

CITY OF KEOTA, IOWA

2017

Municipal Codebook of Ordinances

Prepared by:
Area 15 Regional Planning Commission
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Adopted January 29th, 2018

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CODEBOOK

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-4	Construction
1-1-2	Grammatical Interpretation	1-1-5	Amendment
1-1-3	Prohibited Acts Include Causing, Permitting	1-1-6	Severability

1-1-1 DEFINITIONS

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

1. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of *KEOTA*, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. "Clerk" means Clerk-Treasurer.
4. "Computation Of Time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the State;
6. "County" means the County of *KEOKUK* and/or *WASHINGTON*, Iowa;
7. "Fiscal Year" means July 1 to June 30.
8. "Law" denotes applicable Federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
9. "May" confers a power;
10. "Month" means a calendar month;

11. "Must" states a requirement;
12. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";
13. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
14. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
15. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, or the whole or part of such building or land;
16. "Person" means natural person, any other legal entity recognized by the State, or the manager, lessee, agent, servant, officer or employee of any of them;
17. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
18. "Preceding" and "following" mean next before and next after, respectively;
19. "Property" includes real and personal property;
20. "Real property" includes any interest in land;
21. "Shall" imposes a duty;
22. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
23. "State" means the State of Iowa;
24. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State;
25. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
26. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

27. "Writing" and "Written" includes printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
28. "Year" means a calendar year;
29. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;
30. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION

The following grammatical rules shall apply in the Ordinances of the City;

1. **Gender.** Any gender includes the other gender;
2. **Singular And Plural.** The singular number includes the plural and the plural includes the singular;
3. **Tenses.** Words used in the present tense include the past and the future tenses and vice versa;
4. **Use Of Words And Phrases.** Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING

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

1-1-4 CONSTRUCTION

The provisions of this Code and all proceeds under it are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT

All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the *KEOTA* Municipal Code of 2017 constituting this municipal code, and shall include proper references to Chapter and Section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY

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

TITLE I GENERAL PROVISIONS***CHAPTER 2 RIGHT OF ENTRY*****1-2-1 Right Of Entry****1-2-1 RIGHT OF ENTRY**

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty

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

1-3-3 Scheduled Fines

1-3-1 GENERAL PENALTY

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Ordinances of *KEOTA* is guilty of a misdemeanor. Any person convicted of a misdemeanor under the Ordinances of *KEOTA* shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed thirty days.

(Code of Iowa, Sec. 364.3(2))

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION

(Code of Iowa, Sec. 364.22)

1. Definitions.

- a. Municipal Infraction. Except those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of *KEOTA*, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of *KEOTA*, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.
- b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of *KEOTA*.
- c. Repeat Offense. The term "repeat offense" shall mean a recurring violation of the same Section of the Code of Ordinances.

2. Violations, Penalties, And Alternative Relief.

- a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

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

Second Offense--Not more than eight hundred seventy-five dollars (\$875.00).

All other repeat offenses--Not more than one thousand dollars (\$1,000.00).

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations.

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
- c. The original of the citation shall be sent to the Clerk of the district court.
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1) The name and address of the defendant.
 - (2) The name or description of the infraction attested to by the officer issuing the citation.
 - (3) The location and time of the infraction.
 - (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5) The manner, location, and time in which the penalty may be paid.
 - (6) The time and place of court appearance.
 - (7) The penalty for failure to appear in court.
 - (8) The legal description of the affected property, if applicable.
- e. As an alternative enforcement action for violation of this chapter, an officer may issue a violator a civil "notice of violation." The penalty for a civil "notice of violation" under this section shall be the same as set by State Code Chapter 805 unless stated differently in the city code or Iowa Code and shall not include court cost or surcharge. No record or information concerning the issuance of a

civil “notice of violation” shall be sent, reported, or forwarded to the to the state department of transportation, or similar department of any other state, for the purpose of adding to the driving record of the violator.

No civil “notice of violation” shall be issued for violations of driving under suspension, reckless driving, drag racing, or that are alcohol or accident-related. A civil “notice of violation” shall not be issued to any person who has an unpaid penalty from previous “notice of violation”.

