER REPAIR COSTS. Whenever a water meter is found to be out of order, the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, then the property owner shall be liable for the cost of repairs.

91.07 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.08 ACCURACY TEST. The City shall make a test of the accuracy of any water meter at any time when requested in writing. Such request shall be accompanied by a refundable deposit of \$25.00 guaranteeing payment of costs if found due. If the meter is found to overrun

to the extent of two percent (2%) or more, the cost of the test shall be paid by the City and a refund of the test deposit shall be made to the customer. If the meter is found to be accurate or slow, or less than 2% fast, the customer deposit shall be forfeited as the reasonable cost of the test.

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Billing for Water Service
92.04 Service Discontinued
92.05 Disconnect and Reconnect Fees

92.06 Lien for Nonpayment
92.07 Lien Exemption
92.08 Lien Notice
92.09 Utility Deposits

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

(Code of Iowa, Sec. 384.84)

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

(Code of Iowa, Sec. 384.84)

1. Effective January 1, 2020, each customer shall pay a monthly access charge, based upon the size of the customer's meter, as follows:

A.	5/8-inch meter	\$ 17.89
B.	3/4-inch meter	\$ 19.68
C.	1-inch meter	\$ 25.04
D.	1½-inch meter	\$ 32.20
E.	2-inch meter	\$ 51.85
F.	3-inch meter	\$ 196.72
G.	4-inch meter	\$ 250.38
H.	6-inch meter	\$ 374.13
I.	8-inch meter	\$ 518.66
J.	10-inch meter	\$ 674.30
K.	12-inch meter	\$ 876.60

(Subsection 1 – Ord. 1140 – Feb. 20 Supp.)

2. Regular Customer Rates. Except for large industrial users and occasional (bulk) users, effective January 1, 2020, each customer shall pay a monthly water use charge, based upon the number of gallons used each month, as follows:

A.....	First 2,000 gallons	\$3.87 per 1,000 gallons
B.....	Next 48,000 gallons	\$3.56 per 1,000 gallons
C.....	Next 450,000 gallons	\$2.96 per 1,000 gallons
D.....	Over 500,000 gallons	\$2.24 per 1,000 gallons

(Subsection 2 – Ord. 1140 – Feb. 20 Supp.)

3. Large Industrial User Charges. Regular industrial users of water consuming in excess of 100,000,000 gallons of water per year shall be charged for water usage at a rate to be negotiated by the City and such user.

4. Occasional (Bulk) Use Rates. Except for those customers using water on an occasional basis for irrigation of agricultural property, effective January 1, 2020, each occasional user of water from a hydrant or similar source shall pay the following water usage rates:

\$31.83 base charge + \$3.87 per 1,000 gallons

(Subsection 4 – Ord. 1140 – Feb. 20 Supp.)

5. Surcharge for Customers Located Outside of the Corporate Limits. Customers receiving water service to a location outside of the corporate limits shall pay a monthly surcharge equal to 50% of the customer's water usage bill and access charge. This surcharge shall not apply to use for irrigation of agricultural property or to regular industrial users for whom a rate has been negotiated pursuant to Subsection 3 above.

(Ord. 1140 – Feb. 20 Supp.)

6. Annual Adjustment of Customer Access Charges, Regular Customer Usage Charges, and Occasional (Bulk) User Charges. Effective the first day of July each year, beginning in 2010, the customer monthly access charges, the regular customer usage charges, and the occasional (bulk) user charges as set forth in subsections 1, 2 and 4 of this section, shall increased by 3.5% from the prior year. The City shall review the access charges and user charges every two years to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for proportional distribution of operation and maintenance, including replacement costs, among users and user classes.

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

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Utility Clerk shall prepare, date and issue bills for combined service accounts. Bills shall be issued on the 10th day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the City Clerk by the 6th day of the month next following the month in which the bill is mailed. Such bill will be deemed paid only upon receipt of full payment (including applicable fees and service charges) in the Clerk's office.

3. Delinquent Bills Service Charge. Bills shall be considered delinquent when not paid in full on or before the due date, and balances remaining unpaid on the 6th day of that month shall be assessed a service charge equal to 1.5% of the delinquent balance.

92.04 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received within 14 days after the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature

of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Tagging and Shut Off. If full payment of a delinquent bill is not received by the City Clerk within 14 days after the notice of delinquency is mailed to the customer, the City will thereupon place a tag upon the building of the delinquent customer, and if full payment of the bill is not received in the Clerk's office by 5:00 p.m. on the next business day, then water service shall be disconnected. Water service shall not be restored until the delinquent balance together with applicable fees is paid in full.

5. Fees. The following fees shall be assessed as administrative charges associated with services provided by the City under this section.

A. Notice Fee. A fee of \$3.00 shall be assessed to the customer for the notice provided under subsection 1 of this section.

B. Tag Fee. If full payment of a delinquent bill is not received by the Clerk's office before the City employee departs City Hall with the customer's building tag, then a tagging fee of \$25.00 will be assessed to the customer.

C. Reconnect Fee. After water service has been shut off to a delinquent customer, a fee of \$50.00 shall be assessed to the customer to restore water service during regular working hours and a fee of \$100.00 assessed to the customer to restore water service after regular business hours or on weekends and holidays.

92.05 DISCONNECT AND RECONNECT FEES. If a customer requests the City to disconnect the customer's water service by using the curb valve and/or removing the water meter and the customer is not delinquent in payment of his/her combined service account at the time that restoration of service is requested, then the City shall reconnect the customer's water service for a service charge of \$20.00 during regular working hours and \$50.00 after hours or on weekends and holidays.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 UTILITY DEPOSITS. A utility deposit is required of all customers in the following amounts:

1. Residential and Commercial Users \$90.00
2. Industrial Users(by agreement)
3. All others \$90.00

An occurrence or recurrence of a bad payment record shall be the cause for requiring a new or larger deposit for the continuation of service. The owner of the property shall be responsible for any uncollected utility service charges.

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CHAPTER 93

WATER CONSERVATION

93.01 Control of Water Supply

93.02 Advisory For Voluntary Conservation

93.03 Limited Usage Conservation

93.04 Maximum Usage Rationing

93.05 Reduction In Flow of Water To Any Customer

93.06 Penalties

93.07 Exemptions

93.01 CONTROL OF WATER SUPPLY. During conditions when the supply of water to the water distribution system becomes depleted, such as drought or mechanical failure, water may need to be rationed. The Council may declare, by resolution, a public emergency water shortage. The shortage may require one of three possible actions contained in the following sections, which shall be imposed for water consumption until the water shortage emergency is ended.

93.02 ADVISORY FOR VOLUNTARY CONSERVATION. The City shall advise the public through the local news media that a water shortage exists and all users are requested to reduce consumption of water in order to conserve water supplies.

93.03 LIMITED USAGE CONSERVATION. If voluntary conservation is not adequate to guarantee sufficient water supply for general use and fire protection, the City shall limit usage by enforcing a premium rate charge as follows:

1. Base Allocation. The base allocation of water for each customer shall be equal to said customer's estimated average consumption per billing period.
2. Appeal and Adjustment of the Base Allocation. Any customer may appeal to the Superintendent to adjust the base allocation amount. An adjustment may be granted using the following criteria:
 - A. For Single-Family Residential use, the base allocation may be increased to 15% above the actual average consumption for the previous winter (November through April).
 - B. For Commercial, Industrial, Institutional and Multi-Family Residential use, the base allocation may be increased based on factors appropriate to the individual customer, such as the average consumption during the previous winter (November through April), production, service, and occupancy data provided by the customer.
3. Premium Rate for Over-Consumption. In addition to the water rates duly enacted by the Council, all customers shall pay a premium rate of \$10.00 per 1,000 gallons consumed in excess of the Base Allocation.
4. Adjustment of Premium Rate Charges. Any customer may file for an adjustment of the premium rate charges. The Superintendent may grant an adjustment in accordance with the following criteria:
 - A. The cause of the high consumption shall be mechanical in nature (such as broken or leaky pipes or fixtures) rather than human carelessness.

- B. The customer shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice, statement or a materials receipt.
- C. The adjustment shall be granted only for the billing period immediately prior to the correction of the failure.
- D. There shall be a minimum adjusted rate of \$5.00 for accounts granted an adjustment of the premium rate charges.

93.04 MAXIMUM USAGE RATIONING. If voluntary and limited usage conservation are not adequate to guarantee sufficient water supply for essential use, the City shall limit usage by prohibiting certain water uses, and, if necessary, as a separate measurement or in conjunction therewith, by enforcing an accelerated premium rate as follows:

1. Accelerated Premium. All customers shall pay a premium rate of \$25.00 per 1,000 gallons consumed in excess of the base allocation.
2. Prohibited and Restricted Water Uses. The following are prohibited and restricted water uses during a water shortage emergency:
 - A. No outdoor watering or irrigation of lawns in any way whatsoever.
 - B. No outdoor watering of any kind between the hours of 8:00 a.m. to 8:00 p.m. daily.
 - C. Watering or irrigation of flowers and vegetable gardens, trees and shrub trees less than four years old, and new seeding or sod is permitted once per week with an application not to exceed one inch.
 - D. No car washing is allowed except at commercial establishments which provide that service.
 - E. No water shall be used to fill private swimming pools, children's wading pools or any other outdoor pool or pond of any kind or description whatsoever.

However, water reclaimed or recycled after some other primary use and water derived from sources other than the municipal water supply are not subject to this chapter.

93.05 REDUCTION IN FLOW OF WATER TO ANY CUSTOMER. The Superintendent is authorized, after giving notice and opportunity for hearing, to reduce the flow of water in any manner not in accordance with this chapter.

93.06 PENALTIES. Any customers who, in making application to the Superintendent for adjustment of the base allocation or premium rate charges, intentionally provides false or incorrect statements or information shall automatically have their requests denied and shall additionally be liable to a penalty of \$25.00 for the first offense and a penalty of \$100.00 for the next and each succeeding or additional violation. Failure to pay the penalty within five (5) working days after assessment shall mean discontinuation of water service until the fine and a \$5.00 reconnect charge are paid in full.

93.07 EXEMPTIONS. The Council may by contract waive enforcement of this chapter or limit its application as to a particular individual, organization, or business; or may waive enforcement of this chapter or limit its application upon petition to the Council by an individual, organization, or business after public hearing.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
18. "Sewer" means a pipe or conduit for carrying sewage.
19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
21. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. "Superintendent" means the Director of Public Works/City Engineer of the City or any authorized deputy, agent, or representative.
23. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

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

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

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

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, except when application has been made to the Superintendent to connect the above-enumerated items to the public sanitary sewer and written approval has been given by the Superintendent to make such connection.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

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

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet (61 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

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

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Tapping Fee
96.03 Plumber Required
96.04 Connection Requirements
96.05 Sewer Tap

96.06 Inspection Required
96.07 Property Owner's Responsibility
96.08 Abatement of Violations
96.09 Abandoned Connections

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. There are two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. The application for a permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND TAPPING FEE. A permit fee and a tapping fee as established by resolution of the Council shall be paid to the City prior to issuance of the permit. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the State Building Code, the laws of the State and other applicable rules and regulations of the City.

96.05 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the wye branch, if such branch is available at a suitable location. If no properly located wye branch is available, a saddle wye shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.06 INSPECTION REQUIRED. No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the State Building Code, the laws of the State and other applicable rules and regulations of the City.

96.07 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.08 ABATEMENT OF VIOLATIONS. Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

96.09 ABANDONED CONNECTIONS. When an existing building sewer service is abandoned, the disconnection and capping shall be at the main. If the main and/or wye is damaged or cracked, the wye fitting is removed and the main replaced. An inspection by a City representative is required prior to backfilling.

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers of Superintendent
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

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

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be in the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
 - A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more

than 350 parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

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

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

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

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

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

(IAC, 567-69.1[3])

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

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

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

CHAPTER 99

WASTEWATER TREATMENT WORKS USER CHARGES

99.01 Purpose

99.02 Definitions

99.03 Use of Funds

99.04 Fund Established

99.05 Charges Based on Usage

99.06 User Charges

99.07 Special Rates

99.08 Responsibility for Increased Costs

99.09 Payment of Bills

99.10 Lien for Nonpayment

99.11 Annual Rate Adjustment and Review of Rates

99.12 Notification of Rate Change

99.01 PURPOSE. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

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

1. "Normal domestic wastewater" means wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 350 mg/l.
2. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.
3. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
4. "Treatment works" means any devices and systems used for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment (including land used for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

5. “Useful life” means the estimated period during which a treatment works will be operated.
6. “User charge” means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the treatment works.
7. “Water meter” means a water volume measuring and recording device, furnished by the City in accordance with Chapter 91 of this Code of Ordinances.

99.03 USE OF FUNDS. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

99.04 FUND ESTABLISHED. Revenue derived from user charges, as established in this chapter, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund.

99.05 CHARGES BASED ON USAGE. Each user shall pay for the services provided by the City based on said user’s use of the treatment works, which shall be determined as follows:

1. Public Water System. The user charge for all customers whose premises are served by the public water system will be based on actual water usage as determined by water meter readings. If a customer has a consumptive use of water or in some other manner uses water which does not enter the wastewater collection system, the user charge for that customer may be:
 - A. Based on a wastewater meter installed and maintained at the customer’s expense and in a manner acceptable to the City; or
 - B. Adjusted by metering such consumptive use on a separate meter installed in accordance with Section 91.02 of this Code of Ordinances. The user charge will be waived on the meter reading of the consumptive use meter.
2. Private Water Systems. Customers whose premises are served by a private water system shall pay user charges based upon the water used as determined by the Superintendent either by an estimate agreed to by the customer or by metering the water system at the customer’s expense. Any negotiated or agreed upon charges shall be subject to approval of the Council.

99.06 USER CHARGES. Effective March 1, 2019, the minimum charge per month shall be \$11.43. In addition, each customer shall pay a user charge rate for operation and maintenance including replacement of \$5.82 per 1,000 gallons of water, as determined in the preceding section. *(Ord. 1126 – Mar. 19 Supp.)*

99.07 SPECIAL RATES. The City may establish special rates by contract with major contributing industries and with those who discharge to the sanitary sewer system from a location outside of the corporate limits of the City whose type or quantity of use or service are unusual.

99.08 RESPONSIBILITY FOR INCREASED COSTS. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Council.

99.09 PAYMENT OF BILLS. All users shall be billed under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

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

(Code of Iowa, Sec. 384.84)

99.11 ANNUAL RATE ADJUSTMENT AND REVIEW OF RATES. Effective the 1st day of July each year, beginning in 2008, the minimum monthly charge and user charge rate as set forth in Section 99.06 of this chapter shall be increased by 3.5% from the minimum monthly charge and user charge rate for the prior year. The City shall review the user charge system every two years to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs among users and user classes.

99.12 NOTIFICATION OF RATE CHANGE. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

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CHAPTER 100

STORMWATER UTILITY

100.01 Purpose	100.09 Lien for Nonpayment
100.02 Definitions	100.10 Lien Notice
100.03 Scope and Responsibility for the Stormwater Utility	100.11 Discontinuance of Service
100.04 Prohibited Acts	100.12 Annual Revision of Rates
100.05 Right of Entry	100.13 Sump Pump Systems; Connection to Storm Sewer System
100.06 Penalties	100.14 Inspection and Approval
100.07 Service Charge	100.15 Responsibility for Sump Pump Discharge Line
100.08 Billing for Stormwater Service	100.16 Failure to Maintain; Connection Required

100.01 PURPOSE. The purpose of this chapter is to establish a Stormwater Utility which shall be responsible for stormwater management within the corporate boundaries of the City of Charles City, Iowa, and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

100.02 DEFINITIONS.

1. “Customers of stormwater utility” includes all persons, properties and entities served by and/or benefiting from the utility’s acquisition, management, maintenance, extension and improvement of the public stormwater management system and facilities.
2. “Service charge” means the periodic rate, fee or charge applicable to a parcel of developed land, which shall be reflective of the service provided by the City stormwater utility. Service charges shall be based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City’s stormwater management systems and facilities, including the costs of bond repayment, regulation, administration, and services of the City.
3. “Stormwater management systems and facilities” addresses the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of stormwater or surface water drainage.

100.03 SCOPE AND RESPONSIBILITY FOR THE STORMWATER UTILITY. The City of Charles City stormwater utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, stormwater, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or man-made, within the corporate boundaries of the City which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which: (i) are located within public streets, rights-of-ways and easements; (ii) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or (iii) are located on public lands to which the City has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of stormwater systems and facilities

which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant.

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

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the stormwater management systems or facilities.
2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City stormwater management system and facilities, including but not limited to pollutants or waters containing any pollutants, other than stormwater.
3. Manholes. Open or enter any manhole, structure or intake of the stormwater system, except by authority of the City.
4. Connection. Connection of any private stormwater system to the City's stormwater management system and facilities, except by authority of the City.

100.05 RIGHT OF ENTRY. Employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

100.06 PENALTIES. The following penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person found to be violating any provisions of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently remedy all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 thereof, shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 4 of this Code of Ordinances. Each day which said violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

100.07 SERVICE CHARGE. Each residential, commercial and industrial customer of the stormwater utility within the corporate limits of the City shall pay a service charge of \$5.00 per month. Exempt from these charges are property owned by a public governmental entity.

(Ord. 1103 – Jul. 17 Supp.)

100.08 BILLING FOR STORMWATER SERVICE. All stormwater service charges shall be billed as part of the combined service account and shall be due and payable under the same terms and conditions as set forth in Section 92.03 of this Code of Ordinances.

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

(Code of Iowa, Sec. 384.84)

100.10 LIEN NOTICE. A lien for delinquent stormwater service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

100.11 DISCONTINUANCE OF SERVICE. The City may discontinue water service to a customer who is delinquent in payment of the combined service account in accordance with the provisions contained in Section 92.04 of this Code of Ordinances. The fees for discontinuance of service, disconnection and reconnection, as set forth in Sections 92.04 and 92.05 of this Code of Ordinances shall apply.

100.12 ANNUAL REVISION OF RATES. The City will review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

100.13 SUMP PUMP SYSTEMS; CONNECTION TO STORM SEWER SYSTEM.

1. All sump pump systems must discharge into a City subdrain or storm sewer, sump pump collection system, or natural outlet, such as a grass yard area or creek, abutting the property. No sump pump system shall have a discharge point within ten feet from any property line, and no discharge shall be directed so as to impact neighboring properties or any City street, sidewalk, or right-of-way.
2. Any dwelling, building, or other unit, which, because of infiltration of water into basements, crawl spaces, and the like, require a sump pump system to discharge water, may have a permanently installed sump pump discharge line connected to a City subdrain or storm sewer system. Such discharge line shall consist of a rigid discharge line inside the structure, without valving or quick connections for altering the path of discharge and, if connected to the City subdrain or storm sewer system, shall include a check valve and an air gap valve at the building. Such discharge line shall consist of a pipe that shall be installed through the outside foundation wall of the dwelling, building, or other structure, with rigid pipe one and one-half inches (1 ½") inside diameter minimum, without valves or quick connections that would alter the path of discharge.
3. Before any person makes a connection to a City subdrain or storm sewer system, a written permit must be obtained from the City. The application for the

permit shall include a legal description of the property, the name of the property owner, and the name and address of the person who will do the work. If the proposed work meets all requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of this chapter. All installations of sump pump discharge lines and connections to a City subdrain, or storm sewer system shall be made by a City-licensed contractor.

4. A permit fee and a tapping fee as established by resolution of the Council shall be paid to the City prior to issuance of a permit. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled.

5. The installation of sump pump systems and their connection to the City storm sewer system shall conform to the requirements of the State Building Code, the laws of the State and other applicable rules and regulations of the City.

(Ord. 1128 – Jun. 19 Supp.)

100.14 INSPECTION AND APPROVAL. All sump pump discharge lines and their connections to the storm sewer system must be inspected and approved in writing by the Superintendent or other duly authorized employee of the City before they are covered, and the City shall keep a record of such approvals. If the Superintendent refuses to approve the work, the contractor or property owner must proceed immediately to correct the work. Every person who uses or intends to use the City storm sewer system shall permit the Superintendent or other duly authorized employee of the City to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

(Ord. 1128 – Jun. 19 Supp.)

100.15 RESPONSIBILITY FOR SUMP PUMP DISCHARGE LINE. All costs and expenses incident to the installation, connection and maintenance of the sump pump discharge line shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said sump pump discharge line.

(Ord. 1128 – Jun. 19 Supp.)

100.16 FAILURE TO MAINTAIN; CONNECTION REQUIRED. When any portion of the sump pump discharge line which is the responsibility of the property owner becomes defective or creates a nuisance, and the property abuts on any street, alley, or right-of-way in which there is located a City storm sewer or subdrain, the property owner shall be required to install, at such owner's expense, a suitable sump pump discharge line connecting such line directly with the proper storm sewer or subdrain system, and to maintain the same all in accordance with this chapter, such compliance to be completed within ninety (90) days after date of official notice from the City to do so. If the property owner fails to do so, or otherwise fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

(Ord. 1128 – Jun. 19 Supp.)

[The next page is 531]

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited
105.08 Open Dumping Prohibited
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices
105.12 Sanitary Disposal Project Designated

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

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

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Contract collector” means the contract collector designated by the City pursuant to contract to collect and distribute all solid waste material within the corporate limits of the City.
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 used, 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. “Recyclable material” means those materials separated by a person from solid waste incidental to the collection of the solid waste for utilization as raw materials to

be manufactured into a new product as determined from time to time by the Council. Recyclable material may change from time to time based on available markets and changing technology.

10. “Recycling center” means the site where recyclable materials are delivered and processed.

11. “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)

12. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four separate dwelling units.

13. “Residential unit” means single-family dwelling units and each apartment in a multi-family dwelling.