Each penalty for a civil “notice of violation” issued under this section shall be paid at the city police department or city hall. If such penalty is not paid within 30 days of the date of issuance, or if the driver denies committing such violation, the issuing officer shall cancel the civil “notice of violation” and issue a traffic citation to be processed through the court system in the same manner as if the violator had been originally issued a citation for the violation.

The police department shall maintain record of each civil “notice of violation” issued, civil penalty paid, and each “notice of violation” which is unpaid or denied.

1-3-3 SCHEDULED FINES

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

2-1-1	Charter	2-1-4	Number And Term Of City Council
2-1-2	Form Of Government	2-1-5	Term Of Mayor
2-1-3	Powers And Duties	2-1-6	Copies On File

2-1-1 CHARTER

This Chapter may be cited as the Charter of the City of *KEOTA*, Iowa.

2-1-2 FORM OF GOVERNMENT

The form of government of the City of *KEOTA*, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES

The City Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the Ordinances, resolutions, rules and regulations of the City of *KEOTA*, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL

The City Council consists of five City Council members elected at large, elected for overlapping terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR

The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE

The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Oaths	2-2-11	Record
2-2-2	Creation Of Appointive Officers	2-2-12	Open Meetings
2-2-3	Appointments Of Officers	2-2-13	Conflict of Interest
2-2-4	Terms of Appointive Officers	2-2-14	Resignations
2-2-5	Vacancies In Offices	2-2-15	Removal of Appointed Officers and Employees
2-2-6	Bonds Required	2-2-16	Vacancies
2-2-7	Surety	2-2-17	Unlawful Use of City Property
2-2-8	Blanket Position Bond	2-2-18	Gifts
2-2-9	Bonds Filed		
2-2-10	Boards and Commissions		

2-2-1 OATHS

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

1. Qualify for Office. All elected or appointed officers 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 Keota 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 office:
 - A. Mayor
 - B. City Clerk
 - C. Members of all boards, commissions or bodies created by law.
(Code of Iowa, Sec. 78.2)

2-2-1 CREATION OF APPOINTIVE OFFICERS

There are hereby created the following appointive officers: Clerk, Police Chief, Attorney, and Superintendent of Public Utilities.

2-2-3 APPOINTMENT OF OFFICERS

The Mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Police Chief with the consent of a majority of the City Council.

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

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

2-2-4 TERMS OF APPOINTIVE OFFICERS

The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the Council in January following the regular municipal election and the appointment of a successor.

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

2-2-5 VACANCIES IN OFFICES

A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with State law.

2-2-6 BONDS REQUIRED

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

(Code of Iowa, Sec. 64.13)

2-2-7 SURETY

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

2-2-8 BLANKET POSITION BOND

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

(Code of Iowa, Sec. 64.13)

2-2-9 BONDS FILED

All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-10 BOARDS AND COMMISSIONS

1. Membership and Selections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.
2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.
3. Removal of Members of Boards and Commission: The City Council may remove any member of any board or commission, which it has established.

2-2-11 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)

2-2-12 OPEN MEETINGS

All meetings of the Council, any board or commission, or any multimember body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law.

(Code of Iowa, Sec. 21.3 & 21.4)

2-2-13 CONFLICT OF INTEREST

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

(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.
(Code of Iowa, Sec. 362.5)
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)
3. City Treasurer. Is the City Clerk, who serves as Treasurer of the City.
(Code of Iowa, Sec. 362.5)
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 eight (8) of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.
(Code of Iowa, Sec. 362.5)
5. Newspaper. The designation of an official newspaper.
6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.
(Code of Iowa, Sec. 362.5)
7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.
(Code of Iowa, Sec. 362.5)
8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stockholdings when less than five (5) percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.
(Code of Iowa, Sec. 362.5)
9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.
(Code of Iowa, Sec. 362.5)
10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of twenty-five hundred dollars (\$2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5)

2-2-14 RESIGNATIONS

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

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

2-2-15 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)

2-2-16 VACANCIES

A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13 [2])

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 [2b3])

2-2-17 UNLAWFUL USE OF CITY PROPERTY

No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

2-2-18 GIFTS

The following regulations shall apply to the soliciting, acceptance or reporting of gifts by City officials or employees:

1. Except as otherwise provided in this section, 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. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.
2. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or a series of gifts to a public official, public employee, or candidate.
3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale.
4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate family of public officials, public employees, or candidates:
 - a. Contributions to a candidate or a candidate's committee.
 - b. Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
 - c. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
 - d. An inheritance.
 - e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to receptions described under paragraph "r" .
 - f. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.

- g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.
- h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
- i. Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- j. Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.
- k. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.
- l. Funeral flowers or memorials to a church or nonprofit organization.
- m. Gifts which are given to a public official or public employee for the public official's or public employee's wedding or twenty-fifth or fiftieth wedding anniversary.
- n. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the state or a political subdivision of the state for attending the meeting.
- o. Gifts of food, beverages, travel, or lodging received by a public official or public employee if all of the following apply:
 - (1) The public official or public employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state, or to develop markets for Iowa businesses or products.
 - (2) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being

contacted which are consumed during the meeting are not a gift under section 68B.2, subsection 9, or this section.

- (3) The public official or public employee plays a significant role in the presentation to the business or businesses on behalf of the public official's or public employee's agency.
 - p. Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the donee.
 - q. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.
 - r. Gifts of food, beverage, and entertainment received by public officials or public employees at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house within five business days following the date of the function. The person or persons designated by the secretary of the senate and the chief clerk of the house shall forward a copy of each report to the board.
5. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.
 6. A gift shall not be considered to be received by a public official or public employee if the state is the donee of the gift and the public official or public employee is required to receive the gift on behalf of the state as part of the performance of the person's duties of office or employment.
 7. A person shall not request, and a member of the general assembly shall not agree, that a member of the general assembly sell tickets for a community-related social event that is to be held for members of the general assembly in Polk county during the legislative session. This section shall not apply to Polk county or city of Des Moines events that are open to the public generally or are held only for Polk county or city of Des Moines legislators.

8. Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

- 2-3-1 General Duties
- 2-3-2 Books And Records
- 2-3-3 Deposits Of Municipal Funds
- 2-3-4 Transfer Of Records And Property To Successor
- 2-3-5 Powers And Duties Of The Mayor
- 2-3-6 Powers And Duties Of The Clerk
- 2-3-7 Powers And Duties Of The Police Chief
- 2-3-8 Powers And Duties Of The City Attorney
- 2-3-9 Powers And Duties Of The Superintendent Of Public Utilities

2-3-1 GENERAL DUTIES

Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City Charter.

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

2-3-2 BOOKS AND RECORDS

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

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS

On the last working day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR

Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-5 POWERS AND DUTIES OF THE MAYOR

The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

(Code of Iowa, Section 372.14(1))

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

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

3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment becomes law when the Ordinance or summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

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

(Code of Iowa, Sec. 380.5 and 380.6(2))

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.
5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the

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

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

- 9. The Mayor shall appoint the following officials: Mayor Pro Tem, Police Chief, Superintendent of Public Utilities, and Board of Library Trustees.

(Code of Iowa, Sec. 372.4)

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

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

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

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

- 14. The Mayor is not a member of the Council and may not vote as a member of the Council.

2-3-6 POWERS AND DUTIES OF THE CLERK

The duties of the Clerk shall be as follows:

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

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

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

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

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

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

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

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.
(Code of Iowa, Sec. 380.7(4))
5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.
(Code of Iowa, Sec. 362.3)
6. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.
(Code of Iowa, Sec. 380.11)
7. The Clerk shall be the chief accounting officer of the City.
8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.
(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.