14. “Residential waste” means any refuse generated on the premises as a result of residential activities, but the term excludes landscape waste, garbage, tires, trade wastes and any locally recyclable goods or plastics. (Ord. 1113 – May 18 Supp.)

(IAC, 567-20.2[455B])

15. “Rubbish” means non-putrescible solid waste consisting of combustible and noncombustible waste, such as ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery or litter of any kind. (Ord. 1113 – May 18 Supp.)

(IAC, 567-100.2)

16. “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)

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

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

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

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

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

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

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

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

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

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

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

105.05 OPEN BURNING RESTRICTED. Notwithstanding the provisions of the International Fire Code, 2009 edition, no person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

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

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

(IAC, 567-23.2[3a])

2. Trees, Tree Trimmings and Leaves. The open burning of trees, tree trimmings and leaves provided that the burn site is 1,000 or more feet distant from any occupied structure, provided that such burning is conducted at a City-operated burning site, and provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

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

(IAC, 567-23.2[3c])

4. Recreational Fires. Supervised open fires for cooking, heating, pleasure, ceremonial purposes, or similar purposes between the hours of 6:00 o'clock a.m. and 12:00 o'clock a.m. (midnight); utilizing only untreated wood or wood products; having a total fuel area of three feet or less and two feet in height; and in compliance with emission limits for visible air contaminants established by the Iowa Department of Natural Resources.

(IAC, 567-23.2[3e])

5. Training Fires and Controlled Burning. Fires set for the purpose of bona fide training of public or industrial employees in the firefighting methods and the controlled burning of a demolished building, provided that the training fires and

controlled burning are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

6. Variance. Any person wishing to conduct open burning of materials not otherwise permitted by this section may make application for a permit to the Fire Chief of Charles City, who may issue a permit for such open burning upon making the following determinations:

- A. That the applicant has designated a specific time and place for the open burning;
- B. That the burning will not cause unreasonable distress to citizens in proximity to the burning. For the purpose of this paragraph, there shall be a presumption that unreasonable distress will occur if occupied structures are located within 300 feet of the burning location;
- C. That the conditions are safe for the open burning of materials, and that safeguards, including continuous supervision of the fire, are otherwise in place to prevent damage to property or injury to persons;
- D. That the applicant has met such other requirements, as deemed necessary by the Fire Chief, for the protection of the public.

(Ord. 1094 – Aug. 16 Supp.)

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or shall be transported to a designated site established by the City. 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.

Notwithstanding the foregoing, the City may from time to time provide for pickup of leaves at such dates to be announced by published notice. In such case, the owner or occupant may set out separated leaves curbside for collection by the City or its authorized collector. Additionally, the City may from time to time provide for pickup of brush at such dates to be announced by published notice. In such case, the owner or occupant may set out separated brush inside of the curb lines upon public streets for collection by the City or its authorized collector.

(Ord. 1098 – Mar. 17 Supp.)

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

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

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at

places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

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

(IAC, 567-100.2)

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

105.10 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. Residential Solid Waste. All residential solid waste, other than recyclables and yard waste, shall be contained in approved green plastic tote containers in 35, 65, or 95 gallon sizes provided by the contractor. Solid waste shall be placed and contained in appropriate bags prior to placement in the green plastic tote containers. Any excess residential solid waste which does not fit in the plastic container shall be contained in approved plastic bags in 15-gallon and 33-gallon sizes provided by the contractor and shall be placed next to the full plastic container for collection. Each 15-gallon approved plastic bag cannot exceed 25 pounds in weight and each 33-gallon approved plastic bag cannot exceed 45 pounds in weight. The contractor shall replace plastic containers damaged by the contractor or that become obsolete through ordinary wear and tear.
2. Recyclable Materials. All recyclables, except glass, shall be placed in a 35, 65, or 95 gallon-sized blue plastic tote container provided by the contractor. Non-glass recyclables must be placed loosely within the container and shall not be placed within a plastic bag. Non-glass recyclables may be commingled, but must be rinsed, dried, and cleaned or, in the case of cardboard, cleaned and flattened. Newsprint must be dry and may not be contaminated with oil, grease, paint or other like materials. Clear glass recyclables shall be placed in a similar rigid plastic or metal container, a cardboard box, or a paper bag, but may not be enclosed in a plastic bag or the contractor's plastic recyclable container. Cardboard which cannot be placed into the plastic container may be placed beside the plastic container provided it is cleaned, flattened, and placed inside a cardboard box. The contractor may decline to collect recyclables that are either mixed with non-recyclable materials or not prepared or contained in compliance with these provisions. The contractor shall replace recyclable containers damaged by the contractor or that become obsolete through ordinary wear and tear.

3. Containers. Solid waste disposal shall comply with the following:
 - A. Residential. All residential solid waste shall be contained in plastic tote containers and in plastic bags provided by the contractor as outlined above. These containers and bags shall be placed at curbside for collection and shall not exceed the weight limits outlined in Subsection 2 above. Approved plastic bags may not be placed curbside for collection unless the plastic bags are placed next to a full plastic tote container. Plastic bags shall be sealed and tied. There is no limit on the number of approved bags which may be left for retrieval but each resident shall only dispose of solid waste generated by that residential unit. The contractor shall not retrieve solid waste which is contained in bags other than the approved plastic bags, which is contained in a manner which violates the weight and volume restrictions set forth herein, or which otherwise does not conform to the restrictions set forth herein.
 - 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 is impractical, shall maintain metal bulk storage containers approved by the City.
 - C. Waste Container Storage. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring property and public streets and right-of-ways.
4. Location for Residential Collection. Both residential recyclables and solid waste shall be placed curbside for collection with the open side of the plastic container facing the street and with the lids to the containers fully closed. Plastic containers shall not be placed curbside prior to twenty-four hours before scheduled collection, and plastic containers shall be removed from the curbside within twenty-four hours after collection. Adequate space at the curb of approximately four feet between the plastic containers shall be provided for automated collection. Residents for whom curbside collection constitutes a hardship because of age, infirmity or handicap, may request off-curbside pickup subject to a doctor's approval, and such service shall be provided by the Contractor on a case by case basis.
5. Nonconforming Solid Waste and Recyclable Containers. Solid waste and recyclable containers which are not in compliance with regulations will not be collected until the problems are corrected with the contractor.

(Section 105.10 – Ord. 1113 – May 18 Supp.)

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

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as

such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

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

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Floyd-Mitchell Solid Waste Management Agency are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Collector's License
106.08 Collection Fees
106.09 Lien for Nonpayment
106.10 Dumpsters and Other Equipment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of recyclable materials from residential units only and for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

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

(IAC, 567-104.9[455B])

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

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected once each year as part of a special collection of large and heavy non-recyclable materials for a fee, to be determined by the City. The limit on the size, amount and character of these materials shall be determined by the City and the franchise collector before the collection date and the public will be informed of the restrictions.

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

106.07 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing solid waste or recyclable materials or the selling of approved plastic bags as provided for in Chapter 105 of this Code of Ordinances,

other than the contract collector specifically authorized and franchised by the City, without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for the license shall be made to the City Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
 - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
 - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City a certificate of insurance which specifically gives evidence of the following forms of insurance protection:
 - A. Public liability insurance covering all operations performed by persons employed by the collector, by a subcontractor or his/her employees, or by an independent contractor.
 - B. Motor vehicle bodily injury liability insurance and property damage liability insurance on all motor vehicles employed on the work, whether owned by the collector or by other persons, firms, or corporations.
 - C. The minimum protection shall be as follows:

General Liability Insurance	\$1,000,000 per person
Auto	\$1,000,000 per person
Umbrella Policy	\$1,000,000

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

3. License Fee. A license fee in the amount of \$100.00 plus \$10.00 for each collection vehicle shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. License Issued. If the Council, upon investigation, finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste or recyclable materials without hazard to the public health, damage to the environment and in compliance with State and federal regulations.

5. License Renewal. A renewal license may be granted simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste or recyclable materials originating from and accumulated upon premises owned, occupied and used by such owner, provided such refuse is disposed of properly in the official Public Sanitary Disposal project, a licensed recycling center or by other lawful means.

8. Grading or Excavation Excepted. No license or permit is required for the removal, hauling or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way, street, or other public property.

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

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

1. Fees. Monthly fees for residential solid waste collection and disposal shall be assessed as follows:

A. Fee Established by Contract. A monthly fee established by contract with the Contract Collector pursuant to Section 106.01 of this chapter.

B. Fee for Bulky Rubbish and Yard Waste. A monthly fee of \$2.45 for collection and disposal of bulky rubbish, pursuant to Section 106.05 of this chapter, and for the collection and disposal of yard waste.

C. Fee for Administration. A monthly fee of \$.45 for administrative expense.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

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

(Code of Iowa, Sec. 384.84)

106.10 DUMPSTERS AND OTHER EQUIPMENT. No dumpster, temporary refuse container, or any other non-registered, non-self-propelled equipment shall be placed or allowed to stand upon any public property or right of way without first obtaining a permit from the Zoning Administrator of the City of Charles City. All equipment shall be placed and maintained in accordance with the permit requirements. No equipment shall be placed on a public sidewalk or within twenty-five (25) feet of an intersecting street right-of-way. The owner of each storage container shall be responsible for obtaining a permit in accordance with this section.

(Ord. 1158 – Aug. 22 Supp.)

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CHAPTER 107

CITY COMPOST AREA AND YARD WASTE DISPOSAL SITE

107.01 Purpose

107.02 Definitions

107.03 General Rules of Operation

107.04 Yard Waste From Outside City Prohibited

107.05 Permitted Material for Disposal

107.06 Prohibited Material

107.07 Civil Violations and Penalties

107.01 PURPOSE. The purpose of the chapter in this Code of Ordinances is to establish a City compost area and yard waste disposal site and to set guidelines for refuse deposited in the City compost area located in Charles City, Iowa.

107.02 DEFINITIONS. For the purpose of interpreting this chapter, the following definitions shall apply:

1. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
2. “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)
3. “Yard waste” means all organic debris, including but not limited to grass clippings, leaves, tree limbs, bark, vines, branches, flowers, and garden plants, which are produced as part of residential yard and garden development maintenance. “Yard waste” shall not include animal manure, animal waste, bedding or crop residue, or construction lumber or materials.

107.03 GENERAL RULES OF OPERATION. The compost area and yard waste disposal site operated by the City is located at 300 Shaw Avenue, Charles City Iowa, known as the Shaw Avenue Compost Site. Yard waste is accepted at the compost area and yard waste disposal site at no charge, subject to the following:

1. The compost area and yard waste disposal site shall be available for disposal of yard waste commencing at sun-up and ending at sun-down each day.
2. Yard waste disposed of within the facility shall be placed only at areas within the compost area and yard waste disposal site designated by markings and signs to accept yard waste.
3. Available compost material and wood chip material shall be free of charge to Charles City and Floyd County residents.

107.04 YARD WASTE FROM OUTSIDE CITY PROHIBITED. It is unlawful for any person to dispose of yard waste in the compost area and yard waste disposal site which did not originate or was not produced within the corporate City limits.

107.05 PERMITTED MATERIAL FOR DISPOSAL. Only yard waste as defined in this chapter produced or originating within the corporate limits of the City may be disposed of in the compost area and yard waste disposal site.

107.06 PROHIBITED MATERIAL. It is unlawful to dispose of any garbage, paper, construction materials of any kind, stumps, rocks, plastic, metal, iron, appliances, furniture, tires, rims, oil filters, automobile parts, animal waste, cans, bottles, buckets, containers, household materials, or any other material or substance which does not meet the definition of yard waste as herein defined.

107.07 CIVIL VIOLATIONS AND PENALTIES. The violation of any provision of this chapter shall constitute a violation of the Charles City Code of Ordinances and subjecting the violator to the following penalties.

1. Criminal Penalties. Any owner who violates provision of this chapter shall be guilty of a simple misdemeanor.
2. Civil Penalties. Any violation of this chapter or failure to perform any act or duty or requirement of this chapter shall constitute a municipal infraction under Chapter 4 of this Code of Ordinances.
3. Other Code Provisions. The foregoing provisions concerning enforcement of this chapter are not exclusive but are cumulative to any other remedies available under State law or local ordinance.

(Ch. 107 – Ord. 1146 – Oct. 20 Supp.)

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise	110.07 Extension of System
110.02 State Code Restrictions and Limitations	110.08 Quantity and Quality
110.03 Excavations	110.09 Police Regulations
110.04 Relocation of Property	110.10 Franchise Tax
110.05 Restoration of Property	110.11 Confidential Information
110.06 Indemnification	

110.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City a gas distribution system, to furnish natural gas along, under and upon the streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a fifteen (15) year period from and after the effective date of the ordinance codified by this chapter.[†]

110.02 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364.2 of the *Code of Iowa* or as subsequently amended or changed.

110.03 EXCAVATIONS. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes, drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

110.04 RELOCATION OF PROPERTY. The Company shall, at its cost and expense locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley and reasonably promoting the efficient operation of any such construction, reconstruction, maintenance or repair. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. If relocation of the Company facilities could be avoided by relocating other franchisee’s or facility user’s equipment and facilities or by using a different method to perform the street and/or curbing construction, and said other cost of construction or relocation is less than the Company’s, the City shall select the route or method that is less expensive. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

[†] **EDITOR’S NOTE:** Ordinance No. 1052, adopting a natural gas franchise for the City, was passed and adopted on October 19, 2009.

110.05 RESTORATION OF PROPERTY. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed prior to excavation.

110.06 INDEMNIFICATION. Company shall indemnify and save harmless City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the gas utilities authorized by this franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

110.07 EXTENSION OF SYSTEM. The Company shall extend its mains and pipes and operate and maintain the system in accordance with applicable tariffs and the rules and regulations of the Iowa Utilities Board or its successors and State and federal law.

110.08 QUANTITY AND QUALITY. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent with applicable tariffs and the rules and regulations of the Iowa Utilities Board or its successors and State and federal law.

110.09 POLICE REGULATIONS. Reasonable and proper City police power regulations may be adopted and enforced by the City. The City shall adopt and enforce regulations and ordinances as needed for the protection of Company facilities in the City.

110.10 FRANCHISE TAX. The City reserves the right to impose a franchise fee pursuant to Iowa law. The franchise fee shall only be imposed through the adoption of an ordinance authorizing said franchise fee. The City shall work with the Company to develop a methodology and timeline to implement the franchise fee. The City shall provide the Company with written notice no less than 90 days in advance of the effective date of any franchise fee enacted by the City.

110.11 CONFIDENTIAL INFORMATION. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way. The Company and City recognize the information provided will, under current Iowa law, constitute public records, but that nonetheless, some information provided will be confidential under State or federal law or both. Therefore, the City shall not release any information with respect to the location or type of equipment which the Company owns or controls in the right of way which may constitute a trade secret or which may otherwise be protected from public disclosure by State or federal law. Furthermore, the City agrees that no documents, maps or information provided to the City by the Company shall be made available to the public or other entities if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, and *Code of Iowa*, Section 22.7 as such statutes and regulations may be amended from time to time. Any documents, maps, or other information submitted to the City which the Company regards as exempt or protected from public disclosure shall be clearly marked as Confidential by the Company. Upon request of the City, the Company shall provide citation to legal authority supporting this designation. The City shall inform the Company of any request for disclosure of such confidential documents, and

upon notification from the City of any request or legal action regarding such confidential information. The Company shall intervene in any legal action brought against the City for production of such confidential materials in order to maintain confidentiality.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Grant of Franchise	111.07 Maintenance of Facilities
111.02 State Code Restrictions and Limitations	111.08 Quantity and Quality
111.03 Excavations; Trimming Trees	111.09 Police Regulations
111.04 Relocation of Property	111.10 Franchise Tax
111.05 Restoration of Property	111.11 Confidential Information
111.06 Indemnification	

111.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City a system for the transmission and distribution of electric energy and communications signals along, under, over, and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a fifteen (15) year period from and after the effective date of the ordinance codified in this chapter.[†]

111.02 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364.2 of the *Code of Iowa* or as subsequently amended or changed.

111.03 EXCAVATIONS; TRIMMING TREES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning of trees shall be done to current nationally accepted safety and utility industry standards.

111.04 RELOCATION OF PROPERTY. The Company shall, at its cost and expense locate and relocate its installations in, on, over, or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley and reasonably promoting the efficient operation of any such construction, reconstruction, maintenance or repair. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route or construction method.

[†] **EDITOR’S NOTE:** Ordinance No. 1051, adopting an electric franchise for the City, was passed and adopted on October 19, 2009.

If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities or by using a different method to perform the street and/or curbing construction, and said other cost of construction or relocation is less than the Company's, the City shall select the route or method that is less expensive. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.05 RESTORATION OF PROPERTY. In making excavations in any streets, avenues, alleys, and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring it to the condition as existed prior to excavation.

111.06 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, caused or occasioned in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify, and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

111.07 MAINTENANCE OF FACILITIES. The Company shall construct, operate and maintain its facilities in accordance with applicable tariffs and the rules and regulations of the Iowa Utilities Board or its successors, and State and federal law.

111.08 QUANTITY AND QUALITY. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable tariffs and the rules and regulations of the Iowa Utilities Board or its successors, and State and federal law.

111.09 POLICE REGULATIONS. Reasonable and proper City police power regulations may be adopted and enforced by the City. The City shall adopt and enforce regulations and ordinances as needed for the protection of Company facilities in the City.

111.10 FRANCHISE TAX. The City reserves the right to impose a franchise fee pursuant to Iowa Code. The franchise fee shall only be imposed through the adoption of an ordinance authorizing said franchise fee. The City shall work with the Company to develop a methodology and timeline to implement the franchise fee. The City shall provide the Company with written notice no less than 90 days in advance of the effective date of any franchise fee enacted by the City.

111.11 CONFIDENTIAL INFORMATION. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way. The Company and City recognize the information provided will, under current Iowa law, constitute public records, but that nonetheless, some information provided will be confidential under State or federal law or both. Therefore, the City shall not release any information with respect to the location or type of equipment which the Company owns or controls in the right of way which may constitute a trade secret or which may otherwise be protected from public disclosure by State or federal law. Furthermore, the City agrees that no documents, maps or information provided to the City by

the Company shall be made available to the public or other entities if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, and *Code of Iowa*, Section 22.7 as such statutes and regulations may be amended from time to time. Any documents, maps, or other information submitted to the City which the Company regards as exempt or protected from public disclosure shall be clearly marked as Confidential by the Company. Upon request of the City, the Company shall provide citation to legal authority supporting this designation. The City shall inform the Company of any request for disclosure of such confidential documents, and upon notification from the City of any request or legal action regarding such confidential information. The Company shall intervene in any legal action brought against the City for production of such confidential materials in order to maintain confidentiality.

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CHAPTER 112

BROADBAND TELECOMMUNICATIONS

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112.01 PURPOSE. The purpose of this chapter is to regulate broadband telecommunications networks in the City which operate pursuant to City Franchise for the provision of cable television and other services and to ensure that such networks' use of the public rights-of-way does not interfere with public health, safety and welfare and to benefit the citizens of the City through the use of broadband telecommunications networks and technology.

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

1. "Basic cable rates" means the monthly charges for a subscription to the basic service tier and the associated equipment.
2. "Basic cable service" means any service tier which includes the retransmission of local television broadcast signals.
3. "Basic service tier" means a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all must-carry signals, all PEG channels and all domestic television signals other than superstations.
4. "Benchmark" means a per-channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.
5. "Broadband Telecommunications Network (BTN)" means all of the component, physical, operational, and programming elements of any network of cables, optical, electrical or electronic equipment, including cable television, used for

the purpose of transmission of electrical impulses of television, radio or data, and other intelligence, either analog or digital, for sale or use by the inhabitants of the City.

6. “Cable Act” means, collectively, the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992, as amended.

7. “Cable operator” means any person or group of persons:

A. Who provides cable service over a Cable System and directly or through one or more affiliates owns a significant interest in such a Cable System; or

B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a Cable System.

8. “Cable Service” means (i) the one-way transmission to subscribers of video programming, or (ii) other programming service and (iii) subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

9. “Cable System” means a private facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple subscribers within a community, but which term does not include (i) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (ii) a facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right-of-way; (iii) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a Cable System other than for purposes of §621(C) of the Cable Act to the extent such facility is used in the transmission of video programming directly to subscribers; or (iv) any facilities of any electric utility used solely for operating its electric utility systems.

10. “Channel” means a portion of the electromagnetic frequency spectrum which is used in a cable service and which is capable of delivering a television signal.

11. “Charles City Broadband Telecommunications Commission (CCBTC)” means the duly authorized and acting commission appointment by the Council pursuant to ordinance established for the purpose of administering regulations pertaining to the existence and operation of broadband telecommunications networks within the City.

12. “Cost of service showing” means a filing in which the cable operator attempts to show that the benchmark rate or the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.

13. “FCC” means the Federal Communications Commission and any legally appointed or elected successor.

14. “Franchise” or “Franchise Agreement” means the initial authorization, or renewal thereof, issued by the City, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes construction and operation of the Cable System.