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

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

11. The Clerk shall balance all funds with the Bank Statement/Treasurer at the end of each month.

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

(Code of Iowa, Sec. 384.22)

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

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

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

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

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

16. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

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

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

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

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

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

19. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.
(Code of Iowa, Sec. 372.13(4))
20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.
(Code of Iowa, Sec. 372.13(4))
21. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.
(Code of Iowa, Sec. 376.4)
22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.
(Code of Iowa, Sec. 372.13(4))
23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.
(Code of Iowa, Sec. 372.13(4))
24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.
(Code of Iowa, Sec. 372.13(4))
25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.
(Code of Iowa, Sec. 372.13(4))
26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.
(Code of Iowa, Sec. 384.16)
27. The Clerk shall keep the record of each fund separate.
(Code of Iowa, Sec. 372.13(4) and 384.85)
28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.
(Code of Iowa, Sec. 372.13(4))

29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.
(Code of Iowa, Sec. 372.13(4))
30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.
(Code of Iowa, Sec. 372.13(4))
31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.
(Code of Iowa, Sec. 372.13(4))
32. The City seal shall be 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 shall be circular in form, in the center of which shall be the words "OFFICIAL SEAL" and around the margin the words "KEOTA, IOWA - SINCE 1873."
33. Boards and Commissions. The Clerk shall be the Treasurer of the Board of Library Trustees, and pay out all money under control of such board on orders signed by the chair and secretary of such board, but shall receive no additional compensation for such services.

2-3-7 POWERS AND DUTIES OF THE POLICE CHIEF

The duties of the Police Chief shall be as follows:

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

1. The Police Chief shall wear upon the Police Chief's outer garment and in plain view a badge engraved with "Police", and such uniform as may be specified by the City Council.
2. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.
3. The Police Chief shall be sergeant-at-arms of the Council chamber when requested by the City Council.
4. The Police Chief shall report to the City Council upon activities as Police Chief when requested.
5. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

6. The Police Chief shall have charge of the City jail when such is provided and of all persons held therein. The Police Chief shall execute all orders of the court referring to the jail. The Police Chief shall feed and shelter persons jailed in the usual manner and as required by law. When no City jail is provided, the Police Chief shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the county.
7. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the county jail.
8. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.
9. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.
10. The Police Chief may appoint one or more assistant Police Chiefs, who may perform the Police Chief's duties and who shall be members of the police force.
11. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the health, safety, and welfare of the City and its Citizens until due consideration by the City Council may be had.
12. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.
13. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.
14. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

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

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY

The duties of the City Attorney shall be as follows:

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

1. Upon request the City Attorney shall attend regular meeting of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.
6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.
7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.
8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.
9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any

City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

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

2-3-9 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC UTILITIES

The duties of the Superintendent of Public Utilities shall be as follows:

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

- 1. The Superintendent shall be responsible for the management, operation and maintenance of all municipal utilities.
- 2. The Superintendent shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to-date inventory of all goods and supplies. The Superintendent shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.
- 3. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The Superintendent shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member

2-4-3 Mayor Pro-Tempore

2-4-2 Mayor

2-4-4 Other Officers

2-4-1 COUNCIL MEMBER

The salaries of each City Council member shall be \$35.00 for each meeting of the City Council attended.

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

2-4-2 MAYOR

The Mayor shall receive an annual salary of \$1,750.00 per year.

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

2-4-3 MAYOR PRO-TEMPORE

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))

2-4-4 OTHER OFFICERS

The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

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

2-5-1 BUDGET ADOPTION

Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:
(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City Finance Committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:
 - a. Expenditures for each program.
 - b. Income from sources other than property taxation.
 - c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

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

2. Not less than twenty days before the date that the budget must be certified to the County Auditor, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.
3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.
5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-5-2 BUDGET AMENDMENT

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

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund.

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

2-5-3 BUDGET PROTEST

Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons.

(Code of Iowa, Sec. 384.19)

2-5-4 ACCOUNTS AND PROGRAMS

The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT

Not later than December first of each year the City shall publish an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS

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

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

2-5-7 ADMINISTRATIVE TRANSFERS

The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed **10%** or \$1,000 (whichever is greater) at any one time of the activity's annual

appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

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

2-5-8 BUDGET OFFICER

The City Clerk shall be the City Budget Officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-9 EXPENDITURES

No expenditure shall be authorized by any City officer or employee except as herein provided. Purchases not exceeding ten dollars (\$10.00) may be made by those officials authorized by the City Council. Purchases from petty cash shall be excepted.

2-5-10 AUTHORIZATIONS TO EXPEND

All purchases other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a signed receipt or other certification indicating the material have been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-11 ACCOUNTING

The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be pre-numbered, in accordance with modern, accepted methods, and the requirement of the State. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS

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

(Code of Iowa, Sec. 384.20)

2-5-13 CONTINGENCY ACCOUNTS

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

All administrative transfers shall be reported in writing at the next regular meeting of the City Council after being made and the facts set out in the minutes for the information of the Mayor and City Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 CITY ELECTIONS

2-6-1	Purpose	2-6-6	Filing, Presumption, Withdrawals, Objections
2-6-2	Nominating Method To Be Used	2-6-7	Persons Elected
2-6-3	Nominations By Petition	2-6-8	Primary And Runoff Abolished
2-6-4	Adding Name By Petition		
2-6-5	Preparation Of Petition		

2-6-1 PURPOSE

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

2-6-2 NOMINATING METHOD TO BE USED

All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec 376.3)

2-6-3 NOMINATIONS BY PETITION

Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

(Code of Iowa, 45.1)

2-6-4 ADDING NAME BY PETITION

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

(Code of Iowa, 45.2)

2-6-5 PREPARATION OF PETITION

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

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

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

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

(Code of Iowa, Sec 45.5)

2-6-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS

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

2-6-7 PERSONS ELECTED

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

2-6-8 PRIMARY AND RUNOFF ABOLISHED

The Council has adopted Chapters 44 and 45 of the Code of Iowa for conducting elections and in accordance with Section 376.6(2), Code of Iowa, no primary or runoff election will be conducted for City offices.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY COUNCIL

2-7-1 Powers and Duties

2-7-3 Meetings

2-7-2 Exercise of Power

2-7-4 Appointments

2-7-1 POWER AND DUTIES

The powers and duties of the City Council include, but are not limited to the following:

1. **General.** All powers of the City are vested in the City Council except as otherwise provided by law or Ordinance.
(Code of Iowa, Sec. 364.2(l))
2. **Wards.** By Ordinance, the City Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
(Code of Iowa, Sec. 372.13(7))
3. **Fiscal Authority.** The City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.
(Code of Iowa, Sec. 364.2(l), 384.16 & 384.38(l))
4. **Public Improvements.** The City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.
(Code of Iowa, Sec. 364.2(l))
5. **Contracts.** The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by Ordinance or Resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by Ordinance or Resolution adopted by the City Council.
(Code of Iowa, Sec. 364.2(l))
(Code of Iowa, Sec. 384.95 through 384.102)
6. **Employees.** The City Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13(4))
7. **Setting Compensation For Elected Officers.** By Ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective

during the term in which the change is adopted, and the City Council shall not adopt such an Ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-7-2 EXERCISE OF POWER

The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an Ordinance in the following manner:

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

1. **Approved Action By The City Council.** Passage of an Ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty-five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an Ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

- b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure.

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

- c. If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an Ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the

day of passage, unless a subsequent effective date is provided within the measure.

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

2-7-3 MEETINGS

1. **Regular Meetings.** The regular meetings of the City Council are on the first and third Monday of each month at 7 o'clock (7:00) p.m. in the city council chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.
2. **Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

(Code of Iowa, Sec. 372.13(5))
3. **Quorum.** A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))
4. **Rules Of Procedure.** The City Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13(5))
5. **Compelling Attendance.** Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.
6. **Notice of Meetings.** The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, Sec. 21.4)
7. **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)
8. **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 the vote of each member present shall be made public.

(Code of Iowa, Sec. 21.3)

9. **Closed Session.** A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.5)
10. **Cameras and Recorders.** The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)
11. **Electronic Meetings.** A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.8)

2-7-4 APPOINTMENTS

The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office: City Clerk, City Attorney, Cemetery Superintendent, Building Official, and all board members.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 POLICE DEPARTMENT

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

2-8-1 DEPARTMENT ESTABLISHED

The Police Department of the City is established to provide for the preservation of peace and enforcement of law and Ordinances within the corporate limits of the City.