15. “Franchisee” means any person receiving a franchise pursuant to this chapter and under the granting franchise ordinance and such person’s lawful successor, transferee or assignee.
16. “Franchise fee” means any tax, fee, or assessment of any kind imposed by a City or other governmental entity on a cable operator or cable subscriber, or both, solely because of their status as such. The term “franchise fee” does not include (i) any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services but not including a tax, fee or assessment which is unduly discriminatory against cable operators or cable subscribers); (ii) in the case of any franchise in effect on the date of the enactment of this title, payments which are required by the franchise to be made by the cable operator during the term of such franchise for, or in support of the use of PEG access facilities; (iii) in the case of any franchise granted after such date of enactment, capital costs which are required by the franchise to be incurred by the cable operator for PEG access facilities; (iv) requirements or charges incidental to the awarding or enforcing the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or (v) any fee imposed under Title XVII, United States Code.
17. “Grantee” means Cablevision VI, Inc., or the lawful successor, transferee or assignee thereof.
18. “Gross revenues” mean any revenue received by the franchisee from the operation of the Cable System in the Service Area.
19. “Initial basic cable rates” means the rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the City notifies the cable operator of the City’s qualification and intent to regulate basic cable rates.
20. “Must-carry signal” means the signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.
21. “New programming” means programming not previously transmitted over the Charles City PEG access channel, including live or reproduced programs.
22. “Other programming service” means information that a cable operator makes available to all subscribers generally.
23. “Person” means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.
24. “Price cap” means the ceiling set by the FCC on future increases in basic cable rates regulated by the City, based on a formula using the GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.
25. “Public, educational, or governmental access channel (PEG)” means (i) channel capacity designated for public, educational or governmental use; and (ii) facilities and equipment for the use of such channel capacity.
26. “Public school” means any school at any education level operated within the City by any public, private or parochial school system, but limited to, elementary school, junior high school and high school.

27. “Public way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the Service Area which shall entitle the City and the franchisee to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System. “Public way” also means any easement now or hereafter held by the City within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and includes other easements or rights-of-way as shall within their proper use and meaning entitle the City and the franchisee to the use thereof for the purposes of installing and operating the franchisee’s Cable System over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to the Cable System.

28. “Reasonable notice” means written notice addressed to the franchisee at its principal office of the City or such other office as the franchisee has designated to the City as the address to which notice should be transmitted to it, which notice shall be certified and postmarked not less than four (4) days prior to that day on which the party giving such notice shall commence any action which requires the giving of notice. In computing said four (4) days, Saturdays, Sundays and holidays recognized by the City shall be excluded.

29. “Reasonable order” means written order not excessive or extreme as to costs or time to comply, governed by sound thinking.

30. “Reasonable rate standard” means a per channel rate that is at, or below, the benchmark or price cap level.

31. “Service area” means the present municipal boundaries of the City, and includes any additions thereto by annexation or other legal means.

32. “Service tier” means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator.

33. “Subscriber” means a person or user of the Cable System who lawfully receives communications and other services therefrom with the franchisee’s express permission.

34. “Superstation” means any non-local broadcast signal secondarily transmitted by satellite.

35. “Video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

112.03 COMPLIANCE WITH FCC RULES AND REGULATIONS. This chapter shall be amended where necessary to conform to all amendments to Part 76 of the Rules and Regulations of the Federal Communications Commission within twelve (12) months of the order of such amendments.

112.04 VIOLATIONS AGAINST FRANCHISE. It is unlawful for any person without the expressed consent of the franchisee to make any connection, extension or division, whether physically, acoustically, inductively, electronically, or otherwise with or to any segment of a franchised BTN for any purpose whatsoever, except as provided for herein. It is

unlawful for any person to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of a franchised BTN for any purpose whatsoever.

112.05 FRANCHISE REQUIRED. No person shall construct, install, maintain or operate on or within any street, any equipment or facilities for the distribution of television signals or radio signals or data, either analog or digital, over a BTN to any subscriber unless a franchise authorizing the use of the streets has first been obtained pursuant to the provision of this chapter and thereafter only while said person is legally operating under the terms and provisions of said franchise.

112.06 ELECTION AND COSTS. In order for a nonexclusive franchise to be granted pursuant to this chapter, election must be held and a majority of those voting must vote in favor of the granting of such franchise. The entire cost of the election together with all printing and publishing costs relating thereto shall be prepaid by the applicant selected by the Council to be franchisee, regardless of whether or not the applicant is granted a franchise by said election. When the actual costs of the election are known, the final payment may be adjusted accordingly. This section only applies when an election is otherwise required to be held by State and/or federal law.

112.07 RENEWAL. The City shall have no obligation to renew any franchise granted hereunder except as may be required by federal or State law. The failure to reissue such a franchise, however, shall not prohibit the franchisee from applying for a new franchise in competition with other applicants for a franchise in the event the City decides to consider proposals from new applicants for the franchise.

112.08 FRANCHISE FEE PAYMENT.

1. The franchisee shall pay to the City a franchise fee equal to five percent (5%) of gross revenues (as both are defined in Section 112.02 of this chapter) received by the franchisee from the operation of the Cable System on a quarterly basis. Such payment shall be in addition to any other payment, charges, or fees owed to the City by the franchisee and shall not be construed as payment in lieu of personal or real property taxes levied by State, County or local authorities. For the purpose of this section, the twelve-month period applicable under the franchise for the computation of the franchise fee shall be a calendar year, unless otherwise agreed to in writing by the City and the franchisee. The franchise fee payment shall be due and payable sixty (60) days after the close of the preceding quarterly period. Each payment shall be accompanied by a detailed report from a representative of the franchisee itemizing the basis for the computation.

2. The annual franchise fee payment percentage designated in this section may be amended no more than once every calendar year by the City. Any such amendment shall be consistent with the applicable rules of the FCC and other regulatory agencies. No amendment of the franchise fee payment percentage shall be effective sooner than six (6) months from the date of notice to the franchisee of the amended percentage amount.

3. In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, the franchisee shall pay as additional consideration:

A. An interest charge computed from such due date, at the annual rate of nine percent (9%); plus

B. A sum of money equal to two percent (2%) of the amount due in order to defray those additional expenses and costs incurred by the City by reason of the delinquent payment.

4. The period of limitation for recovery of any franchise fee payable hereunder shall be ten (10) years from the date on which payment by the franchisee is due. Unless within ten (10) years from and after such payment due date the City initiates a lawsuit for recovery of such franchise fees in a court of competent jurisdiction, such recovery shall be barred and the City shall be estopped from asserting any claims whatsoever against the franchisee relating to any such alleged deficiencies.

5. No acceptance of any payment by the City shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation of the franchisee. In the event of a dispute, the City, if it so requests, shall be furnished a statement of said payment, by a certified public accountant, reflecting the total amounts of annual gross revenues for the period(s) covered by the payment.

112.09 NATURE OF NONEXCLUSIVE FRANCHISE. Any franchise granted hereunder shall not be exclusive and the City reserves the right to grant a similar franchise to any other person at any time.

112.10 FRANCHISE ORDINANCE. In addition to those matters required to be included by virtue of this chapter, the franchise ordinance shall contain such further conditions or provisions as may be included in the franchisee's proposal negotiated between the City and the franchisee.

112.11 ACCEPTANCE AND EFFECTIVE DATE. No franchise agreement or renewal passed by the Council and, when required by law, approved by a vote of the qualified electors, shall become effective for any purpose unless and until written acceptance thereof shall have been filed with the Clerk, duly executed by the proper officers of the franchisee. The written acceptance shall be filed by the franchisee not later than 12:01 p.m. of the sixtieth day following passage by the Council or, when required by law, the franchise election granting such franchise, whichever is later. In default of the filing of such written acceptance as herein required, the franchisee shall be deemed to have rejected and repudiated the franchise. Thereafter, the acceptance of the franchisee shall not be received by the Clerk. The franchisee shall have no rights, remedies, or redress unless and until the Council, by resolution, shall determine that such acceptance be received, and then upon such terms and conditions as the Council may impose. In addition to the written acceptance and within the same 60-day period, the franchisee shall:

1. File a certificate of insurance as provided herein; and
2. File a performance bond as provided herein unless such bond requirement has been waived by the Council; and
3. Advise the City in writing of the franchisee's address for mail and official notifications from the City; and
4. Provide information necessary to establish that the franchise election and adjusted costs have been paid, when required; and
5. Reimburse the City for its franchising expense in an amount as determined by the City. Said amount, however, shall be reasonable and based on direct costs incurred by the City.

112.12 REVIEWS. On or about the third, sixth, ninth and twelfth anniversaries of the effective date of the franchise grant or renewal, the City may schedule and hold a public meeting or meetings with the franchisee to review the performance by the franchisee under the franchise including future plans of operation and performance. In particular, the City may inquire whether the franchisee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry to comparable market situations. The franchisee shall make available to the City, if requested by the City, such records, documents and information which are relevant to such meeting and inquiry. Any changes in this chapter or the franchise ordinance necessitated by modifications to the FCC regulations shall be incorporated into the franchise ordinance or this chapter within the time limit provided for in the rules and regulations of the FCC then in force and effect.

112.13 TRANSFER. The franchisee's right, title, or interest in the franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the franchisee as of the effective date of this agreement, without the prior consent of the City, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the franchisee in the franchise or Cable System in order to secure indebtedness.

112.14 CONDITIONS OF SALE. Except to the extent expressly required by federal or State law, if a renewal or extension of the franchisee's franchise is denied or the franchise is lawfully terminated, and the City either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act. The franchisee and the City agree that in the case of a final determination of a lawful revocation of the franchise, at the franchisee's request, which shall be made in its sole discretion, the franchisee shall be given a reasonable opportunity to effectuate a transfer of its Cable System to a qualified third party. The City further agrees that during such a period of time, it shall authorize the franchisee to continue to operate pursuant to the terms of its prior franchise; however, in no event shall such authorization exceed a period of time greater than six (6) months from the effective date of such revocation. If, at the end of that time, the franchisee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the City, the franchisee and the City may avail themselves of any rights they may have pursuant to federal or State law; it being further agreed that the franchisee's continued operation of its Cable System during the six-month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the City or the franchisee.

112.15 CONSTRUCTION STANDARDS.

1. Compliance with Safety Codes. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970 and any amendments thereto as well as all State and local codes where applicable.
2. Compliance with Electrical Codes. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the City Electrical Code and applicable industry standards.
3. Antennas and Towers. Antenna supporting structures (towers) shall be designed for the proper loading zone.

4. Compliance with Aviation Requirements. Antenna supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable State or local codes and regulations.
5. Construction Standards and Requirements. All of the franchisee's plant and equipment, including, but not limited to, the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures, and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the municipality may deem proper to make, or to interfere with any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.
6. Conditions of Street Occupancy. All transmission and distribution structures, poles, other lines and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the property use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways.
7. Restoration of Public Ways. If during the course of the Grantee's construction, operation or maintenance of the Cable System there occurs a disturbance of any public way by the Grantee, it shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.
8. Relocation at Request of the City. Upon its receipt of ten (10) days' notice from the City, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way, or remove from the public way, any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the City; but, the Grantee shall in all cases have the right to abandon below-ground facilities, provided written notice of such abandonment is provided within twenty (20) days to the City Engineer. If public funds are available to any persons using such street, easement, or right of way for the purpose of defraying the cost of any of the foregoing, the City shall make application for such funds on behalf of the Grantee upon written request by the Grantee which reasonably identifies the source of public funds believed to be available and the procedure for applying for such funds together with a statement of commitment to indemnify the City for all costs incurred in making such application, regardless of whether or not such grant or application is accepted.
9. Relocation at Request of Third Party. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of such building, provided: (i) the expense of such temporary raising or lowering of wires is paid by said person, including, if required by the Grantee, making such payment in advance; and (ii) the Grantee is given not less than ten (10) business days' advance written notice to arrange for such temporary wire changes.

10. **Trimming of Trees and Shrubbery.** The Grantee shall have the authority to trim trees or other natural growth overhanging any of its Cable System in the Service Area so as to prevent branches from coming in contact with the Grantee's wires, cables or other equipment. The Grantee shall reasonably compensate the City for any damages caused by such trimming or shall, upon mutual agreement with the City, and at its own cost and expense, replace all trees or shrubs to as near as reasonably possible, their prior condition, which are damaged as a result of any construction of the Cable System undertaken by the Grantee. Such replacement shall satisfy any and all obligations the Grantee may have to the City pursuant to the terms of this section.

11. **Aerial and Underground Construction.** In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground, provided that such facilities are actually capable of receiving the franchisee's cable and other equipment. In those areas of the Service Area where the transmission or distribution facilities of the respective public utilities providing telephone communications, and electric services are both aerial and underground, the Grantee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities, or any part thereof, aerial or underground, however, the Grantee is encouraged by the City to go underground unless economical and technological reasons would render such undergrounding impractical or nonfeasible. Nothing contained in this section shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, Cable System passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment.

12. **Safety and Nuisance Requirements.** The franchise shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

112.16 OPERATIONAL STANDARDS. Every BTN operating within the City shall comply, at all times, with the technical and operational standards set forth by the FCC governing the operations of such systems.

112.17 CUSTOMER SERVICE STANDARDS.

1. **Federal Standards.** The Grantee will adhere to the Customer Service Obligations as set forth in Title 47, CFR, Part 76, Subpart H, §76.309. Nothing herein shall preclude the City from adopting an ordinance further relating to the enforcement of such Customer Service Obligations.

2. **Office and Phone for Service.** The franchisee shall maintain an office in the City which shall be open during all usual business hours, have a locally listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time. In addition, the franchisee shall maintain a convenient office in the City open during normal business hours for the receipt of sums due by its subscribers shall provide for regular billing of accounts.

3. **Notification of Service Procedures.** The franchisee shall furnish each subscriber at the time service is installed written instructions that clearly set forth

procedures for placing a service call, or requesting an adjustment. Said instructions shall also include the name, address, and telephone number of the City Administrator or other designated employee and a reminder that the subscriber can call or write the City Administrator or other designated employee for information regarding terms and conditions of the franchisee's franchise if the franchisee fails to respond to the subscriber's request for installation, service, or adjustment within a reasonable period of time.

112.18 TESTING FOR COMPLIANCE. The City may perform technical tests of the Cable System during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the franchisee or the Cable System in order to determine whether or not the franchisee is in compliance with the terms hereof and applicable State or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving the franchisee reasonable notice thereof, not to be less than fourteen (14) business days, and providing a representative of the franchisee an opportunity to be present during such tests. In the event that such testing demonstrates that the franchisee has substantially failed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by the franchisee. In the event that such testing demonstrates that the franchisee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the City. Except in emergency circumstances, the City agrees that such testing shall be undertaken no more than once a year, and that the results thereof shall be made available to the franchisee. Upon reasonable request by the City, the franchisee shall make available copies of any and all technical tests data required to be filed with the FCC by the franchisee.

112.19 REPORTS AND MAPS. Upon reasonable request by the City, the franchisee shall provide:

1. A "strand map" setting forth the physical miles of plant constructed, rebuilt or in operation during the fiscal year.
2. The franchisee's schedule of charges, number of subscribers, contract or application forms for regular subscriber service, policy regarding the processing of subscriber complaints, relinquishment subscriber disconnect and reconnect procedures and any other times and conditions adopted as the franchisee's policy in connection with its subscribers.
3. All policies of insurance or certified copies thereof and a certificates of insurance for all coverage required hereunder.
4. The performance bond or certified copy thereof and written evidence of payment of required premium.
5. All petitions, applications and communications of all types submitted by franchisee to the FCC, or any other federal or State regulatory commission or agency having jurisdiction over any matter affecting operation of franchisee's network shall be submitted to the City by delivery to the Clerk who shall advise interested City departments of such filing.
6. A summary list of all complaints and network "down time" received or experienced during the year.
7. One copy of a report on the network's technical measurements as set forth herein. For any Cable System, the FCC CLI report will satisfy this requirement.

112.20 RECORDS REQUIRED. The franchisee shall, at all times, maintain:

1. A record of all complaints received and interruptions or degradation of service experienced for the preceding two years.
2. A full and complete set of plans, records and “as built” maps showing the exact location of all BTN equipment installed or in use in the City, exclusive of subscriber service drops.

112.21 INSPECTION OF PROPERTY AND RECORDS. At all reasonable times, franchisee shall permit examination by any duly authorized representative of the City Administrator or City Engineer of all franchise property, together with any appurtenant property of franchisee situated within or without the City. Franchisee shall also permit any duly authorized representative of the City to examine and transcribe any strand maps and other records kept or maintained by franchisee reasonably related to the City’s enforcement of the franchise.

112.22 RESOLVING DISPUTES. The Council may do all things which are necessary and proper in the exercise of its jurisdiction under this chapter and may make a determination concerning any question of fact which may arise during the existence of any franchise granted hereunder. The CCBTC is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any franchisee either on behalf of the City, the franchisee, or any subscriber, in the best interest of the public. Either the franchisee or any member of the public who may be dissatisfied with the decision of the CCBTC may appeal the matter to the Council for hearing and determination. The Council may accept, reject, or modify the decision of the CCBTC, and the Council may adjust, settle, or compromise any controversy or cancel any charge arising from the operations of the franchisee or from any provision of this chapter. Any decision adverse to the Grantee’s interest hereunder, may be appealed to an appropriate court of competent jurisdiction.

112.23 EMERGENCY ALERT OVERRIDE. The franchisee shall incorporate into its facilities, the capability for an emergency override audio alert whereby a designee of the City, in times of emergency, may introduce an audio message on all broadband telecommunications network channels simultaneously. The City shall hold the franchisee, its agents, employees, officers, and assigns hereunder, harmless from any claims arising out of the emergency use of its facilities by the City, including, but not limited to, reasonable attorney’s fees and costs.

112.24 INTERCONNECTION. Upon reasonable request by the City, the franchisee shall so construct, operate and modify the network as to have the capability to interconnect the same into all BTNs adjacent to or entering the City, provided it is financially and technically feasible to do so. The City shall hold the franchisee harmless from any cost or liability of said interconnection in the event the franchisee is unable to charge subscribers reasonable rates to receive service provided from the interconnected network.

112.25 REQUIRED EXTENSIONS OF SERVICE. Franchisee shall extend the Cable System and cable service, as defined herein, to all parts of the City which have been platted and laid out into blocks divided by streets. In the instance of newly platted subdivisions and newly annexed additions to the corporate boundaries of the City, after the effective date of any franchise agreement, franchisee shall extend its Cable System and provide service to such new subdivisions whenever franchisee shall receive a request for service from at least five (5) subscribers within 1,320 cable-bearing strand feet (¼ cable mile) of its trunk or distribution cable. The franchisee shall make reasonable efforts to coordinate the extension of its facilities with the installation of public utilities and services in such new subdivisions and annexed areas in the same manner and at the same times as required with respect to other public

utilities and services as provided by Chapter 166 and other pertinent chapters of this Code of Ordinances. The franchisee may extend cable service to subscribers where density is less than as set forth above; however, franchisee shall not require a capital contribution greater than the actual cost plus labor of the franchisee in extending said service. The franchisee may require that payment of such a capital contribution be paid in advance.

112.26 RATE REGULATION. The Council has implemented the regulations and rates of the FCC. Any further regulations propounded by the Council will be consistent with the regulations and rates adopted by the FCC.

112.27 TELECOMMUNICATIONS COMMISSION. There is hereby created and established a permanent Commission, as an administrative agency of the City, a seven-member Commission to be called the "Charles City Broadband Telecommunications Commission" (CCBTC).

1. Powers and Duties. The powers and duties of the CCBTC are as follows:
 - A. To create and maintain an appropriate source of information and expertise regarding broadband telecommunications technologies, services, regulation and policy;
 - B. To monitor the activities of all broadband telecommunications service providers operating within the City or providing service to any point within the City;
 - C. To serve as the initial source of enforcement of all City codes, rules, or regulations affecting the operation of BTN's or services within the community;
 - D. To annually report to the Council regarding the state of BTN's and services within the City and to generally advise the Council of developments within the field of broadband telecommunications which may be of importance to the citizens of Charles City and to make such recommendations as the Commission feels are in order;
 - E. To promote education and awareness within the City among its citizens as to the uses and services available through local BTN's including, but not limited to, matters relating to consumer protection, customer service, and access to such networks by citizens and public or private institutions;
 - F. To receive and respond to citizen input and assist in the resolution of complaints between local BTN's or BTN service providers and their local customers;
 - G. To carry out a thorough triennial review of any private BTN operating within the City under a cable television franchise to determine whether the operator of the BTN is in compliance with all terms and conditions of the franchise and the degree to which the operator's performance is deemed to be satisfactory by the public. Such review should also include recommendations to the Council and to any such operator setting forth proposed action the CCBTC finds will promote utility and use of broadband telecommunications technologies and services within the community;
 - H. To develop and promulgate such rules for the implementation and enforcement of the provisions of this chapter as, from time to time, the Commission shall deem necessary and useful; and

- I. To implement and carry out such rate regulation as is permitted by law and as directed by the Council; and
 - J. To administer and facilitate the development of PEG access facilities and programming within the City; and
 - K. To take such further action as the CCBTC believes is appropriate in administering and fulfilling its duties as set forth herein.
2. Method of Appointment. The members of the CCBTC shall be appointed by the Mayor with approval of the Council in accordance with such other general procedures for appointments to administrative agencies as may have been established by ordinances of the City.
3. Composition of Commission and Qualifications of Members. The Commission shall consist of five (5) voting members plus at least two (2) ex officio members who are current members of the Council. The five voting members of the Commission shall be any adult citizens of the City who do not hold an elected municipal office. The term of appointment of the five voting members of the Commission shall be five (5) years beginning on the first of the year in which the appointment is made, provided, however, that the first members of the Commission shall, by the drawing of lots, obtain terms of office of one (1) year, two (2) years, three (3) years, four (4) years, and five (5) years respectively. The ex officio members of the Commission shall serve at the discretion of the Mayor and for such term as the Mayor shall determine. If a position becomes vacant before expiration of the term of office, the Mayor shall appoint a person to serve the balance of the unexpired term in accordance with established procedures. No person shall be appointed to serve more than two consecutive full terms. Any member may be removed from the Commission by a two-thirds ($\frac{2}{3}$) majority vote of the City Council without cause and at anytime.
4. Compensation; Meetings and Procedures. All members shall serve without compensation except that reasonable actual expenses incurred by members in the performance of their duties may be reimbursed in accordance with the procedures established by the CCBTC, the Council, or this Code of Ordinances. The CCBTC shall meet at such time and in such places as the members deem appropriate provided that at least one meeting is held during each calendar quarter of the year. Minutes of all such meetings shall be recorded and permanently retained. A quorum of three (3) voting members is required for members to conduct their business. All such meetings and proceedings of the Commission shall conform with this Code of Ordinances and the *Code of Iowa* with respect to notice to the public, publication of agendas, and access to meetings. The City Administrator of the City and the Chairperson of the CCBTC shall jointly determine the regular time and place of each quarterly meeting.
5. Budget and Funding. Each year the CCBTC shall prepare and deliver a budget request to the Council setting forth the Commission's requested budget to finance CCBTC activities during the next budget year. Said budget shall not exceed sixty percent (60%) of the anticipated revenues to be received from the franchisee(s) in payment of franchise fees to the City.