2-8-2 ORGANIZATION

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

2-8-3 PEACE OFFICER QUALIFICATIONS

In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

2-8-4 REQUIRED TRAINING

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

(Code of Iowa, Sec. 80B. 11(2))

2-8-5 COMPENSATION

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

2-8-6 OATH

Every peace officer, before entering upon the duties of the office, shall qualify for office by taking the oath prescribed by Section 2-2-1 of the Code of Ordinances.

2-8-7 PEACE OFFICERS APPOINTED

The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

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

2-8-8 POLICE CHIEF; DUTIES

The Police Chief has the following powers and duties subject to the approval of the City Council.

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

- 1. General. Perform all duties required of the Police Chief by law or Ordinance.
- 2. Enforce Laws. Enforce all laws, Ordinances and regulations and bring all persons committing any offense before the proper court.
- 3. Writs. Execute and return all writs and other processes directed to the Police Chief.
- 4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

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

2-8-9 DEPARTMENTAL RULES

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

2-8-10 SUMMONING AID

Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

2-8-11 TAKING WEAPONS

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

(Code of Iowa, Sec. 804.18)

2-8-12 CONTRACT LAW ENFORCEMENT

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

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

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

<p>3-1-1 Violations Of Chapter</p> <p>3-1-2 Public Peace</p> <p>3-1-3 Public Morals</p> <p>3-1-4 Streets</p>	<p>3-1-5 Public Safety And Health</p> <p>3-1-6 Public Property</p>
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3-1-1 VIOLATIONS OF CHAPTER

Commission of any of the acts named in the following Sections by any person shall constitute a violation of this Chapter.

3-1-2 PUBLIC PEACE

It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
(Code of Iowa, Sec. 723.4(1))

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.
(Code of Iowa, Sec. 723.4(2))

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.
(Code of Iowa, Sec. 723.4(2))

4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
(Code of Iowa, Sec. 723.4(3))

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
(Code of Iowa, Sec. 723.4(4))

6. Without authority, obstruct any street, sidewalk, highway or other public way.
(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.
(Code of Iowa, Sec. 364.12(2)(a))

3-1-3 PUBLIC MORALS

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

3-1-4 STREETS

1. **Removal Of Safeguards Or Danger Signals.** No person shall willfully remove, tear down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.
(Code of Iowa, Sec. 716.5)
2. **Obstructing Or Defacing Streets.** No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.
(Code of Iowa, Sec. 716.1)
3. **Allowing Water, Snow, Ice And Accumulations On Sidewalk.** No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.
(Code of Iowa, Sec. 364.12(2)(b and e))
4. **Removal Of Hydrant Caps, Sewer Caps Or Manhole Covers.** No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH

1. **Expectorating.** No person shall expectorate on the ground or on any structure within the City limits.
(Code of Iowa, Sec. 364.1)
2. **Sale of Tainted Food.** It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.
3. **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)

4. **Putting debris on Streets And Sidewalks.** No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

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

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

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

8. **Discharging Firearms And Fireworks.**

(Code of Iowa, Sec. 727.2)

- a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.

- b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.
 - c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
 - d. In the interest of public health and safety and at such times as approved by the *Chief of Police, the police*, Law Enforcement Officer or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
 - e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this Section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.
 - f. **Possession of Fireworks Prohibited.** No person shall possess fireworks except as provided in this section. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.
9. **Abandoned Refrigerators.** No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

11. **False Reports To Law Enforcement Authorities.** No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

(Code of Iowa, Sec. 718.6)

12. **False Reports Of Destructive Substance.** No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered.

(Code of Iowa, Sec. 712.7)

13. **Interference With Official Acts.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, 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.