112.28 NEW DEVELOPMENTS. The Council and franchisee may mutually agree to amend this chapter whenever necessary to enable the franchisee to take advantage of any developments in the field of transmission of communications signals which will afford it an opportunity to more effectively, efficiently, or economically serve its customers; provided,

however, that this section shall not be construed to require the City and the franchisee to make any such amendment.

112.29 EMPLOYMENT PRACTICES.

1. In carrying out the construction, maintenance, and operation of the BTN, the franchisee shall not discriminate against any employee or applicant for employment because of race, creed, age, color, sex, national origin, or disability.
2. The franchisee shall take affirmative action to ensure that applicants are employed, and that employees are treated during the employment, without regard to their race, creed, color, sex, age, handicap, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
3. The franchisee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
4. The franchisee shall, in all solicitations or advertisements for employees place by or on behalf of the franchisee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, national origin, age, or disability.
5. The franchisee shall incorporate the foregoing requirement in all of its contracts for work relative to construction, maintenance, and operation of the BTN, other than contracts for standard commercial supplies or raw materials, and shall require all of its contractors for such work to incorporate such requirements in all subcontracts for such work.

112.30 PREFERENTIAL OR DISCRIMINATORY PRACTICES PROHIBITED.

1. **Service To Be Equally Available.** The franchisee shall not, as to rates, charges, service, rules, regulations, or in any other respect make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage based upon, but not limited to, that person's race, creed, color, sex, or national origin. This provision shall not be deemed to prohibit promotional campaigns to stimulate subscription to the network or other legitimate uses thereof; nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled.
2. **Fairness of Accessibility.** The entire network of the franchisee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios, and other services to all citizens, businesses, public agencies, or other entities having a legitimate use for the network; and no one shall be arbitrarily excluded from its use; allocation of use of said facilities shall be made according to the rules or decisions of the franchisee and any regulatory agencies affecting the same.

112.31 COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.

Franchisee, at its expense, shall comply with all State and federal laws, orders and regulations, and the lawful exercise of any municipal police powers.

112.32 LIABILITY AND INDEMNIFICATION. The franchisee shall indemnify and hold harmless the City, its officers, boards, commissions, agents and employees against and from all claims, demands, causes of actions, actions, suits, proceedings, damages (including, but not limited to, damages to City property and damages arising out of copyright infringements, and damages arising out of any failure by franchisee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by franchisee's BTN), costs or liabilities (including costs or liabilities of the City with respect to its employees), of every kind and nature whatsoever, arising out of franchisee's construction, operation, and maintenance of the Cable System, including, but not limited to, damages for injury or death or damage to person or property. Provided, the franchisee shall not be liable for any such damages, fees or expense where any lawsuit is based on the actions or omissions of the City but not on any act or omission by the franchisee. City shall give the franchisee written notice of its obligation to indemnify the City within twenty (20) days of receipt of any claim or action described in this section. No such notice shall be required where the franchisee has actual notice of its obligation to indemnify the City, nor shall lack of notice within 20 days be a defense to any claim for indemnification by the City unless the franchisee can show actual prejudice occurred as a result of the failure of the City to provide notice within said 20-day period. Furthermore, if the City determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of the City unless the need for separate counsel arises due to apparent conflicts of interest between the City and the franchisee, in which event the franchisee shall remain responsible for all costs of City's defense.

112.33 INSURANCE. The franchisee shall maintain and pay all premiums, etc., for a general comprehensive liability insurance policy naming as an additional insured, the City, its officers, boards, commissions, agents and employees, in a company licensed to do business in Iowa with a Best rating of A- or above, protecting the City and all persons against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of the franchisee under any franchise granted hereunder in the amount of:

1. \$500,000.00 for bodily injury or death to any one person, within the limit, however, of \$1,000,000.00 for bodily injury or death resulting from any one accident.
2. \$250,000.00 for property damage resulting from any one accident.
3. Worker's compensation insurance in such coverage as may be required by the worker's compensation insurance and safety laws of the State and amendments thereto.

The insurance policies referred to above shall contain an endorsement stating that the policies are extended to cover the liability assumed by the terms of this chapter and shall contain the following endorsements: "It is hereby understood and agreed that this policy may not be canceled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the City by registered mail, of written notice of such intent to cancel or reduce the coverage."

112.34 PERFORMANCE BOND. The franchisee shall maintain throughout the period of network construction, a faithful performance bond in favor of the City, with a surety approved by the City in the penal sum total of one hundred thousand dollars (\$100,000.00) conditioned upon the faithful performance by the franchisee of its obligations under this chapter and the franchise. When the network construction is substantially completed as defined herein, the penal sum total of the performance bond shall be reduced to twenty-five thousand dollars (\$25,000.00) through the remainder of the term of the franchise, or any renewal or extension

thereof and upon the further condition that in the event the franchisee shall fail to comply with any law, ordinance or regulation governing the franchise, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages of loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the franchisee, plus a reasonable allowance for attorney fees and costs, up to the full amount of the bond. The City, at its sole discretion, may at any time subsequent to completion of the construction, waive the requirement of the franchisee to maintain said bond. The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City by registered mail a written notice of such intent to cancel or not renew."

112.35 RECEIVERSHIP AND FORECLOSURE. Any franchise granted hereunder shall, in the case of foreclosure or receivership and at the option of the Council or its designee, cease and terminate within one hundred twenty (120) days or unless:

1. Such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all defaults under the franchise; and
2. Such receivers or trustees shall, within said one hundred twenty (120) days execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by every term, provision and limitation of the franchise herein granted.

In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchisee, or any part hereof, including or excluding the franchise, the Council or its designee may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise and all rights and privileges of the franchise hereunder shall cease and terminate thirty (30) days after service of such notice, unless: (i) the Council shall have approved the transfer of the franchise, as and in the manner in this chapter provided; and (ii) the successful bidder shall have covenanted and agreed with the City to assume and be bound by all terms and conditions of the franchise and this chapter.

112.36 PERMITS AND AUTHORIZATIONS. The franchisee shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition thereof, including necessary pole attachment agreements, and necessary authorizations from the Federal Aviation Agency to construct such receiving antenna towers as may be required, and any necessary authorization or waivers from the Federal Communications Commission. The franchisee shall not apply for any waivers, exceptions, or declaratory rulings from the Federal Communications Commission or any other federal or State regulatory agency without reasonable notification to the City Administrator or such officer's designee.

112.37 TRANSACTIONS AFFECTING OWNERSHIP OR CONTROL. Express approval of the Council is required where ownership or control of the right of control of, or interest in, the franchise is acquired by a person or group of persons acting in concert, none of whom already owns the right of control, as "control" is defined by federal statute or FCC regulation. In the absence of such definition, "control" shall be deemed to mean fifty percent (50%) of the right of control or interest in the franchise.

112.38 RIGHTS RESERVED TO THE CITY.

1. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the franchisee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein continued shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the City's right of eminent domain.
2. There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any law, and the franchisee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the City, passed pursuant to the legitimate exercise of its police power.
3. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.
4. If the FCC or any other federal or State body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise granted under this chapter, to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the City, the jurisdiction of the City shall cease and no longer exist.
5. Subject to federal law, at the expiration of the term for which a franchise is granted or upon the termination and cancellation as provided therein, the City reserves the right to require the franchisee to remove at its own expense any aerial or above ground portions of the BTN from the public ways within the City.
6. Nothing herein shall be deemed or construed to be intended to expand or enlarge the scope of authority of the City to exercise its governmental rights and powers.

112.39 GROUNDS FOR REVOCATION OF FRANCHISE. The City reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this chapter and the franchise ordinance:

1. If the franchisee should default in the performance of any of its material obligations under this chapter or under the franchise ordinance or under such documents, contracts, and other terms and provisions entered into by and between the City and the franchisee.
2. If the franchisee should fail to provide or maintain in full force and effect, the liability and indemnification coverages or the performance bond as required herein.
3. If any court of competent jurisdiction, the FCC or any State regulatory body, by rules, decision or other action determines that any material provision of the franchise documents, including this chapter, is invalid or unenforceable prior to the commencement of construction of the network by the franchisee.
4. If the franchisee should frequently violate any orders or rulings of any regulatory body substantially relating to the operation of the BTN in the Service Area having jurisdiction over the franchisee relative to such franchise.

5. If the franchisee fails to receive necessary FCC certification.

112.40 PROCEDURE PRIOR TO SANCTION OR REVOCATION.

1. The City may make written demand that the franchisee do or comply with any term or condition under this chapter or the franchise ordinance. If the failure, refusal, or neglect of the franchisee continues for a period of thirty (30) days following such written demand, the City shall cause to be served upon such franchisee, at least ten (10) days prior to the date of such Council meeting, a written notice of such officer's intent to request such termination, and the time and place of the meeting, notice of which shall be published by the Clerk at least one (1) to ten (10) days before such meeting in a newspaper of general circulation within the City.
2. The Council shall consider the request of BTC and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the franchisee was with just cause.
3. If such failure, refusal or neglect by the franchisee was with just cause, the Council shall direct the franchisee to comply within such time and manner and upon such terms and conditions as are reasonable.
4. If the Council shall determine such failure, refusal or neglect by the franchisee was without just cause, the Council may, by resolution, declare that the franchise of such franchisee shall be terminated and bond forfeited unless there be compliance by the franchisee within such periods as the Council may fix.
5. The franchisee may appeal any decision by the Council hereunder, to a court of competent jurisdiction.

112.41 RESTORATION OF PROPERTY. In removing its plant, structures, and equipment, the franchisee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in reasonably as good a condition as prevailing prior to the Company's removal of its equipment and appliances, without affecting the electrical or telephone cable wires, or attachments. The City shall inspect and approve the conditions of the public ways and public places, and cables, wires, attachments and poles after removal. The liability indemnity and insurance as provided herein and the performance bond provided herein shall continue in full force and effect during the period of removal and until full compliance by the franchisee with the terms and conditions of this section and this chapter.

112.42 RESTORATION BY CITY; REIMBURSEMENT OF COSTS. In the event of a failure by the franchisee to complete any work required by Section 112.41 above, or any other work required by City law or ordinance within the time as may be established and to the satisfaction of the City, the City may cause such work to be done and the franchisee shall reimburse the City the costs thereof within thirty (30) days after receipt of an itemized list of such costs or the City may recover such costs through the performance bond provided by franchisee. The City shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

112.43 EXTENDED OPERATION. Upon either the expiration or revocation of a franchise, the City may require the franchisee to continue to operate the network for an extended period of time not to exceed six (6) months from the date of such expiration or revocation. The franchisee shall, as trustee for its successor in interest, continue to operate the BTN under the terms and conditions of this chapter and the franchise and to provide the

regular subscriber service and any and all of the services that may be provided at that time. During such interim period, the franchisee shall not sell any of the system assets, nor shall the franchisee make any physical, material, administrative or operational change that would tend to (i) degrade the quality of service to the subscribers, (ii) decrease income, or (iii) materially increase expenses without the express permission, in writing, of the City or its assignee. The City shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

112.44 LESSER SANCTIONS. Nothing shall prohibit the City in enforcing its rules and regulations to impose lesser sanctions or censures for violations of provisions of this chapter or the franchise ordinance rather than revocation.

112.45 LIQUIDATED DAMAGES. By acceptance of the franchise, franchisee agrees that failure to comply with the provisions therein and this chapter will result in damage to the City, and that it will be impracticable to determine the actual amount of such damage; and franchisee therefore agrees that, in addition to any other damages suffered by the City, franchisee will pay to the City the following liquidated damages:

1. For failure to timely file required plans or information, per day - \$25.00.
2. For failure to comply with reasonable orders of the City, per day - \$25.00.
3. For willful or negligent failure to complete construction or commence operations in accordance with this chapter, per day - \$25.00.
4. For willful or negligent failure to provide service in substantial compliance with the provisions of this chapter, not to exceed \$100.00 per day as determined by the City.

In the event franchisee disagrees with the imposition by the City of any of the above listed liquidated damages, such damages will continue to accrue but will not be required to be paid until franchisee has received reasonable notice and an opportunity to be heard before the Council and the Council has determined that payment of such damages is appropriate. The franchisee may appeal any adverse decision of the Council hereunder to a court of competent jurisdiction.

112.46 CITY'S RIGHTS NOT AFFECTED. The termination and forfeiture of any franchise shall in no way affect any of the rights of the City under the franchise or any provision of law.

112.47 FURTHER AGREEMENT AND WAIVER BY FRANCHISEE. The franchisee shall not be excused from complying with any of the terms and conditions of this chapter or the franchise ordinance by and failure of the City, upon any one or more occasions, to insist upon the franchisee's performance or to seek franchisee's compliance with any one or more of such terms or conditions.

112.48 TIME IS OF THE ESSENCE. Whenever this chapter or the franchise sets forth any time for any act to be performed by or on behalf of the franchisee, such time shall be deemed of the essence and the franchisee's failure to perform within the time allotted shall, in all cases, be sufficient grounds for the City to invoke the remedies available under the terms and conditions of this chapter and the franchise.

112.49 IMPOSSIBILITY OF PERFORMANCE. The franchisee shall not be held in default for noncompliance with the provisions of the franchise, or suffer any enforcement or penalty relating thereto, where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

112.50 ACTIONS OF PARTIES. In any action by the City or the franchisee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense

alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only.

12. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

120.06 AMUSEMENT DEVICES. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 453A.1)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or

suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

PEDDLERS, SOLICITORS, MOBILE FOOD VENDORS, AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Parks and Recreation Board
122.02 Definitions	122.12 Revocation of License
122.03 License Required	122.13 Notice
122.04 Application for License	122.14 Hearing
122.05 License Fees	122.15 Record and Determination
122.06 Bond Required	122.16 Appeal
122.07 License Issued	122.17 Effect of Revocation
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	122.20 Public Safety

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes and enjoyment of public activities by licensing and regulating peddlers, solicitors, mobile food vendors, and transient merchants.

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

1. “Mobile food vendor” means any person who prepares, stores, or sells any food item in or from a vehicle or unit which is either parked in a permanent location or which moves from place to place and stops temporarily for such sales.
2. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
3. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
4. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting, mobile food vending, or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by

the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers, Mobile Food Vendors, or Transient Merchants.
 - A. For one day\$ 25.00
 - B. For one week\$ 50.00
 - C. For one month\$ 100.00
 - D. For one year\$ 250.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED. The Clerk shall have a period of twenty-four (24) hours in which to investigate each application and the credentials of each applicant and shall grant each such license unless it appears that such applicant's business is illegal or immoral or that the same will constitute a nuisance or other good cause exists to deny the same.

122.08 DISPLAY OF LICENSE. Each solicitor, mobile food vendor, or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m. All mobile food vendor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 9:00 p.m. The City Administrator may extend these hours for special events upon prior application by the license holder.

122.11 PARKS AND RECREATION BOARD. Within City parks and within other City recreational facilities, the Parks and Recreation Board shall have the power to make determination of the location(s) wherein peddlers, solicitors, mobile food vendors, and transient merchants are allowed to operate. The Board may also prescribe other rules for operation by food vendors within the public parks and may prescribe special rules for individual events as they deem necessary to protect the public health and safety.

122.12 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.13 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.14 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.15 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.16 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.17 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Charles City Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

7. Local Retail Outlets. Solicitations, sale or distributions made by businesses with a retail outlet located within the City.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.16 of this chapter.

122.20 PUBLIC SAFETY. It shall be the duty of the police of the City to enforce the provisions of this section against any person found to be violating the same. A public safety officer of the City may require the removal of mobile food vendors from a particular location if, in the opinion of the public safety officer, the operation of the vendor's unit at the location presents a threat to public health and safety.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment. The term “house mover” does not apply to a person moving a small building or structure on a regularly licensed motor vehicle.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying a single limit of general liability of \$1,000,000 and auto liability of \$1,000,000 which is in effect for the duration of the permit. The certificate shall also name the City as an additional insured.

123.06 PERMIT FEE. A permit fee of fifty dollars (\$50.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved. In the event that a building or similar structure is moved without first obtaining a permit, the permit fee shall be doubled.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

CHAPTER 124

LICENSING OF TREE TRIMMERS

124.01 Purpose
124.02 License Required
124.03 Financial Responsibility

124.04 Workmanship
124.05 Revocation of License

124.01 PURPOSE. The purpose of this chapter is to assure that those persons engaged in the conduct of the business of trimming or removal of trees do so in such manner as not to endanger the health, safety and welfare of the general public.

124.02 LICENSE REQUIRED. Except as otherwise provided herein, a person shall not trim, cut, or remove any tree limbs or trees from any property within the City of Charles City without first obtaining a license from the City.

1. Exceptions. This chapter shall not apply to City employees performing tree trimming, tree removal, and cutting of trees in the course of their City employment or to private property owners trimming, removing, or cutting trees on their own property or on the publicly owned property or right-of-way abutting the owners' private property. *(Ord. 1133 – Jun. 19 Supp.)*

2. License. An annual license shall be obtained from the City Clerk on or before April 1st which will then be effective for a period of one year, terminating on the following April 1st. Each applicant must pay a fee of \$25 and show proof of financial responsibility. Any license issued after April 1st, due to late application or first time application, shall nonetheless expire on the following April 1st. Renewal of a license will require a payment of \$25 and proof of financial responsibility.

124.03 FINANCIAL RESPONSIBILITY. The City shall require, as a condition for the issuance of any license, that the applicant first file proof of financial responsibility in the form of a bond or a liability insurance policy showing coverage for injuries to persons and property during the licensing period in an amount of not less than \$1,000,000.

124.04 WORKMANSHIP. All tree trimming, tree removal and cutting of trees shall be done in a careful and workmanlike manner with due regard for the welfare of pedestrians and bystanders and the property of residents on which the trees are located. The abutting property owner may be liable for damages caused by tree trimming, tree removal, and cutting of trees on or overhanging the publicly owned street and right-of-way abutting the owners' private property. *(Ord. 1133 – Jun. 19 Supp.)*

124.05 REVOCATION OF LICENSE. The City may revoke any license issued pursuant to this Chapter whenever the licensee violates a provision of this Chapter. The City may also pursue any criminal or civil actions against the violating licensee as authorized by this Code of Ordinances.

(Chapter 124 - Ord. 1090 – May 16 Supp.)

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.08 Burning Prohibited
135.02 Obstructing or Defacing	135.09 Excavations
135.03 Placing Debris On	135.10 Property Owner's Responsibility for Maintenance
135.04 Playing In	135.11 Failure to Maintain
135.05 Traveling on Barricaded Street or Alley	135.12 Dumping of Snow
135.06 Use for Business Purposes	135.13 Driveway Culverts
135.07 Washing Vehicles	135.14 Private Irrigation Systems Within Right-of-Ways

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass, or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal, or vehicle. Exception will be made for annual leaf pickup conducted by the City.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer, or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store, or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale, or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made; and
 - C. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of five thousand dollars (\$5,000.00) may be filed with the City.
(Ord. 1114 – Nov. 17 Supp.)
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. General Liability - \$1,000,000.00
 - B. Umbrella - \$1,000,000.00
6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Observation/Backfill. All work shall be subject to observation by the City. All excavation work shall be backfilled in six-inch (6") loose lift thicknesses and mechanically compacted to insure settlement will not occur. The permit holder shall provide the City with notice at least twenty-four (24) hours prior to the time backfill work will begin.
8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after

the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder.

9. **Responsibility for Costs.** All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. **Notification.** At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

11. **Permit Fee.** A permit fee in an amount established by resolution of the Council shall be payable at the time of filing the application with the City. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled. A separate permit shall be required for each excavation.

12. **Permit Issued.** Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

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

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.14 PRIVATE IRRIGATION SYSTEMS WITHIN RIGHT-OF-WAYS. An abutting property owner may install an irrigation system within the right-of-way between the curb lines and property lines for the purpose of maintaining the vegetation in this area, but only after submitting installation plans to the City for its approval and obtaining a permit. Installation within the right-of-way must be performed by a person licensed or certified to install such systems. In addition, any connection(s) to the City's water main(s) must be performed by a licensed plumber. The issuance of the permit and installation of the irrigation system within the public right-of-way shall not create or confer any property interest within the right-of-way benefiting the abutting owner and the City shall retain the right, at its sole discretion, to order removal of the irrigation system or to order cessation of its use at any time. Neither the City nor the holder of a franchise, license or easement granted under Chapter 143 of this Code of Ordinances shall have liability for damage caused to the irrigation system arising from work performed within the right-of-way.

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.13 Subgrade Encroachments
136.02 Definitions	136.14 Awnings
136.03 Removal of Snow, Ice and Accumulations	136.15 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.16 Openings and Enclosures
136.05 Ordering Improvements and Maintenance; Collection of Costs	136.17 Fires or Fuel on Sidewalks
136.06 Permit Required	136.18 Defacing
136.07 Failure to Obtain Permit; Remedies	136.19 Debris on Sidewalks
136.08 Inspection and Approval	136.20 Merchandise Display
136.09 Sidewalk Construction Specifications and Standards	136.21 Sales Stands
136.10 Barricades and Warning Lights	136.22 Use of Toy Vehicles Prohibited
136.11 Failure to Repair or Barricade	136.23 Blocking Sidewalks
136.12 Interference with Sidewalk Improvements	136.24 Washing Vehicles

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

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Business District" means the same as defined in Section 60.02(1) of this Code of Ordinances.
3. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.
 - H. A change from the design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
4. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.

5. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
6. “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.
7. “Portland cement” means any type of cement except bituminous cement.
8. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
9. “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. Only Portland Cement Concrete (PCC) shall be allowed for the construction of public sidewalk improvements. *(Ord. 1132 – Jun. 19 Supp.)*
10. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within twenty-four (24) hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

The abutting property owner may file an application with the City Council to remove the sidewalk if the following conditions exist:

1. No major pedestrian generation exists at any residence as determined by the City Administrator; and
2. Less than 50% linear footage of the sidewalk exists within a block, or other special circumstances exist and the City Administrator recommends the removal.

If the City Council approves this application, the property owner will be required, upon removal of the sidewalk, to bring the lawn to grade and properly seed the area. The City Council reserves the right to require replacement of the sidewalk at a future date at its discretion.

(Ord. 1096 – Dec. 16 Supp.)

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

136.05 ORDERING IMPROVEMENTS AND MAINTENANCE; COLLECTION OF COSTS.

1. **Ordering Sidewalk Improvements.** The City Engineer may order the reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days of receipt of the notice.
2. **Repairing Defective Sidewalks.** It is 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 street right-of-way abutting said owner's property. If, after the expiration of the 30 days, the required work has not been done or is not in the process of completion, the City Engineer shall proceed to repair, replace or reconstruct the sidewalk. Upon completion of the work, the City Engineer 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.
3. **Notice of Assessment for Repair or Cleaning Costs.** When the City Engineer submits a bill for sidewalk improvements or for removal of the accumulations of snow or ice, the Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which the Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.
4. **Hearing and Assessment.** At the time and place designated in the notice, the Council shall consider all objections to the assessment, correct all errors or omissions and adopt a corrected list of the amounts to be assessed against the property.
5. **Billing and Certifying to County.** Thirty days after the Council's decision, the Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds five hundred dollars (\$500.00) may be paid in installments as set by the Council, not exceeding ten, in the same manner and at the same interest rates as special assessments under Chapter 384 of the *Code of Iowa*. No interest shall be charged for assessments, or parts thereof, paid within 30 days of the time the Council determined the final amounts.

136.06 PERMIT REQUIRED. No person shall make any sidewalk improvements unless such person obtains a permit from the City Engineer. The permit shall state the person will comply with the ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Engineer. All such permits shall be issued in conformance with Chapter 137 of this Code of Ordinances. All permits for sidewalk improvements not ordered by resolution of the Council shall be issued in compliance with this chapter. Each permit shall expire six (6) months after the date of issuance, whether or not the work has been completed.

(Ord. 1132 – Jun. 19 Supp.)

136.07 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications or when any sidewalk improvements are made without a permit, the City Engineer shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Engineer shall have the work completed and the costs assessed to the property owner as provided in this chapter.

136.08 INSPECTION AND APPROVAL. Upon final completion, the City Engineer shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications and the permit, the City Engineer shall indicate this on both copies of the permit.

136.09 SIDEWALK CONSTRUCTION SPECIFICATIONS AND STANDARDS. All sidewalk improvements in public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Engineer and in accordance with Chapter 12 of the Statewide Urban Design and Specification (SUDAS).

136.10 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 is 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 are liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

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

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

136.13 SUBGRADE ENCROACHMENTS. The Council may authorize, but only by written permit, the construction of areas for purposes of lighting vaults and coal or boiler rooms, beneath the surface of sidewalks, streets and alleys, such areas to be covered with

sufficient illuminated pavement, and such vaults or coal or boiler rooms to be covered likewise with illuminated or ordinary pavement, said vaults, areas and coal and boiler rooms to be constructed and operated according to proposed plans complete in detail, filed with the Council and approved by the Council. No such area, vault or coal or boiler room shall extend into a street beyond the centerline thereof, or into any alley beyond the centerline thereof. Whenever such permit is issued as herein provided, such permit shall be in writing signed by the Mayor upon order of the Council. Said permit shall contain the name of the person procuring the same, the date issued, the location and number and size of the areas, vaults or boiler rooms, authorized thereby, together with an agreement, which shall be signed by the person procuring the same, to pay the rentals for the maintenance thereof, as hereinafter provided.

1. Existing Areas. Areas, vaults and boiler rooms or coal rooms already existing below the surface of sidewalks, streets and alleys already existing may be suffered to continue, but only upon compliance with this chapter. The City Engineer shall have the authority to order any vault, boiler room or coal room already existing which is in a deteriorated or dilapidated condition to be immediately abandoned and filled with sand and other building material in order to insure that there will be no cave-in or injury to the sidewalk over said area, vault or underground boiler room. In the event that the owner or occupant of the vault, boiler room or coal room fails to comply with the directions of the City Engineer, the City shall immediately proceed to make the necessary changes in the underground room or to fill the same in order to protect the traveling public.
2. Nuisance. This section shall not be construed as authorizing the creation or maintenance of a nuisance.
3. Liability. Any damage occurring in consequence of the creation or maintenance of any of the encroachments described in this section, or by reason of any defect therein, shall be borne and paid by the person maintaining such encroachment and acceptance of a permit shall be deemed an agreement to indemnify and to pay to the City any sum it becomes legally liable to pay by reason thereof.
4. Inspection. The City Engineer is authorized to inspect at any time the different private encroachments mentioned in this section, and to place in any area, vault or boiler room or coal room, so as to least obstruct the use thereof, pipes or conduits for carrying electric wires and to alter, extend or repair the same, or to enter the said area, vaults or boiler room for any other purposes connected with legitimate street and alley uses.
5. Revocation. The Council make revoke any permit for said encroachments at any time without cause.

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

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

136.16 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

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

136.17 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.**136.18 DEFACING.** It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

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

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

136.20 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than two (2) feet of the sidewalk next to the building be occupied for such purposes. Any person wishing to establish any such display permanently must obtain permission from the Council.**136.21 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.**136.22 USE OF TOY VEHICLES PROHIBITED.** It is unlawful for a person to coast or slide upon any sidewalk by means of any sled, coaster wagon or similar vehicle.**136.23 BLOCKING SIDEWALKS.** It is unlawful to obstruct or block, temporarily or permanently, the public sidewalk without first obtaining the permission of the Council, except in the case of an emergency.**136.24 WASHING VEHICLES.** It is unlawful for any person to wash or otherwise clean any automobile, truck or vehicle of any kind, in such manner that water, grease, dirt or oil therefrom flows on, over or across any public sidewalk.

CHAPTER 137

CONSTRUCTION PERMITS AND CONTRACTORS' LICENSES FOR CURBING, PAVING, DRIVEWAYS AND SIDEWALKS

137.01 Purpose

137.02 License Required

137.03 Permit Required

137.04 License Application

137.05 Bond

137.06 Revocation of License

137.01 PURPOSE. The purpose of this chapter is to regulate the construction of curbing, paving, driveways and sidewalks on public right-of-ways.

137.02 LICENSE REQUIRED. It is unlawful for any person to do any work in connection with the construction of curbing, paving, or driveways on public right-of-ways without a contractor's license and permit as provided in this chapter. *(Ord. 1132 – Jun. 19 Supp.)*

137.03 PERMIT REQUIRED. All persons desiring to do construction work for curbing, paving, driveways and sidewalks on public right-of-ways shall make an application for a permit to do such work with the City and pay a fee in an amount established by resolution of the Council for said permit to the City. Said permit shall be valid for each project. No permit shall be required for any work performed on privately owned real estate. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled.

137.04 LICENSE APPLICATION. Any person desiring a contractor's license shall file with the Clerk an application in writing, giving the applicant's name and that of each member of said person's firm, if any, and place of residence and asking for a license to do such work, stating a willingness to be covered in all respects by the rules and regulations of the Council respecting such work in force or hereafter to be adopted. With said application, the said person shall pay to the City a fee in an amount established by resolution of the Council, which shall entitle said person to the contractor's license, which shall be valid until December 31 of the year of issuance.

137.05 BOND. Before receiving such license as required by this chapter, the applicant shall file in the office of the Clerk an indemnifying bond to be approved by the Council in the sum of five thousand dollars (\$5,000.00) conditioned that said person will indemnify and keep harmless the City from all liability for any accident and damages arising from any negligence in doing or protecting the work. While engaged at such work said person will do the same in such manner as to cause the least possible obstruction to public travel, and after finishing any work will restore the public right-of-way to as good a condition as it was found, and will remove any surplus dirt or any excavations from doing such work, so as to leave the right-of-way in as good a state and condition as it was found, to the satisfaction of the Council, and will keep all materials to be used and excavations made while employed at such work properly enclosed and guarded and every precaution taken to prevent injury to any person or property during such work. *(Ord. 1132 – Jun. 19 Supp.)*

137.06 REVOCATION OF LICENSE. Any person doing such work who is guilty of any violation of any of the rules and regulations adopted by the Council for the manner of

constructing any curbing, paving, street crossings and sidewalks as to the manner of doing such work and materials to be used therefor, shall have his or her license revoked at the option of the Council and such forfeiture shall be held to apply to the employees of said person, unless otherwise ordered by the Council.

CHAPTER 138

DRIVEWAY REGULATIONS

138.01 Definitions

138.02 License and Permit Required

138.03 Driveway Requirements

138.04 Sidewalks

138.05 Revocation of Permit

138.06 Inspection and Approval

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

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and roadway of the public street, except for such part used for permanent public walks. *(Ord. 1132 – Jun. 19 Supp.)*
2. “Paving” means hard surfacing consisting of Portland cement concrete. “Paving” does not include surfacing with hot mix asphalt, oil, gravel, oil and gravel or chloride.

138.02 LICENSE AND PERMIT REQUIRED. No person shall make driveway improvements unless such person is a contractor licensed by the City and obtains a permit for construction of the improvements from the City Engineer. The permit shall state the person will comply with the ordinances of the City and with the specifications as adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Engineer. All such licenses and permits shall be issued in conformance with Chapter 137 of the Code of Ordinances. Each permit shall expire six (6) months after the date of issuance, whether or not the work has been completed.

138.03 DRIVEWAY REQUIREMENTS. In addition to Section XXII.F (Design Standards) of the Charles City Zoning Ordinance, all driveways shall be of paving of a depth of not less than six inches (6”) and shall be at least ten feet (10’) in width. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a six-inch (6”) subbase of compact, clean, coarse crushed rock shall be laid. The driveway shall slope not more than two inches (2”) per foot toward the roadway and the sidewalk section within the driveway shall not have a cross slope greater than three-sixteenths of an inch (3/16”) per foot. The maximum driveway width at the curb line shall be 50 feet (50’). The maximum driveway width at the property line shall be the lesser of 40 feet (40’) wide or fifty percent (50%) of the width of the lot abutting the street, except for commercial driveways when consent of the City Engineer is received. No property may have more than one driveway except for lots exceeding 150 feet (150’) in width when consent of the City Engineer is received or corner lots which abut two public streets when consent of the City Engineer is received.

(Section 138.03 – Ord. 1160 – Aug. 22 Supp.)

138.04 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

138.05 REVOCATION OF PERMIT. The City Engineer may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

138.06 INSPECTION AND APPROVAL. The driveway must be inspected and approved by the City Project Engineer within thirty (30) days after completion of the work. If the work

is not approved, it must be corrected immediately so it will meet with the City Engineer's approval. If the work has been done improperly, the City Engineer shall have the right to finish or correct the work, and the Council shall assess the cost to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

CHAPTER 139

VACATION AND DISPOSAL OF STREETS

139.01 Power to Vacate

139.02 Planning and Zoning Commission

139.03 Notice of Vacation Hearing

139.04 Findings Required

139.05 Disposal of Vacated Streets or Alleys

139.06 Disposal by Gift Limited

139.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

139.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

139.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

139.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

139.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof, or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

139.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] & 364.7[3])

EDITOR'S NOTE		
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.		
ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
444	Portion of Cross St. between Park and Central Ave.	April 5, 1965
451	Lot 10, Block 3 – Mayfield Addition	July 6, 1965
452	Portion of alley in Block 48, Lane's Addition lying between Lots 5 and 6	July 6, 1965
455	Portion of G Street between intersection of 4 th Ave. and 5 th Ave.	October 18, 1965
463	Portion of Hildreth St. and a portion of alley in Block G and H, Truman Addition	April 18, 1966
468	Amending 463	August 15, 1965
478	Portion of alley in Block H between Lots 5 & 7, 5 & 8	February 6, 1967
510	Portion of 10 th St. between the east edge of S. Johnson St. and S. Main – Mayfield	September 3, 1968
513	End of G St. where intersects 8 th Ave.	February 3, 1969
516	Portion of 18 th Ave. between T St. and Cleveland Ave.	May 5, 1969
518	Repealed 516	June 16, 1969
525	Portion of B St. from intersection with 5 th & 6 th Ave.	November 3, 1969
547	Parts of Harwood, Kelly, Milwaukee and Wisconsin Sts.	November 16, 1970
552	Part of Blunt St. between intersection of Brantingham and Blunt St. and Blunt St. and N. Grand	January 18, 1971
564	Riverside Dr. between intersection of Riverside and Milwaukee St.	July 26, 1971
566	Alley in Block 66, Kelly & Co. Addition to St. Charles	August 16, 1971
574	Alley in Block 10 of Original St. Charles	October 18, 1971
575	Alley in Block 22 of Original St. Charles	October 18, 1971
578	S. Johnson St. between intersection of S. Johnson St. and Court St. and intersection of S. Johnson St. & Cedar River	December 6, 1971
584	Burr Oak Drive between intersection of Burr Oak Dr. and Walnut and intersection of Burr Oak Dr. & Kellogg	March 6, 1972
592	Portion of alley in Block 147 Lanes Addition	June 19, 1972
600	Blunt St. between intersection of Blunt St. & Main and intersection of Blunt St. and Brantingham	October 16, 1972
603	Alley in Block 65 Kelly Addition	December 18, 1972
608	Portion of alley in Blk. 148 Lanes Addition	March 19, 1973
609	Alley in Black C Kelly & Co. Addition	March 19, 1973
615	Portion of Court St. between intersection of Clinton St. and Court St. and Cedar and Court St.	April 16, 1973
622	Portion of Court St. in Block 27 Kelly & Co. Addition	October 1, 1973
623	Alley in Block 29, Kelly & Co. Addition	October 15, 1973
630	Part of Court St.	December 3, 1973
632	Part of Court St.	February 4, 1974
633	Part of Court St.	February 4, 1974
634	Part of 18 th Ave.	March 18, 1974
636	Parts of streets and alleys in Brackett-Grand Addition	April 15, 1974
638	Vacating part of E Street	July 15, 1974
639	Parts of streets and alleys in the Redevelopment Area	August 19, 1974
642	Alley in Block 47, Lanes Addition	September 16, 1974
644	Part of Spriggs	October 21, 1974

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
656	An easement Lots 42, 43, 50 and 51, Sunrise Hill	June 30, 1975
659	Part of Clinton St. between Block 26 & Block 27, Kelly Addition	March 15, 1976
662	Part of Court which abuts Block 27, Kelly Addition	May 3, 1976
665	Alley located in Block 2, Palmers Addition	August 16, 1976
672	Alley in Block Q, Town of Freeman	May 16, 1977
677	All that part of the 33 feet of Fourth Ave. extended lying in the Jesse C. Lynch Addition	October 3, 1977
694	Portion of Lions Dr. lying In Lot 7 of the Irregular Survey of the Southwest Quarter of Section 1, Township 95 North, Range 16 West of the 5 th P.M.	October 16, 1978
713	21 st Avenue – From west r.o.w. line of Oak Park Ave. to the west r.o.w. line of Cherry Ave.; From the east r.o.w. line of Cherry Ave. to the west r.o.w. line of Kellogg Ave.; and From east r.o.w. line of Kellogg Ave. to the west property line extended of Lot 6, Block 7, Oak Park Addition 20 th Avenue – From the east r.o.w. line of Cherry Ave. to the west r.o.w. line of Kellogg Ave.; From the east r.o.w. line of Kellogg Ave. to the west property line extended of Lot 15, Block 7, Oak Park Addition 19 th Avenue – From the east r.o.w. line of Oak Park Ave. to the west r.o.w. line of Cherry Ave. Maywood Avenue – From the east r.o.w. line of Oak Park Ave. to the west r.o.w. line of Kellogg Ave.; and From the east r.o.w. line of Kellogg Ave. to the west r.o.w. line of Kenwood Ave. Elm Avenue – From the east r.o.w. line of Walnut Ave. to the west r.o.w. line of Kellogg Ave.; From the east r.o.w. line of Kellogg Ave. to the west r.o.w. line of Kenwood Avenue Oak Park Avenue – From the south r.o.w. line of 21 st Ave. to junction with Maywood Avenue Cherry Avenue – From the north r.o.w. line of Maywood Ave. to the south r.o.w. line of 19 th Avenue Woodland Drive – From the north r.o.w. line of 19 th Ave. to the south r.o.w. line of 21 st Avenue Ashland Avenue – From the north property line of Outlot 2 to the south r.o.w. line of 19 th Ave.; From the north r.o.w. line of 19 th Avenue to the south r.o.w. line of 21 st Avenue Walnut Avenue – From the south r.o.w. line of Elm Ave. to the south r.o.w. line of 19 th Avenue; From the north r.o.w. line of 19 th Ave. to the south r.o.w. line of 21 st Avenue Hawthorne Avenue – From the south property line of Factory Lots 1 & 2 to the south r.o.w. line of 19 th Ave.; From the north r.o.w. line of 19 th Ave. to the south r.o.w. line of 21 st Ave. Kenwood Avenue – From the south r.o.w. line of Elm Ave. to the south r.o.w. line of 19 th Avenue Riverside Avenue – From a point 590' Nwly of the north r.o.w. line of 16 th Ave. to the south r.o.w. line of 19 th Ave.; and All alleys in Blocks 1, 2, 3, 4, 5, 6, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 36, 37, 38 and 39 and the west ½ of the alleys in Block 7 and 18, all in Oak Park Addition	September 17, 1979
768	Portion of Burr Oak Drive	May 21, 1984
769	That part of "J" St. lying in Jesse C. Lynch subdivision	May 21, 1984
775	Alley and Smith Ave. abutting Lots 7 through 12, and the alley abutting Lots 19 through 21, and Lots 7 through 11, Block 16, College Addition	February 19, 1985
792	Portion of Kelly Street	September 15, 1986
795	Portion of Jackson Street	October 23, 1986
796	Portion of Clark Street	November 20, 1986

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
806		August 28, 1987
809		January 4, 1988
831	Portion of 13 th Street	November 6, 1989
832	Alley in College Addition	November 20, 1989
842	Portion of 4 th St. and portion of S. Grand Ave.	June 18, 1990
882	Portion of Floyd Street	November 1, 1993
884	Portion of 21 st Avenue	January 3, 1994
890	Portion of South John Street	May 16, 1994
892	All of Kneisel Circle, all of Greenless Circle and Court Street Southeasterly of Cedar Street	August 15, 1994
895	A portion of Riverside Avenue from a point 50 feet south of the centerline of the Soo Line Railroad tracks to a point 33 feet north of said tracks, distance measured along the centerline of Riverside Avenue A portion of Howard Street from a point 35 feet southwesterly of the centerline of the Soo Line Railroad tracks to a point 45 feet northeasterly of said tracks, distance measured along the centerline of Howard Street A portion of Illinois Street from a point 35 feet southwesterly of the centerline of the Soo Line Railroad tracks to a point 45 feet northeasterly of said tracks, distance measured along the centerline of Illinois Street A portion of Richings Street from a point 50 feet southeasterly of the centerline of the Soo Line Railroad tracks to a point 65 feet northwesterly of said tracks, distance measured along the centerline of Richings Street A portion of Joslin Street from a point 35 feet southwesterly from the centerline of the Soo Line Railroad tracks to a point 45 feet northeasterly of said tracks, distance measured along the centerline of Joslin Street	November 25, 1994
899	A portion of Riverside Avenue from the north right-of-way line of the Soo Line Railroad to the south right-of-way line of Hart Street all located in the City of Charles City, Floyd County, Iowa	February 20, 1995
907	Westerly 100 feet of Waller Street	March 9, 1995
914	The alley in Block 33, Kelly & Co. Addition	October 20, 1995
925	A portion of Grove Street described as the northeasterly 16 feet of the southeasterly feet of Grove Street adjacent to Lot Five (5), Block 88, Kelly & Co. Add.	August 15, 1996
927	A portion of Riverside Drive adjacent to Lots Three (3) and Four (4), Block 20	October 23, 1996
932	All that portion of Jackson Street from the north right-of-way line of Lane Street to the south line of Floyd Street	November 12, 1997
948	The easterly 9 ft. of Allison St. adjacent to Lots 6, 7 & 8 of Block Q, Freeman Addition to Charles City, Floyd County, Iowa	July 22, 1998
963	The alley contained within Block 143 of Lane's Addition to St. Charles, now incorporated as part of Charles City, Floyd County, Iowa	October 15, 1999
964	That portion of Smith Avenue adjacent to Lot 6, Block 10, College Addition to Charles City, Floyd County, Iowa	October 15, 1999
967	That portion of Kelly Street from the Southeasterly right-of-way line on St. Mary's Street to the Westerly right-of-way line of Grand Avenue all located in the City of Charles City, Floyd County, Iowa	April 3, 2000
969	That portion of Floyd Street from the easterly right-of-way line of North Iowa Street to the westerly right-of-way line of North Johnson Street, all streets being adjacent to Block 147 of Lane's Addition to St. Charles, now incorporated in the City of Charles City, Floyd County, Iowa.	April 3, 2000

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
980	That portion of St. Mary Street adjacent to Block 156 of Lane's Addition to St. Charles, now incorporated in the City of Charles City, Floyd County, Iowa	July 27, 2001
984	That portion of 8 th Street lying between Lot 3, Block 2, Bonner's Second Addition to Charles City, Iowa, and Lot 1, Block 3, Bonner's Second Addition to Charles City, Iowa	April 19, 2002
985	That portion of Corporate Drive adjacent to Lots 1, 2 & 3 Block 1 and Lots 1 & 2 Block 2 of the Southwest Development Park, Second Subdivision to the City of Charles City, Floyd County, Iowa	April 19, 2002
989	That portion of Smith Avenue adjacent to Lot 12, Block 10, College Addition to Charles City, Floyd County, Iowa	July 1, 2002
995	<p>The Southeasterly 55.00 feet of Lot 4, Block 42 of Kelly and Company's Addition to St. Charles, now incorporated as part of Charles City, Iowa</p> <p>That part of Block 157 of Lane's Addition to S. Charles and that part of Brantingham Street, Charles City, Iowa described as follows: Commencing at the northeast corner of Section 12, Township 95 North, Range 16 West of the 5th P.M., Charles City, Floyd County, Iowa; Thence North 89 degrees 49 minutes 05 seconds West (assumed bearing) 33.00 feet to the east line of said Block 157; Thence North 00 degrees 10 minutes 55 seconds East along said east line 33.00 feet to the point of beginning; Thence continuing North 00 degrees 10 minutes 55 seconds East along said east line and extension thereof 53.42 feet to the southwesterly line of Ferguson Street; Thence North 56 degrees 30 minutes 00 seconds West along said southwesterly line 52.82 feet to the southeasterly line of Block 42 of Kelly and Company's Addition to St., Charles, Charles City, Iowa; Thence South 33 degrees 30 minutes 00 seconds West along said southeasterly line 98.65 feet; Thence South 89 degrees 49 minutes 05 seconds East 98.33 feet to the point of beginning, containing 5232 square feet more or less, and is subject to recorded and unrecorded easements, restrictions and servitudes, if any.</p>	November 4, 2002
996	That portion of Lane Street described as Parcel B adjacent to Block 143, Lane's Addition to the City of Charles City, Floyd County, Iowa, and more particularly described as: Commencing at the Northwest Corner of Block 143 of said Lane's Addition; thence North 33° 30' 00" East 6.00 feet; thence South 56° 34' 02" East 141.02 feet; thence South 33° 30' 00" West 6.00 feet to the Northwest Corner of Lot 1 and the Northerly Line of said Block 143; thence North 56° 34' 02" West 141.02 feet along said Northerly Line to the Point of Beginning, containing 846 square feet (0.019 acre), subject to easements of record (see plat attached to this original survey description.) Note: The Easterly Line of Block 143 is recorded as bearing North 33° 30' 00" East.	November 7, 2002
1001	That portion of Brantingham Street located between U.S. Highway 18 and Blunt Street as shown in the Plat of Survey dated September 4, 2002, and filed as Record 2002-3192 on October 2, 2002, in the office of the Floyd County Recorder	September 18, 2003
1002	All of West Corporate Drive and all east/west utility easements in Lots 1, 2, 5 and 6 in Southwest Development Park, First Subdivision, Charles City, Iowa	October 24, 2003
1011	The alley in Block 145 Lane's Addition between Lots 2 and 9 south of the railroad right-of-way and between Lots 3 and 8, Charles City, Iowa	September 7, 2004
1016	The alley in Block 11, Oak Park Addition between Lots 5 and 6 and between the south half of Lot 4 and the south half of Lot 7, Charles City, Iowa	January 17, 2005
1023	(Repealed by Ordinance 1032 – Jan. 08 Supp.)	February 6, 2006

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
1031	The Utility Easement 20 feet in width running north and south on either side of the boundary between Lots 14 and 15, Block 1, Siems Sunset Acres Addition to Charles City, Iowa	November 6, 2006
1032	That portion of the alley described as Parcel J in Block A of the Original Plat of the Town of Freeman, located in Section 12, Township 95 North, Range 16 West of the 5 th P.M., Charles City, Floyd County, Iowa and as shown in the Plat of Survey recorded as Document No. 2006-0757 in the office of the Floyd County Recorder	December 4, 2006
1039	That portion of the alley described as Parcel J in Block A of the Original Plat of the Town of Freeman, located in Section 12, Township 95 North, Range 16 West of the 5 th P.M., Charles City, Floyd County, Iowa, and more particularly described as follows: Beginning at the Northeast Corner of Lot 12 in said Block A; Thence South 89°46'54" East (Record Bearing), 20.00 feet to the Northwest Corner of Lot 1 in said Block A; Thence South 00°20'02" East, 50.00 feet along the West Line of said Lot 1 to the Southwest Corner of said Lot 1; Thence South 49°16'32" West, 26.26 feet to the East Line of Lot 11 in said Block A; Thence North 00°20'02" West, 67.20 feet along said East Line and the Northerly Extension thereof the Point of Beginning. Containing 1,172 square feet (0.027 acres), subject to easements of record.	August 20, 2007
1048	The alley lying between 9 th Avenue and 8 th Avenue and between I Street and Vacated G Street, also described as: Commencing at the northeast corner of Lot 10, Block 4, Bartz Addition, the point of beginning, thence west along the north property lines of Bartz and Greggs Additions to the northeast corner of Lot 17, Block 53, Greggs Addition, then north to the southwest corner of Lot 1, McMain's Addition, then along the south property lines of McMains and 1 st Hart-Parr Addition to the southeast corner of Lot 6, Block 42, First Hart-Parr Addition, thence south to the point of beginning.	August 17, 2009

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
1055	<p>That portion of the public right-of-way of Floyd Street in Charles City, Iowa, is not needed for use of the public except only for the location of municipal utilities, and accordingly its maintenance as a street at public expense is no longer justified; and that the vacation of this right-of-way will not deny the owners of property abutting on the street access to their properties:</p> <p>All that portion of Floyd Street lying northwesterly of the northwest right of way boundary of Main Street and east of the westerly right of way line extended of vacated Jackson Street and the south boundary line of the Iowa, Chicago and Eastern Railroad right of way; EXCEPT the southwesterly 15 feet of Floyd Street abutting Lot 10 in Block 149 of Lane’s Addition to St. Charles, now incorporated as the City of Charles City, Floyd County, Iowa; and, EXCEPT that portion of Floyd Street described as beginning at a point which is the intersection of the northeast line of Floyd Street and the north line extended west of lot No. 11 in Block 139 of Lane’s addition to St. Charles, Now incorporated as Charles City, Iowa, running thence southeast along the southwest boundary line of Lot No. 9 in Block No. 151 of said Lane’s addition to the southeast corner of the said lot No. 9 thence southeast perpendicular to the line of Floyd Street and parallel to the line of Main Street 6 feet, thence northwest parallel to the southwest boundary line of said lot No. 9 to an intersection with the north line, extended west, of the said lot No. 11, to the place of beginning.</p>	May 3, 2010
1067	<p>That portion of Kelly Street described as: The Southwesterly 4 feet of Kelly St. adjoining Lot 1 of the Irregular Survey of Block 16 of the Original Plat of St. Charles, now a part of the Incorporated City of Charles City, Iowa, from the Easterly line of the alley in said Block 16 to a point 104 feet Southeasterly thereof.</p>	February 4, 2013

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
1070	<p>The Public Alley adjoining Block 13 of Gilbert’s Addition to Charles City, Iowa, on the West, and bounded on the North by the South line of the Northeast Quarter of the Northwest Quarter of Section 12, Township 95 North, Range 16 West of the 5th P.M. And bounded on the South by the South line of Lot 4, of Block 13, Gilbert’s Addition to Charles City, Iowa, extended West to the Easterly line of the Southwest Quarter of the Northwest Quarter Section 12, Township 95 North, Range 16 West of the 5th P.M.</p> <p>Also described as: Beginning at the Northeast Corner of the SW ¼ of the NW ¼ of Section 12, Township 95 North, Range 16 West of the 5th P.M., Floyd County, Iowa; thence East along the South line of the NE ¼ of the NW ¼ of said Section 12 to the Northwest corner of Lot 1, Block 13, Gilbert’s Addition to Charles City, Iowa; thence South along the West boundary lines of Lot 1 through Lot 4 of said Block 13; thence South 89° 35’ 30” West 17.68 feet to the East line of the SW ¼ of the NW ¼ of said Section 12, and North along said line to the point of beginning.</p> <p style="text-align: center;">AND</p> <p>That part of the public alley lying West of blocks 13 and 14 in Gilbert’s Addition to Charles City, Iowa, described as follows: Beginning at the Southwest corner of Lot 4 in Block 13 of Gilbert’s Addition; Thence South 89°35’30” West 17.68 feet to the East line of the Southwest ¼ of the Northwest ¼ of Section 12, Township 95 North, Range 16 West of the 5th P.M., Floyd County, Iowa; Thence South 0°57’45” West 2.00 feet; Thence North 89°35’30” East 17.69 feet to the West line of Block 13 of Gilbert’s Addition extended to the South; Thence North 0°43’05” East 2.00 feet to the point of beginning. Said parcel contains 35.37 square feet. NOTE: The East Line of the Southwest ¼ of the Northwest ¼ of Section 12 was assumed to bear South 0°57’45” West for this description.</p>	March 18, 2013
1119	That portion of Grove Street lying Northwesterly of the northwestern boundary line of S. Illinois Street extended, Block 97, Lane’s Addition to Charles City, Iowa.	August 6, 2018
1125	That portion of South Jackson Street right-of-way lying Northeasterly of the northeastern right-of-way of Gilbert Street and Southwesterly of the southwestern right-of-way of Court Street, and lying between Block 29 and Block 28 of Kelly and Company’s Addition to St. Charles, now incorporated as a part of Charles City, Floyd County, Iowa.	February 4, 2019

ORDINANCE NO.	DESCRIPTION	DATE ADOPTED
1127	<p>All of the Alley in Block Four (4) of Charles City Addition to Charles City, Iowa AND All that portion of Vacated Sixth Avenue and all that portion of the Alley between Lots Four (4) and Five (5) in Block Three (3), Charles City Addition to Charles City, Iowa, lying within the following described property: Beginning at the Southwest Corner of Lot 4, Block 4, Charles City Addition to Charles City, Floyd County, Iowa; Thence North 00°35'09" West, 415.72 feet along the East right-of-way line of North Grand Avenue to the Southerly right-of-way line of relocated 6th Avenue, as recorded July 3, 1940, T.L.D. Book 40, Page 612, on file in the Floyd County Recorder's office, Charles City, Iowa; Thence South 79°36'46" East, 179.60 feet; Thence South 44°14'45" East, 126.00 feet; Thence South 00°35'09" East, 13.90 feet to the Northeast Corner of Lot 8, Block 4, of said Charles City Addition; Thence North 89°24'51" East, 391.00 feet all along said Southerly right-of-way line to the West right-of-way line of C Street; Thence South 00°35'09" East, 272.40 feet along said West right-of-way line to the North right-of-way line of 5th Avenue; Thence South 89°03'24" West, 654.32 feet along said North right-of-way line to the point of beginning.</p>	March 4, 2019
1141	<p>That portion of the alley lying to the West of the westerly right-of-way boundary of "I" Street and to the East of the easterly lot lines of lots seven (7) and fourteen (14) extended, all in Block One (1) of Bartz Addition to Charles City, Iowa</p>	January 6, 2020
1145	<p>That portion of South Johnson Street right-of-way lying and being between Block 2 and Block 3 of Bonner's Addition to Charles City, Floyd County, Iowa, except the westerly 7 feet of South Johnson Street abutting Lot 1, Block 3 of Bonner's Addition to the City of Charles City, Floyd County, Iowa</p>	June 1, 2020
1161	<p>That portion of Main Street lying between Block 149 and Block 150 Lane's Addition lying north of the northerly right-of-way of the Canadian National Railway</p>	July 6, 2022

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CHAPTER 140

STREET GRADES

140.01 Established Grades

140.02 Establishment of New Grades

140.03 Record of Grades

140.04 Ordinances Establishing Grades

140.01 ESTABLISHED GRADES. The grades of all streets and sidewalks which have been heretofore open for public use and which have been improved and graded and for which grades have heretofore been established by ordinance are hereby confirmed, ratified and established as official grades.

140.02 ESTABLISHMENT OF NEW GRADES. The City Engineer is hereby directed to recommend grades on new streets and to provide for the grading of any streets and sidewalks, subject to the approval of the Council, by appropriate action as required by law.

140.03 RECORD OF GRADES. There shall be prepared a book in which shall be recorded the grades of all the streets and sidewalks within the City and said book or books shall be kept current and up to date. The book shall be kept in the office of the Clerk, where the same will be available to interested parties, and the City shall furnish information concerning grades to any person making a request therefor.

140.04 ORDINANCES ESTABLISHING GRADES. All ordinances heretofore adopted by the Council establishing sidewalk and street grades are hereby ratified, confirmed, saved from repeal and by this reference declared to be a part of this Code of Ordinances.

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CHAPTER 141

NAMING OF STREETS

141.01 Naming New Streets
141.02 Changing Name of Street
141.03 Recording Street Names

141.04 Official Street Name Map
141.05 Revision of Street Name Map

141.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

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

141.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

141.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

141.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 141.04 of the Code of Ordinances of Charles City, Iowa."

141.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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CHAPTER 142

CONTROLLED ACCESS FACILITIES

142.01 Exercise of Police Power
142.02 Definition
142.03 Right of Access Limited

142.04 Unlawful Use of Controlled Access Facility
142.05 Access Control Ordinances
142.06 Parking Restricted

142.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

142.02 DEFINITION. The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

142.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

142.04 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

142.05 ACCESS CONTROL ORDINANCES. There shall be maintained in the office of the Clerk a file of the following controlled access ordinances adopted by the Council, and the said ordinances are hereby ratified and confirmed and saved from repeal and by this reference incorporated into this Code of Ordinances as though set forth verbatim herein:

1. U.S. No. 18, Project No. F-41 (12), Ordinances No. 302, 312 and 351.

2. U.S. No. 218, Project No. FN-279, Ordinances No. 323 and 331.
3. U.S. No. 18, Project No. UN-14-8(2)-41-34, Ordinance No. 491.
4. Iowa No. 14, Project No. UN-14-8(2)-41-34, Ordinance No. 492.
5. U.S. No. 18 and U.S. No. 218, Project No. UN-218-9(10)-41-34, Ordinance No. 514.

142.06 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of 35 feet in advance of the stop sign.
2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of 35 feet beyond the crosswalk of any unsignalized controlled access facility intersection.
3. Intersection. Parking shall be prohibited at signalized intersections of minor streets with a controlled access facility for a distance of 250 feet on the exit side back of the traffic signal.

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CHAPTER 143

CONTROL AND USE OF PUBLIC PROPERTY AND RIGHTS-OF-WAY

143.01 Purpose and Rule of Interpretation
143.02 Franchise, License or Easement Required
143.03 Fee Required
143.04 Limit on Term
143.05 Placement of Facilities
143.06 Indemnification
143.07 Regulation by the City
143.08 Construction and Excavation by Holders
of Franchises, Licenses or Easements

143.09 City Construction and Paving
143.10 Design Notice to City
143.11 Assignment
143.12 Forfeiture
143.13 Application
143.14 Home Rule
143.15 New Technologies

143.01 PURPOSE AND RULE OF INTERPRETATION. The purpose of this chapter is to establish uniform rules and controls to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize streets and other public property for the delivery of utility or other services, in order to protect public and private investment, ensure orderly use of public property and ensure the health, safety and welfare of the population, to provide for the regulation and administration of the public streets and other public property and secure the rights of the City to a return on its investment in public property. This chapter is to be interpreted in light of these findings for the benefit of the public and users of the streets and other public property.

143.02 FRANCHISE, LICENSE OR EASEMENT REQUIRED. No person or other entity shall use the public right-of-way or other public property without first obtaining a franchise, license or easement from the City. The City shall not enter into or issue any franchise, license or easement which grants exclusive rights. If any person uses the public right-of-way or other public property without first obtaining a franchise, license or easement from the City, then the City may demand that such user comply with the terms and conditions of this chapter, and the City reserves to itself all rights and remedies that it may have at law, in equity, or otherwise to enforce compliance with this chapter, including but not limited to the right to seek ejection of the violator from public property and public right-of-way.

143.03 FEE REQUIRED. No franchise, license or easement for the use of public right-of-way or other public property shall be granted without requiring the grantee thereof to pay a reasonable and competitively neutral fee for the use of public right-of-way or other public property.

143.04 LIMIT ON TERM. No license or easement for the use of the public right of way or other public property shall be granted for a term of more than 25 years unless the Council finds:

1. That the proposed use under the terms of a license or easement confers a substantial benefit upon the public; and
2. The use will not cause interference with all other public use of the surface and subsurface of the right of way or public property; and

3. That limitation of term to 25 years for the proposed use would preclude the proposed use and thereby deny a substantial benefit to the public.

Then, upon making the foregoing findings, the City Council may extend the term of a license or easement within the public right of way or other public property beyond 25 years to a date or to an event determined by giving consideration to the period of time over which the proposed use will confer benefit to the public.

(Ord. 1085 – Jan. 16 Supp.)

143.05 PLACEMENT OF FACILITIES. The facilities, fixtures and equipment of the distribution, transmission or sale of any utility services, or services provided under license or easement, shall be placed and maintained so as not to unnecessarily or unreasonably interfere with the travel on the streets, highways, avenues, alleys, bridges and public places in the City, nor shall such facilities, fixtures and equipment unnecessarily or unreasonably interfere with the proper use of the same, including, but not limited to, ordinary drainage, or the functioning of the sewers, underground pipe or other property of the City. In the event that facilities, fixtures and equipment of any person located within a public right-of-way must be relocated because of paving, road construction or road reconstruction, sewer construction or sewer reconstruction or the construction or reconstruction of public drainage systems or similar public works or the construction or reconstruction of the facilities of any City-owned utility, such relocation, at the written request of the City, shall be completed by the owner of such facilities at the owner's cost. The City shall upon request of any person holding a franchise, license or easement, review any plans for the construction of facilities, fixtures and equipment within the public right-of-way and advise the person of any conflict such construction may have with planned or anticipated public improvements, but failure of the City to so advise such person will not relieve the owner of such facilities of its obligations under this chapter. Notwithstanding the foregoing, the City Engineer may require placement of equipment or facilities belonging to any holder of a franchise, license or easement be limited to locations designated by the City Engineer if such limitation is deemed by the City Engineer to be necessary to protect the integrity of use for present and future users of the public right-of-way or other public property.

143.06 INDEMNIFICATION. The holder of any franchise, license or easement shall indemnify and hold the City harmless at all times during the term of the franchise, license or easement from and against all claims for injury or damage to any person or property caused by the construction, erection, operation or maintenance of its facilities, fixtures or equipment, or the negligence of its contractors or its employees. In case of any suit or action at law being commenced against the City, upon any claim for damage arising out of any loss, injury or damage claimed to have been caused by any installation, improvement, obstruction or excavation in any street, alley, sidewalk or public place in the City, and which installation, improvement, obstruction or excavation was made or left in, under or upon such street, sidewalk, alley or public place by the holder of a franchise, license or easement, its agents, contractors or employees, upon being notified in writing by the City of such action or proceeding, the holder of said franchise, license or easement shall appear and make proper defense thereto at the expense of the holder of the franchise, license or easement; and if any judgment or decree shall in any such case be rendered against the City therein, the holder of said franchise, license or easement shall assume, pay and satisfy such judgment or decree, with the costs thereof.

143.07 REGULATION BY THE CITY. The City reserves to itself the right to make reasonable general regulations for the use of streets and other public property which unless otherwise specifically provided shall apply to any holder of a franchise, license or easement.

143.08 CONSTRUCTION AND EXCAVATION BY HOLDERS OF FRANCHISES, LICENSES OR EASEMENTS. A written permit will be obtained from the City Engineer whenever it becomes necessary for the holder of any franchise, license or easement to excavate in streets or public grounds of the City. Such permits shall state a particular part or point of the street where the excavation is to be made and the length of time in which such permit shall authorize the work to be done. An exception to a requirement for a permit shall be made in cases of emergency involving public safety, in which case a permit will be obtained at the earliest opportunity after the work has started. In making excavations in the streets, the holder of any franchise, license or easement shall proceed with such work as to cause the least possible inconvenience to the public. The holder of any franchise, license or easement shall properly protect, according to safety standards generally accepted at the time of placement as may be determined from time to time by the City Engineer, all excavations and obstructions by proper placement of shoring, surface plates, barricades, warning lights and such other or additional devices as circumstances may warrant. If in the opinion of the City Engineer such excavation or obstruction is not properly and safely protected, the City Engineer shall notify such holder of a franchise, license or easement, who shall immediately comply with such reasonable instructions. Immediately after use, any trenches for excavations which the holder of a franchise, license or easement has opened shall be filled. However, no trench or excavation in the streets shall be filled or covered without giving the City the right to inspect the same. All backfilling in streets will be according to City specifications. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curbs and gutters or other portions of streets and public places opened, disturbed or damaged shall be promptly restored and replaced with like materials at the expense of the holder of a franchise, license or easement and left in as good condition as before the opening, disturbance or damage occurred. In the event like replacement materials are not available, the holder of the franchise, license or easement shall notify the City Engineer, who must approve the use of any alternate materials. In the event that the holder of a franchise, license or easement fails to comply with the provision of this section, after having been given reasonable notice, the City may do such work as may be needed to properly repair such pavements, sidewalks, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaired to the City by the holder of the franchise, license or easement. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but which causes disturbance to an area extending beyond the area cut, the holder of a franchise, license or easement shall then replace the entire disturbed but in no event shall this exceed the panel or panels disturbed.

143.09 CITY CONSTRUCTION AND PAVING. Whenever the City shall pave or repave any street or shall change the grade line of any street or public place or shall construct or reconstruct any conduit, water main service or water connection, sewer or other City-owned public works or City-owned utility, it shall be the duty of the holder of any franchise, license or easement, when so ordered by the City, to relocate its service lines and other property in the streets or other public places at its own expense so as to conform to the established grade or line of such street or public place and so as not to interfere with the public improvements so constructed or reconstructed. In the case of other public improvements, including but not limited to urban renewal projects, the City may require the holder of a franchise, license or easement to relocate its poles, service lines and appurtenances in the streets at the owner's expense. The City may at its discretion assign personnel for inspection of excavation and

related work being performed by the holder of a franchise, license or easement. Should the holder of the franchise, license or easement fail or refuse to do and perform the things provided in this section, the City may, after reasonable notice, perform the work and charge the expense thereof to the holder of the franchise, license or easement and the holder of the franchise, license or easement shall promptly pay said charges.

143.10 DESIGN NOTICE TO CITY. The holder of a franchise, license or easement shall promptly, upon request, furnish the City Engineer a detailed map or maps of its distribution system both within the City limits and the area immediately surrounding the City. The holder of a franchise, license or easement shall thereafter update the map or maps upon request, but not more often than every year, showing all subsequent additions or deletions to the distribution system. Prior to any excavation by the City or its agents, a representative must contact the holder of any franchise, license or easement regarding current information on the location of underground lines or facilities in the area concerned. The obligation to contact the holder of a franchise, license or easement under this section shall be satisfied if contact is made with the corporation organized pursuant to *Code of Iowa* Chapter 480 or an entity with a similar function utilized by both the City and the Company, currently the Iowa One Call System.

143.11 ASSIGNMENT. No sale, assignment or lease of any franchise, license or easement for the use of the public right-of-way or other public property shall be effective until it is approved by the Council and until the holder thereof has filed in the office of the Clerk written notice of the proposed sale, transfer, disposition or assignment, such notice to clearly summarize the proposed procedure and the terms and conditions thereof. Such approval by the City shall not be unreasonably withheld. The proposed vendee, assignee or lessee shall similarly file an instrument, duly executed, reciting such proposal, accepting the terms of the franchise, license or easement and agreeing to perform all of the conditions thereof.

143.12 FORFEITURE. The violation of any material portion of a franchise, license or easement by the holder thereof or its successors or assigns or its failure promptly to perform any of the provisions of this chapter shall be cause for forfeiture of said franchise, license or easement and the termination of all rights thereunder. Such forfeiture shall be accomplished by ordinance of the City after written notice to the holder thereof and a continuation of the violation, failure or default specified on the notice for at least thirty (30) days from the date the notice was served.

143.13 APPLICATION. This chapter shall apply to all franchises, licenses and easements granted by the City, including all existing franchises, licenses and easements.

143.14 HOME RULE. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforceable against the holder of any franchise, license or easement.

143.15 NEW TECHNOLOGIES. Should, within the term of any franchise, license or easement, developments within the field for which the grant was made offer to the holder thereof the opportunity to effectively, efficiently and economically serve its customers through use of a substance or material other than those for which the grant was originally made, then

the holder of the franchise, license or easement may petition the Council, which, with such requirements or limitation as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the franchise, license or easement.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Nuisance Prohibited

145.05 Enforcement
145.06 Criminal Citation
145.07 Posting of Signs

145.01 ENFORCEMENT OFFICER. The Building Official is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NUISANCE PROHIBITED. Any person causing or maintaining a nuisance arising from the ownership of a dangerous building and who shall fail or refuse to abate or remove the

same within the reasonable time required and specified in a notice to abate is in violation of this Code of Ordinances.

145.05 ENFORCEMENT. The Building Official shall take action to abate the nuisance arising from the condition of a dangerous building in the manner provided by Chapter 50 of this Code of Ordinances and to collect the costs incurred in the same manner as provided by Chapter 50 of this Code of Ordinances.

145.06 CRIMINAL CITATION. In addition to the civil remedies available to the City for violation of this chapter, the City may file a criminal citation against any person causing or maintaining a nuisance for each violation of this chapter and with a separate offense being committed on each day during or on which a violation occurs or continues.

145.07 POSTING OF SIGNS. The Building Official shall cause to be posted at each entrance to any dangerous building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF CHARLES CITY, 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 building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Mobile Home Park Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 MOBILE HOME PARK REQUIREMENTS. Mobile home parks shall be operated and maintained in accordance with the following:

1. Water and Sanitary Sewer Service. The mobile home park shall be connected to the public water and sanitary sewer systems.
2. Refuse Disposal. Refuse containers shall be located no farther than one hundred fifty (150) feet from any mobile home space. The type of container used, the amount of refuse container space for each mobile home space, and the frequency in which refuse must be collected shall be in accordance with Chapter 105 and 106 of this Code of Ordinances.
3. Insect and Rodent Control. Insect and rodent control measures to safeguard public health shall be applied in all mobile home parks.
4. Fire Protection. Fire hydrants shall be installed according to the recommendations of the Fire Department, and there shall also be a portable fire extinguisher approved by the Fire Department in each community building. Where the water distribution system is not intended or provided for fire protection, extinguishers shall be provided at other suitable locations, so that there is at least one extinguisher for every ten (10) mobile homes or fraction thereof.
5. Speed Limit. The maximum speed limit for any vehicle in any mobile home park is ten (10) miles per hour.
6. Fuel For Mobile Homes. Cylinders containing liquefied petroleum, gas or oil to be used as fuel by mobile home occupants shall be connected to the stoves or heaters of mobile homes by copper or other metallic tubing, to provide leakproof connections. The cylinder shall be securely fastened in place and may not be closer than five (5) feet from any mobile home exit.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

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

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the City Engineer.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of ten (10) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the City Engineer.

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CHAPTER 151

TREES

151.01 Definition
151.02 Planting Restrictions
151.03 Duty to Trim Trees

151.04 Trimming Trees for Safety
151.05 Disease Control
151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line nine (9) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than thirty (30) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, black walnut, or ash.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep trimmed the trees on, or overhanging the street, so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within 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.

Except as allowed in Chapter 124 and in this section, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

(Ord. 1133 – Jun. 19 Supp.)

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

151.04 TRIMMING TREES FOR SAFETY. The City may trim any tree or other vegetation located on the parking if the tree or other vegetation is creating a public hazard.

151.05 DISEASE CONTROL. Any dead, diseased, or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 155

FIRE PREVENTION CODE

155.01 Purpose

155.02 Adoption of Fire Code

155.03 Copy of File

155.01 PURPOSE. The purpose of this chapter is to prescribe regulations governing conditions hazardous to life and property from fire or explosion.

155.02 ADOPTION OF FIRE CODE. Pursuant to published notice and public hearing, there is hereby adopted that certain code known as the *International Fire Code*, 2009 edition.

155.03 COPY OF FILE. An official copy of the *International Fire Code*, 2009 edition, is on file in the office of the Building Official.

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CHAPTER 157

BUILDING CODE

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157.01 SHORT TITLE. This chapter shall be known as the Charles City, Iowa, Building Code, and may be cited as such, and will be referred to herein as “this chapter.”

157.02 PURPOSE. The purpose of this chapter is to protect public health, property, welfare and safety by establishing reasonable minimum requirements for the construction, repair, moving, demolition and use of buildings, structures and related equipment, fixtures and systems.

157.03 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by Section 380.10 of the *Code of Iowa*, the following code is adopted by reference: *State Building Code*.

157.04 COPIES FILED. Official copies of the standard codes adopted herein and a certified copy of this chapter are on file in the office of the Building Official. Certified copies of this chapter are also on file in the office of the State Building Code Commissioner and in the office of the Secretary of State.

157.05 BUILDING OFFICIAL. The City Administrator shall appoint the Building Official, who is hereby authorized and directed to enforce all the provisions of this chapter. The Building Official shall have the following powers and duties:

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

1. Records. The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under this chapter, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises, any condition which

makes such building or premises unsafe as defined in this chapter, the Building Official or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this chapter; provided that if such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or authorized representative shall have recourse to every remedy provided by law to secure entry. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Building Official or authorized representative for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor.

3. Stop Orders. Whenever any work is being done contrary to the provisions of this chapter, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

4. Occupancy Violations. Whenever any structure is being used contrary to the provisions of this chapter, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this chapter; provided, however, that in the event of an unsafe building the procedures for the abatement of a nuisance shall apply.

5. Authority to Condemn Equipment. Whenever the Building Official learns or ascertains that any equipment, as defined in this chapter, has become hazardous to life, health, or property, the Building Official shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.

6. Liability. The Building Official or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the City in the discharge of duties, shall not thereby become liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the Building Official or employees, because of such act or omission performed by them in the enforcement of any provisions of this chapter, shall be defended by the City until final termination of the proceedings.

7. Cooperation of Other Officials. The Building Official may request, and shall receive so far as may be necessary in the discharge of any duties, the assistance and cooperation of other officials of the City.

157.06 BOARD OF APPEALS. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this chapter, there shall be and is hereby created a Board of Appeals, consisting of six (6) members who are qualified by experience and training to pass upon matters pertaining to

building construction. The Building Official shall be an ex officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the Mayor, subject to Council approval, for two-year terms. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a copy to the appellant and a copy to the State Building Code Commissioner.

(Code of Iowa, Sec. 103A.13; IAC 630-5.3[5])

157.07 PERMITS REQUIRED. Permits shall be required as follows:

1. **Building.** No person shall erect, construct, enlarge, move, remove, convert, or demolish any building, structure, driveway, or parking areas in the City without first obtaining a separate building permit for each such building, structure, driveway, or parking area from the Building Official.
2. **Mechanical.** No person shall install or reconstruct any heating, ventilating, cooling, or refrigeration equipment unless a permit therefor has been obtained from the Building Official except as otherwise provided in this chapter. A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure. A permit shall not be required for the following:
 - A. Any portable heating appliance.
 - B. Any portable ventilating equipment.
 - C. Any portable cooling unit.
3. **Plumbing.** No person shall install, alter, reconstruct or repair any plumbing or drainage system or part thereof as defined in the *Uniform Plumbing Code* adopted by this chapter unless a permit therefor has been obtained from the Building Official.
4. **Electrical.** No person shall install, alter, reconstruct or repair any electrical conductor or equipment subject to the provisions of the *National Electrical Code* adopted by this chapter unless a permit therefor has been obtained from the Building Official.

(Code of Iowa, Sec. 103A.19[6])

157.08 EMERGENCY WORK. In emergency situations, work may be initiated without first submitting a permit application and receiving a permit therefor. However, a permit application must be submitted within a reasonable time after the passage of the critical period. With this one exception all emergency work must be done in accordance with this chapter.

157.09 PERMIT APPLICATIONS. Application for permit shall be made as follows:

1. **Building Permit.** To obtain a building permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:
 - A. Identify and describe the work to be covered by the permit for which application is made;
 - B. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

- C. Indicate the use or occupancy for which the proposed work is intended;
 - D. Be accompanied by plans and specifications as required in 157.10 of this chapter;
 - E. State the valuation of the proposed work;
 - F. Be signed by the permittee, or an authorized agent, who may be required to submit evidence to indicate such authority;
 - G. Give such other information as reasonably may be required by the Building Official.
2. **Mechanical Permit.** To obtain a mechanical permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.
3. **Plumbing Permit.** To obtain a plumbing permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.
4. **Electrical Permit.** To obtain an electrical permit, the applicant shall first file an application therefor in writing on a form provided for that purpose. The application shall include the name and business address of the person, firm, corporation or other association that is to do the work, a description of the property where the work is to be done, the name of the owner of the property, the name of the occupant, and a general description of the materials to be used, and shall specify the particular part or parts of the work that must be inspected as required by this chapter.

157.10 PLANS AND SPECIFICATIONS. When required by the Building Official for enforcement of any provisions of this chapter, two sets of plans and specifications shall be submitted. The Building Official may require such plans and specifications to be prepared and designed by an engineer or architect licensed by the State of Iowa to practice as such. Plans and specifications when required shall be of sufficient detail and clarity to show that the proposed work will conform to the provisions of this chapter and of all applicable laws, ordinances, rules, regulations and orders.

157.11 PLAN REVIEW. Required plans and specifications shall be checked by the Building Official. Such plans may be reviewed by other City departments or personnel to check compliance with the laws and ordinances under their jurisdiction.

157.12 PLAN APPROVAL. If the plans and specifications as filed appear to conform to the requirements of this chapter and other laws and ordinances the Building Official shall endorse in writing or stamp on all sets of plans and specifications "APPROVED." Such

approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

(Code of Iowa, Sec. 103A.19[1])

157.13 PARTIAL PLANS. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter. The holder of such permit shall proceed at the holder's own risk without assurance that the permit for the entire building or structure will be granted.

157.14 RETENTION OF PLANS. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

157.15 ISSUANCE OF PERMITS. When the Building Official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith, if required, conform to the requirements of this chapter and other pertinent laws and ordinances including any applicable soil erosion control plans, and that the fees as specified have been paid in full, the Building Official shall issue a permit therefor to the applicant.

(Code of Iowa, Sec. 103A.19[4])

157.16 VALIDITY. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or of any other chapter of this Code of Ordinances or of any other ordinance of the City.

157.17 EXPIRATION OF PERMIT. Every permit issued under the provisions of this chapter shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Building Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

157.18 SUSPENSION OR REVOCATION. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter.

157.19 FEES FOR PERMITS. Fees shall be established by resolution of the Council. A fee for each building permit shall be paid to the Building Official. The determination of value or valuation under any of the provisions of this chapter shall be made by the Building Official. The valuation to be used in computing the permit and plan checking fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, roofing, elevators, and any other permanent work or permanent equipment. The Building Official will use as a guide to determine the valuation the latest *Building Valuation Data*, and the *Regional Modifiers*, as published by the International Code Council, unless the applicant can show that the actual cost will be less. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled.

(Code of Iowa, Sec. 103A.19[5])

157.20 INSPECTION REQUIRED. All construction or work for which a permit is required shall be subject to inspection by the Building Official, and certain types of construction shall have continuous inspection by special inspectors, as specified in Section 157.26.

(Code of Iowa, Sec. 103A.19[1])

157.21 LOT SURVEY. A survey of the lot may be required by the Building Official to verify compliance of the structure with approved plans.

157.22 CONCEALED WORK. That portion of any work or equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.

157.23 APPROVALS REQUIRED. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 157.24. There shall be a final inspection and approval of all buildings and work when ready for occupancy and/or completed.

157.24 REQUIRED INSPECTIONS. The Building Official, upon notification from the permit holder or agent, shall make the following applicable inspections and shall either approve that portion of the work as completed or shall notify the permit holder or agent wherein the same fails to comply with this chapter.

1. Reinforcing Steel or Structural Framework. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.
2. Foundation Inspection. To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
3. Frame Inspection. To be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete.
4. Mechanical Inspection. To be made before concealment or use.
5. Plumbing Inspection. To be made before concealment or use.
6. Electrical Inspection. To be made before concealment or use.
7. Insulation Inspection. To be made before concealment or use.

8. Lath and/or Wallboard Inspection. To be made after all lathing and/or wallboard, interior and exterior, is in place, but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
9. Other Inspections. In addition to the required inspections specified above, the Building Official may make or require any other inspections of any construction or work to ascertain compliance with the provisions of this chapter and other laws which are enforced by the Building Official.
10. Final Inspection. To be made after work is completed and/or the building ready for occupancy.

157.25 MAINTENANCE. All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this chapter in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or designated agent shall be responsible for the maintenance of buildings and structures. For the purpose of determining compliance with this section the Building Official may cause any structure to be reinspected.

157.26 SPECIAL INSPECTIONS. In addition to the inspections to be made as specified in Section 157.20, the owner or agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

1. Concrete. On concrete work when the structural design is based on compressive strength of concrete in excess of 2,000 psi.
2. Masonry. Masonry work shall have special inspection when required in the *International Building Code*.
3. Welding. On all structural welding.
4. Reinforced Gypsum Concrete. When cast-in-place Class B reinforced gypsum concrete is being mixed or deposited.
5. Special Cases. On special construction or work involving unusual hazards or requiring constant inspection.
6. Exception. The Building Official may waive the requirement for the employment of a special inspector if the Building Official finds that the construction or work is such that no unusual hazard exists.

157.27 SPECIAL INSPECTOR. The special inspector shall be a qualified person approved by the Building Official. The special inspector shall furnish continuous inspection on the construction and work requiring the special inspector's employment. The special inspector shall report to the Building Official in writing, noting all ordinance violations and other information as required.

157.28 APPROVED FABRICATORS. Special inspections required by Section 157.26 and elsewhere in this chapter shall not be required where the work is done on the premises of a fabricator approved by the Building Official to perform such work without special inspection. The certificate of approval shall be subject to revocation by the Building Official if it is found that any work done pursuant to the approval is in violation of this chapter.

157.29 REQUEST FOR INSPECTION. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

157.30 ACCESS. It shall be the duty of the person requesting inspection to provide access to and means for proper inspection. The Building Official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

157.31 POWER, FUEL AND WATER SUPPLY CONNECTIONS. Systems and/or equipment regulated by this chapter shall not be connected to the power, fuel or water supply until authorized by the Building Official, except that this section shall not be considered to prohibit the operation of any equipment installed to replace existing equipment serving an occupied portion of a building in the event a request for inspection of such equipment has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

157.32 CERTIFICATE OF OCCUPANCY. No building or structure for which a certificate of occupancy is required by the Iowa State Building Code Administration Section shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

(Code of Iowa, Sec. 103A.19[4])

1. Change in Use. Changes in the character or use of a building shall not be made except as specified in the *International Building Code* adopted by this chapter.
2. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of this chapter, the Building Official shall issue a certificate of occupancy which shall contain the following:
 - A. The building permit number.
 - B. The address of the building.
 - C. The name and address of the owner.
 - D. A description of that portion of the building for which the certificate is issued.
 - E. A statement that the described portion of the building complies with the requirements of this chapter for group and division of occupancy and the use for which the proposed occupancy is classified.
 - F. The name of the Building Official.
3. Temporary Certificate. A temporary certificate of occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

157.33 REGULATIONS FOR TEMPORARY MEMBRANE STRUCTURES. Regulations for Temporary Membrane Structures are as follows:

1. No temporary membrane structure may be erected without first obtaining a permit from the Building Official. A permit fee and a plan checking fee, as prescribed

by Council resolution, must be paid before the permit is issued. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled.

2. Temporary membrane structures, tents, or canopies are only allowed at a location for a cumulative period not to exceed 120 days in each calendar year, and are not allowed during the period from October 1 through April 15 in any year unless such structure, tent, or canopy has a snow load design approved by the Building Official.

3. Temporary membrane structures, tents, or canopies shall have a maximum square footage of 1,400 feet.

4. Temporary membrane structures, tents, or canopies shall have a minimum of two exits and all exits shall open in the direction of egress.

5. Temporary membrane structures, tents, or canopies shall be adequately braced and anchored to resist wind from overturning and/or collapsing the structure.

6. All materials used in temporary membrane structures shall be flame retardant. Upon request of the Building Official, the applicant requesting a permit for a temporary membrane structure, tent, or canopy shall provide the following information:

A. Identification of Temporary Membrane Structure, size, and fabric or material type.

B. For flame resistant materials, the necessary information to determine compliance with National Fire Protection Association (N.F.P.A.) Standard 701.

C. For flame-retardant-treated materials, the date Temporary Membrane Structure was last treated with an approved flame retardant.

D. Trade name and type of flame retardant utilized in the flame-retardant treatment.

E. The name of the person or firm that applied the flame retardant.

7. Smoking shall not be permitted in temporary membrane structures, tents, or canopies, or in adjacent areas where hay, straw, sawdust, or other combustible materials are stored or used. "NO SMOKING" signs shall be conspicuously posted.

8. Open flames and devices capable of igniting combustible materials shall not be used in or adjacent to a temporary membrane structure, tent, or canopy, unless otherwise approved by the Building Official.

9. Cooking and heating equipment, fuel storage tanks, piping, hoses, fittings, valves, tubing, and/or other related components shall be approved or be in accordance with the edition of the International Mechanical Code or International Fire Code that has been adopted at the time of permit application.

EXCEPTION: Operations such as warming foods, cooking demonstrations, and similar operations, which do not present an ignition hazard.

10. Tents where cooking is performed shall be separated from temporary membrane structures, tents, or canopies by a minimum of 20 feet.

11. Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet from temporary membrane structures, tents, or canopies.

12. Generators and other internal combustion power sources shall be separated from temporary membrane structures, tents, or canopies by a minimum of 20 feet and be isolated from contact with the public by fencing, enclosures, or other approved means.

13. Fire apparatus access shall be provided.

14. Temporary membranes structures shall not be located within 20 feet of property lines, buildings, other temporary membrane structures, tents, or canopies, except that when such structure, tent, or canopy is not used for cooking then the minimum distance shall be reduced to 10 feet.

157.34 TEMPORARY STORAGE CONTAINERS.

1. Except as otherwise expressly provided in subsection 2 or subsection 3 of this section, temporary storage containers, including, but not limited to, truck trailers, storage box shipping containers, storage moving “pods” or any other similar portable storage containers, whether with or without wheels, and whether with or without a chassis, may only be placed upon a property for a period not to exceed sixty (60) days in any consecutive twelve (12) month period. No more than one (1) such temporary container can be placed on a property during any 12-month period. The owner or tenant in possession of the property must first obtain a temporary land use permit from the Zoning Administrator prior to the placement of any such temporary portable storage container on the property. The provisions of this subsection shall be applicable in all zoning districts in the City except as otherwise expressly provided for in subsection 3 of this section. This section shall not apply to pre-fabricated garden sheds or similar structures specifically designed and intended for use on properties for storage purposes and which comply with all City ordinances applicable to detached accessory structures.

2. The Building Official shall have the discretion to permit the placement of temporary storage containers on a property for a period longer than sixty (60) days in any consecutive twelve (12) month period if the placement of such temporary storage container on the property is reasonably required in order to accommodate the storage of construction equipment during a construction or reconstruction project on the property. The owner of the property and the owner’s contractor, if any, shall apply for the land use permit for the temporary storage container as part of the application for a building permit for the construction or reconstruction project. The land use permit for the temporary storage container shall only be allowed for such period as is reasonably necessary for, and only with demonstrated progress towards, completion of such construction or reconstruction project, all as determined in the discretion of the City Building Official, and in any event, shall expire no later than the time the building permit for the construction or reconstruction project expires. Such temporary portable storage containers shall meet all location and setback requirements for detached accessory structures as described by the City Zoning Ordinance.

3. The owner or tenant in possession of property located in a commercial or industrial zoning district upon which is located the principal permitted use of a trucking business or a similar transportation or warehousing business, may place temporary storage containers, including, but not limited to, truck trailers, storage box shipping containers, storage moving “pods” or any other similar portable storage containers, whether with or without wheels, and whether with or without a chassis, on such property for periods of longer than sixty (60) days and without obtaining a land

use permit as otherwise provided for in subsection 1 of this section. For all other properties located in commercial or industrial zoning districts, the placement of such temporary storage containers on any property is expressly prohibited except as provided for in subsection 1 of this section.

4. Any temporary storage container existing on any property in the City on April 11, 2014, shall either be removed from such property, or brought into compliance with the provisions of this section, within sixty (60) days of April 11, 2014.

157.35 VIOLATIONS. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

157.36 SPECIAL PENALTY. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

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CHAPTER 158

PROPERTY MAINTENANCE CODE

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158.01 FINDINGS AND DECLARATION OF POLICY. It is hereby found and declared that there exist in the City structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance, or further that such conditions, including, but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions and overcrowding, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the City. It is further found and declared that by reason or lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

158.02 PURPOSE. The purpose of this chapter is to protect the public health, safety, morals, and welfare by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises, to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owner and operators, and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for inspection of residential and nonresidential premises and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use.

158.03 DEFINITIONS. The following terms wherever used herein or referred to in this chapter shall have the respective meanings assigned to them unless a different meaning clearly appears from the context; all definitions of the *International Building Code*, hereinafter referred to as the "Code," are hereby included by reference.

1. "Deterioration" means the condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

2. "Exposed to public view" means any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public.
3. "Exterior of the premises" means open space on the premises outside of any building thereon.
4. "Extermination" means the control and elimination of insects, rodents and vermin.
5. "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")
6. "Habitable rooms" means rooms used or designed for use by one or more persons for living or sleeping or cooking and eating, but not including bathrooms, laundries, serving and storage pantries. Corridors, foyers, vestibules, cellars, heater rooms, boiler rooms, utility rooms, and other rooms or spaces that are not used frequently or for an extended period of time or that have less than fifty (50) square feet of superficial floor area are not considered as habitable rooms.
7. "Infestation" means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
8. "Mixed occupancy" means any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses or used as a hotel.
9. "Nuisance" means:
 - A. Any public nuisance as defined by statute or ordinance.
 - B. Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an occupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, poison oak or poison sumac which may prove hazardous for inquisitive minors.
 - C. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
 - D. Insufficient ventilation or illumination in violation of this chapter.
 - E. Inadequate or unsanitary sewage or plumbing facilities in violation of this chapter.
 - F. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this chapter.
 - G. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
 - H. Fire hazards.
10. "Operator" means any person who has charge, care or control of a dwelling or premises or a part thereof, whether with or without the knowledge and consent of the owner.

11. "Owner" means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling units as owner or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as a mortgagee in possession regardless of how much possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.
12. "Parties in interest" means all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.
13. "Premises" means a lot, plot or parcel of land including the buildings or structures thereon.
14. "Public authority" means any officer who is in charge of any department or branch of the government of the City, County or State relating to health, fire, building regulations or to other activities concerning buildings in the City.
15. "Refuse" means all putrescible and non-putrescible solid waste (except body wastes), including but not limited to: garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. (See also "garbage" and "rubbish.")
16. "Rubbish" means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials. (See also "garbage" and "refuse.")

158.04 APPLICABILITY. Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business, or industrial occupancy shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks.

158.05 HIGHER STANDARD TO PREVAIL. In any case where the provisions of this chapter impose a higher standard than set forth in any other local ordinance, or under the laws of the State, then the standards as set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinances or of the laws of the State, then the higher standard contained in any such other ordinances or law shall prevail.

158.06 COMPLIANCE WITH OTHER ORDINANCES. No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision, nor any official of the City from enforcing any such other provision.

158.07 ADOPTION OF UNIFORM CODE PROVISIONS BY REFERENCE. The provisions of Section 301, Section 302, Section 303 and Section 304 of the International Property Maintenance Code, 2012, is hereby adopted by this reference and shall govern the

maintenance of all building exteriors within the corporate limits of the City of Charles City, Iowa, but with the following amendments to these sections:

1. 302.4 Weeds. By inserting the words “six (6) inches” where inserted language is required.
2. 304.14 By inserting the dates of April 1 to November 30 in this section.

The definitions of Chapter 2 of the International Property Maintenance Code, 2012 edition, are hereby adopted and applicable for all defined words or phrases that appear in Section 302, Section 303 and Section 304 which have been adopted herein by reference.

158.08 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIAL. There shall not be stored or used at a location visible from the sidewalk, street or other public areas equipment and materials relating to commercial or industrial use unless permitted under the Zoning Ordinance for the premises.

158.09 LANDSCAPING. Premises with landscaping and lawns, hedges and bush shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

158.10 RECONSTRUCTED WALLS AND SIDINGS. Reconstructed walls and sidings on nonresidential structures shall be of standard quality and appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, such that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the values of the neighboring and adjoining premises as aforesaid.

158.11 GENERAL MAINTENANCE. The exterior of every structure or accessory structure (including fences) shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences.

158.12 STRUCTURAL AND GENERAL MAINTENANCE. The outside building walls shall not have any holes, loose boards, or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin. Every dwelling shall be so maintained as to be weather and watertight. Basements, cellar and crawl spaces shall be free of moisture resulting from seepage, dampness and shall be paved with stone or concrete not less than four (4) inches thick and maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks and other hazards. All parts of the premises shall be maintained so as to prevent infestation. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance, and free from health, safety and fire hazards. All boards and wood, including floorboards, subfloors, joists, bridging and all other boards in any interior or exterior floor, wall, roof or other part of the structure, shall be maintained to be free of cracks, termite damage or rot. Any damaged members shall be replaced.

158.13 REMOVAL OF GARBAGE. The owner or operator shall have the duty and responsibility of removing garbage. All accumulation of trash and debris shall be removed weekly from collection areas and trash chutes.

158.14 JANITORIAL SERVICE. In every building containing two (2) or more dwelling units or rooming units, or combination thereof, the owner shall insure that the premises is free from filthy garbage, refuse and rubbish.

158.15 ENFORCEMENT. The Building Official shall abate the nuisance arising from the building conditions that are in violation of this chapter of the Code of Ordinances in the same manner as provided in Chapter 50 of this Code of Ordinances, and shall collect the costs incurred in the same manner as provided by Chapter 50 in this Code of Ordinances.

158.16 ADDITIONAL POWERS OF THE BUILDING OFFICIAL. The Building Official shall exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

1. To investigate the building conditions in the City in order to determine which buildings therein are unfit for human habitation or occupancy or use.
2. To enter upon premises for the purpose of making examination; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and provided that any entrance without the permission of the occupant shall be consistent with the rights of the owners and occupants. Where appropriate, a court order may be sought to permit entry.

158.17 CRIMINAL CITATION. In addition to the civil remedies available to the City of Charles City for violation of this chapter, the City may file a criminal citation against any person violating a provision of this chapter, with a separate offense being committed on each day during or on which a violation occurs or continues.

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CHAPTER 159

LICENSING AND INSPECTION OF RENTAL PROPERTIES

159.01 Purpose	159.08 Inspection Upon Complaint
159.02 Definitions	159.09 Required Abatement of Nonconforming Condition
159.03 Registration of Rental Properties	159.10 Property Standards
159.04 Rental Permit Required	159.11 Fees
159.05 Consent to Inspection	159.12 Appeal
159.06 Inspection of Rental Property	159.13 Implementation of Chapter
159.07 Revocation of Permit	159.14 Violations

159.01 PURPOSE. The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the City of Charles City, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

159.02 DEFINITIONS. For the purpose of interpreting this chapter, the following definitions shall apply:

1. “Dwelling” means any house, building or mobile home, or portion thereof, occupied or intended to be occupied as the place of habitation of human beings, either permanently or transiently.
2. “Dwelling unit” means one or more rooms within a dwelling intended to be occupied by human beings for living purposes. If a common area and facilities for cooking and eating are provided in a dwelling for the use of the occupants of units therein, such common area and facilities shall constitute a part of each dwelling unit for the purpose of inspection and compliance with this chapter, notwithstanding the fact that cooking is not allowed in individual units.
3. “Manager” means a person or entity designated by the owner as the owner’s agent in supervising the operation and leasing of the owner’s rental property and authorized to act on behalf of the owner with the City concerning compliance with the requirements of this chapter.
4. “Owner” means any person, persons, entity or entities that have legal title, individually or collectively, to rental property.
5. “Rental permit” means the permit issued by the City of Charles City authorizing occupancy of a rental property.
6. “Rental property” means any dwelling or dwelling unit which is being held out or being offered for rent or is currently being let for rent and/or occupied by any person who is not the owner of the premises, except that the following properties shall not be regarded as rental properties:
 - A. Dwelling units owned by the United States of America, the State of Iowa, or the City of Charles City, Iowa.

- B. Hotels and Bed and Breakfast Inns as defined by Chapter 137 of the Iowa Code.
- C. All facilities that are licensed or certified by the Iowa Department of Inspections and Appeals.

159.03 REGISTRATION OF RENTAL PROPERTIES. The owner of a rental property is required to register the owner's rental property with the City by filing a completed registration form (as provided by the City) with the City Clerk on or before October 31, accompanied by a fee for each dwelling or dwelling unit described in the registration form and in an amount as established from time to time by the City Council by appropriate resolution. Each owner must thereafter renew its registration by filing a completed registration form (as provided by the City) with the City Clerk on or before October 31, accompanied by payment of the fee as described above. Registration forms shall be available at the office of the City Clerk during regular business hours. Upon receipt of the completed registration form and registration fee, a rental permit will be issued to the owner. All rental permits shall be effective from November 1 whether registration precedes that date or is delinquent.

159.04 RENTAL PERMIT REQUIRED. Except as otherwise provided herein, no owner shall rent or offer for rent any dwelling or dwelling unit for use in whole or in part for human habitation unless a rental permit has been issued for each dwelling unit. No person shall occupy a dwelling unit unless a valid rental permit has been issued for the dwelling unit.

159.05 CONSENT TO INSPECTION. By filing a registration form with the City, the owner is granting its consent to an inspection of the rental property by the City for the purpose of determining compliance with the property standards set forth in this chapter.

159.06 INSPECTION OF RENTAL PROPERTY.

1. Inspection. Upon receiving a registration form and registration fee, the City Administrator will arrange to inspect such dwelling unit described in the registration form by contacting the owner or the manager to arrange for inspection within a reasonable period of time, not to exceed two weeks from the date of the City request for an inspection. The owner or manager shall be present at the time set for inspection and shall accompany the inspector during each inspection. The owner shall advise the occupant of these arrangements and of the occupant's right to also be present during the inspection.
2. Findings. If the City inspector finds that the dwelling unit substantially conforms to the minimum standards as set forth in this chapter, then the owner shall be advised of the finding of compliance. If the inspection determines that the dwelling unit does not substantially conform with the standards, then the City will notify the owner of the specific findings of nonconformity and of the date by which abatement of these nonconforming conditions must be completed. The City will re-inspect the property following expiration of the abatement deadline to confirm compliance with the property standards.
3. Inspection Renewal. Rental units that remain continuously registered with the City shall be inspected on a three-year cycle, except as follows:
 - A. Inspection shall be made upon complaint as provided by §159.08.
 - B. When a previously registered dwelling unit is no longer a rental property and has not been registered as a rental unit for any period of time,

then at such time that the property again becomes a rental property and is registered as such, an inspection shall be made within the year following the date of registration and the three-year cycle of inspection shall begin from the date of such registration.

4. **Transfer of Ownership.** Upon transfer of ownership of the property for which the rental permit has been issued, the new owner or manager of the property shall apply for a transfer of the rental permit within 30 days after the date of transfer of ownership of the residential rental property. If application for transfer is timely made, then the rental permit will be transferred to the new owner or operator without charge or without further inspection and the rental permit will expire on the expiration date of the previous rental permit. If the application for transfer is not timely filed, then the City may cancel the rental permit and require registration of the unit and inspection before a rental permit is issued.

5. **Registration of New Rental Units.** Newly constructed rental properties and existing dwelling units that become rental properties during the year shall, upon registration, be issued a permit that is effective from the date of registration until the following November 1, on which date the permit will expire unless the property is again registered as a rental property as provided by this chapter. Owners of such newly constructed rental properties and dwelling units that are converted to rental properties during the year will be charged a prorated fee for the period from the date of registration until the following November 1 expiration date.

159.07 REVOCATION OF PERMIT. A rental permit will be subject to revocation upon the following occurrences:

1. Failure to timely file a registration form or timely pay the required fee and failure to cure this default within 10 days following receipt of the notice of noncompliance by the owner or manager.
2. Discovery of nonconforming conditions on the property and which are not abated within the time period prescribed for abatement by the City in its notification to the owner or manager of nonconforming conditions.
3. Conviction or judgment by a judge or judicial magistrate of the Iowa District Court finding a violation of any provision of this chapter.

In the event that the City Code Enforcement Officer determines that the conditions of the rental property present an immediate threat to the health and safety of the occupants thereof or of neighboring properties, then the rental permit may be revoked immediately without prior notice to the owner or manager.

159.08 INSPECTION UPON COMPLAINT. In addition to the inspections conducted by the City in conjunction with the issuance or renewal of rental permits, the City is authorized to inspect any rental property for compliance with the standards set forth in this chapter upon receiving a complaint from an occupant of the rental property concerning conditions on the property. The complaint shall be filed with the City Clerk on a form provided by the City. This form shall include a provision requiring the complainant to certify that he or she has registered a complaint with the landlord or manager at least fourteen (14) days prior to filing the complaint with the City and without receiving a satisfactory response from the owner or manager.

159.09 REQUIRED ABATEMENT OF NONCONFORMING CONDITION. Any owner who fails to abate nonconforming conditions, after receiving notice of noncompliance and within the time period prescribed by the City for abatement of these nonconforming conditions, is in violation of this Code of Ordinances.

159.10 PROPERTY STANDARDS. All rental properties must substantially conform to the following provisions of the *International Property Maintenance Code*, 2012 as published by the International Code Council, Inc., the provisions of which are by this reference adopted and made part of this chapter:

1. Definitions of Chapter 2
2. Section 302.5 pertaining to Rodent Harborage
3. Section 304.1.1 pertaining to Unsafe Conditions, Exterior Structure
4. Section 304.3 pertaining to Premises Identification
5. Section 304.13 pertaining to Window, Skylight and Door Frames
6. Section 304.14 pertaining to Screens for the period from April 1 – November 1 in each year
7. Section 304.15 pertaining to Doors
8. Section 304.18 pertaining to Building Security
9. Section 305 pertaining to Unsafe Conditions, Interior Structure
10. Section 306 pertaining to Unsafe Conditions, Component Serviceability
11. Section 307 pertaining to Handrails and Guardrails (but amended by requiring a handrail on exterior and interior flight of stairway having more than three rather than more than four risers)
12. Section 402.2 pertaining to Common Halls and Stairways
13. Section 403.2 pertaining to Bathrooms and Toilet Rooms
14. Section 403.5 pertaining to Clothes Dryer Exhaust
15. Section 504 pertaining to Plumbing Systems and Fixtures
16. Section 505 pertaining to Water Supply
17. Section 506.1 pertaining to Sanitary Drainage System
18. Section 506.2 pertaining to Maintenance
19. Section 602 pertaining to Heating Facilities (dates for heat being November 1 through April 1, inclusive)
20. Section 603 pertaining to Mechanical Equipment
21. Section 604 pertaining to Electrical Facilities
22. Section 605 pertaining to Electrical Equipment
23. Section 606.2 pertaining to Elevators
24. Section 702.1 pertaining to Means of Egress, General
25. Section 702.3 pertaining to Means of Egress, Locked Doors

26. Section 704 pertaining to Fire Protection Systems

159.11 FEES. The following fees will be assessed to and paid by rental property owners in an amount as established from time to time by the City Council by appropriate resolution:

1. Registration Fee. Due upon filing initial and subsequent annual registration of rental properties with the City Clerk.
2. Additional Inspection Fee. Due and payable for each inspection of a dwelling or dwelling unit that is in addition to an inspection required by this chapter and one follow-up inspection.
3. Complaint Inspection Fee. Due and payable for each inspection conducted by the City pursuant to a complaint filed with the City Clerk.
4. Failure to Appear Fee. Due and payable upon failure of the owner or manager to appear at a scheduled inspection of a dwelling or dwelling unit.
5. Delinquent Registration Fee. Due and payable upon failure of the owner to timely register a rental unit.

Permits will not be issued nor inspections made until the fees required by this section have been received by the City Clerk.

159.12 APPEAL. Any person aggrieved by a decision of the City in its administration of this chapter may file a request with the City Clerk, on a form provided by the City Clerk, and directed to the City Administrator for reconsideration of the contested decision. The City Administrator will notify the applicant, in writing, within five days after its receipt by the City Clerk, of his/her decision. If the aggrieved party is not satisfied with the response of the City Administrator, the aggrieved party may, within 10 days following the date of the Administrator's response, file a written appeal to the City Council, on a form provided by the City Clerk, requesting reconsideration of the contested decision. This written appeal shall be filed with the City Clerk. The City Clerk will thereupon notify the aggrieved party of the date, time and place of hearing before the City Council and at such hearing the aggrieved party may present testimony and evidence in support of his/her position. The City Council will render an opinion on this appeal within 10 days following the date of hearing.

159.13 IMPLEMENTATION OF CHAPTER. The City may implement the registration and inspection of rental properties in stages in order to facilitate an orderly inspection of all rental properties requiring rental permits.

159.14 VIOLATIONS. The violation of any provision of this chapter shall constitute a violation of the Charles City Code of Ordinances and subjecting the violator to the following penalties:

1. Criminal Penalties. Any owner who violates provision of this chapter shall be guilty of a simple misdemeanor.
2. Civil Penalties. Any violation of this Chapter or failure to perform any act or duty or requirement of this chapter shall constitute a municipal infraction under Chapter 4 of this Code of Ordinances.
3. Other Code Provisions. The foregoing provisions concerning enforcement of this chapter are not exclusive but are cumulative to any other remedies available under State law or local ordinance.

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CHAPTER 165

ZONING REGULATIONS

EDITOR'S NOTE			
<p>Ordinance No. 1013 entitled <i>An Ordinance Establishing Comprehensive Zoning Regulations for the City of Charles City, Iowa and Providing for the Administration, Enforcement, and Amendment Thereof, in Accordance with the Provisions of Chapter 414, Code of Iowa, and for the Repeal of Zoning Ordinance No. 548 and All Amendments Thereto</i>, adopted January 3, 2005, and amendments thereto are contained in a separate volume of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending Ordinance No. 1013.</p>			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
1022	February 6, 2006	1116	April 2, 2018
1038	September 17, 2007	1118	July 16, 2018
1040	January 7, 2008	1120	October 15, 2018
1046	April 6, 2009	1121	October 15, 2018
1049	September 8, 2009	1122	October 15, 2018
1050	September 8, 2009	1123	January 7, 2019
1057	September 6, 2011	1124	February 4, 2019
1066	November 5, 2012	1130	June 3, 2019
1068	February 19, 2013	1134	October 21, 2019
1069	February 19, 2013	1135	October 21, 2019
1071	April 1, 2013	1136	October 21, 2019
1072	April 1, 2013	1137	October 7, 2019
1075	November 18, 2013	1138	October 21, 2019
1076	March 17, 2014	1139	December 16, 2019
1079	December 1, 2014	1144	June 1, 2020
1080	April 6, 2015	1151	April 19, 2021
1081	April 6, 2015	1152	May 12, 2021
1083	July 20, 2015	1153	October 4, 2021
1084	August 3, 2015	1154	October 4, 2021
1086	September 21, 2015		
1088	January 18, 2016		
1091	June 20, 2016		
1092	June 20, 2016		
1107	August 7, 2017		
1109	November 20, 2017		
1112	November 20, 2017		
1115	April 2, 2018		

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