(Code of Iowa, Sec. 719.1)

14. **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)

15. **Harassment Of City Employees.**

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

16. **Antenna And Radio Wires.** No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.
(Code of Iowa, Sec. 364.12(2))
17. **Barbed Wire.** No person shall install, allow to be installed or use barbed wire without the consent of the City Council.
(Code of Iowa, Sec. 364.1)
18. **Playing In Streets.** No person shall coast, sled or play games on streets or highways except in areas blocked off by the *Chief of Police or* Law Enforcement Officer for such purposes.
19. **Bomb Threats.** No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property.
(Code of Iowa, Sec. 712.8)
20. **Throwing And Shooting.** It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place, except when under proper supervision of persons authorized by the Council.
(Code of Iowa, Sec. 364.12 [2])
21. **Carrying Weapons.** No person shall go armed with a dangerous weapon concealed on or about his person, or shall, within the limits of the City, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section shall not apply to any of the following:
(Code of Iowa, Sec. 724.4)
 - a. **Own Premises.** A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.
(Code of Iowa, Sec. 724.4[1])
 - b. **Peace Officer.** Any peace officer, when his or her duties require the person to carry such weapons.
(Code of Iowa, Sec. 724.4[2])
 - c. **Armed Forces.** Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such.
(Code of Iowa, Sec. 724.4[3])
 - d. **Within Container.** Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened

container or securely wrapped package which is too large to be concealed on the person.

(Code of Iowa, Sec. 724.4[5])

- e. **Within Vehicle.** Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

(Code of Iowa, Sec. 724.4{63})

- f. **Target Practice.** Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area.

(Code of Iowa, Sec. 724.4[7])

- g. **Valid Permit.** Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.

(Code of Iowa, Sec. 724.4[8])

- h. **Correctional Officer.** Any correctional officer, when such officer's duties require, serving under the authority of the Iowa Department of Corrections.

(Code of Iowa, Sec. 724.4[4])

22. **Storage And Use Of Explosives.** No person shall purchase, possess, transport, store, or detonate explosive materials without first obtaining a use permit from the County Sheriff except when the explosives are possessed for the sole purpose of transporting them through the City.

(Code of Iowa, Sec. 364.12)

3-1-6 PUBLIC PROPERTY

1. **Defacing Public Grounds.** No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.

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

2. **Injuring New Pavement.** No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 364.12(2))

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

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

4. **Injury To Public Library Books Or Property.** No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. **Defacing Or Destroying Proclamations Or Notices.** No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

6. **Injury To Gravestones Or Property In Cemetery.** No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

7. **Injury To Fire Apparatus.** No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

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

9. **Public Buildings.** It shall be unlawful willfully to write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, or other public building, or on any furniture, apparatus, or fixture therein; or willfully to injure or deface the same, or any wall or fence enclosing the same.

(Code of Iowa, Sec. 716.1)

10. **Obstructing Drainage.** It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.
(Code of Iowa, Sec. 716.1)
11. **Obstructing Or Defacing Roads.** No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.
(Code of Iowa, Sec. 716.1)
12. **Criminal Mischief.** Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.
(Code of Iowa, Sec. 716.1)
13. **Unauthorized Entry.** No person shall enter any public building or public enclosure unless authorized to do so. Any entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry.
(Code of Iowa, Sec. 364.1)
14. **Possession Of Traffic Control Device.** It shall be unlawful for any person to have in that person's possession any official traffic control device except by reason of that person's employment.
(Code of Iowa, Sec. 321.260)
15. **Injury To Roads, Railways, And Other Utilities.** No person shall maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.
(Code of Iowa, Sec. 716.1)

16. **Tapping Into Utility Transmission Cables.** No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.
(Code of Iowa, Sec. 727.8)

17. **Obstructing Ditches And Breaking Levees.** No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.
(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-7	Request For Hearing And Appeal
3-2-2	Nuisances Prohibited	3-2-8	Abatement In Emergency
3-2-3	Other Conditions Regulated	3-2-9	Abatement By Municipality
3-2-4	Notice To Abate Nuisance or Condition	3-2-10	Collection Of Cost Of Abatement
3-2-5	Contents Of Notice To Abate	3-2-11	Installment Payment Of Cost Of Abatement
3-2-6	Method Of Service	3-2-12	Condemnation Of Nuisance
		3-2-13	Failure To Abate

3-2-1 DEFINITIONS

For use in this Ordinance, the following terms are defined:

1. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

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

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

- e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
(Code of Iowa, Sec. 657.2(5))
 - f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
(Code of Iowa, Sec. 657.2(6))
 - g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets.
(Code of Iowa, Sec. 657.2(7))
- All billboards, signboards, and advertising signs shall comply with section 14 of the zoning ordinance. Person's wishing to place signs should review this section before placement or construction starts. A building permit is required for the installation of any permanent sign and must be obtained before construction of the sign.
- h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the city.
 - i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.
(Code of Iowa, Sec. 657.2(8))
 - j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction.
(Code of Iowa, Sec. 657.2(9))
 - k. The emission of dense smoke, noxious fumes, or fly ash.
(Code of Iowa, Sec. 657.2(10))
 - l. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
(Code of Iowa, Sec. 657.2(11))

- m. Trees infected with Dutch elm disease.
(Code of Iowa, Sec. 657.2(12))
 - n. Effluent from septic tank or drain field running or ponding on the ground in the open.
 - o. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.
(Code of Iowa, Sec. 716.1)
 - p. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.
(Code of Iowa, Sec. 657.2)
2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.
(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this Chapter.

(Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED

The following actions are required and may also be abated in the manner provided in this Ordinance:

- 1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.
(Code of Iowa, Sec. 364.12(3)(b))
- 2. The removal, repair, or dismantling of dangerous buildings or structures.
(Code of Iowa, Sec. 364.12(3)(c))
- 3. The numbering of buildings.
(Code of Iowa, Sec. 364.12(3)(d))
- 4. The connection to public drainage systems from abutting property when necessary for public health or safety.
(Code of Iowa, Sec. 364.12(3)(e))
- 5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.
(Code of Iowa, Sec. 364.12(3)(f))

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

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

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION

Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3-2-1, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.

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

3-2-5 CONTENTS OF NOTICE TO ABATE

The notice to abate shall contain:

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

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

3-2-6 METHOD OF SERVICE

The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.

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

3-2-7 REQUEST FOR HEARING AND APPEAL

Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be

conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-8 ABATEMENT IN EMERGENCY

If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this Chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-10 COLLECTION OF COST OF ABATEMENT

The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT

If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE

The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 of the Iowa Code by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

3-2-13 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 shall be in violation of the Code of Ordinances.

NOTE:

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

TITLE III COMMUNITY PROTECTION

CHAPTER 3 PRIVATE PROPERTY

3-3-1	Trespassing Prohibited	3-3-3	Damage to Property
3-3-2	Electronic and Mechanical Eavesdropping	3-3-4	Theft
		3-3-5	Theft of Utility Services

3-3-1 TRESPASSING PROHIBITED

It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter 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.

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

2. Vacate Property When Requested. Enter or remain 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 by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

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

3. Interfere with Lawful Use of Property. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

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

4. Use of Property Without Permission. Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

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

5. Retrieving Property. None of the above shall be construed to prohibit 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.

(Code of Iowa, Sec. 716.7 [3])

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3-3-1 ELECTRONIC AND MECHANICAL EAVESDROPPING

No person, having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept a conversation or communication of any kind; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

(Code of Iowa, Sec. 727.8)

3-3-1 DAMAGE TO PROPERTY

It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.

(Code of Iowa, Sec. 716.1)

3-3-1 THEFT

No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

(Code of Iowa, Sec. 714.1 [1])

3-3-1 THEFT OF UTILITY SERVICE

No person shall obtain gas, electricity or water from a public utility or obtain cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.

(Code of Iowa, Sec. 714.1 [7])

TITLE III COMMUNITY PROTECTION

CHAPTER 4 TRAFFIC CODE

- 3-4-1 Short Title
- 3-4-2 Definitions
- 3-4-3 Traffic Accident Reports
- 3-4-4 Police Department/Law Enforcement Officer to Submit Annual Reports

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3-4-1 SHORT TITLE

This Chapter may be known and cited as the "Traffic Code".

3-4-2 DEFINITIONS

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

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop", when required means complete cessation of movement.
4. "Stop or stopping", when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, Law Enforcement Officer or traffic-control sign or signal.
5. "Business district" means:
 - a. Broadway Street from County Line Road to Davis Street;
 - b. Ellis Street from Broadway Street to Keokuk Street;
 - c. Fulton Street from Broadway Street to Keokuk Street;
 - d. Iowa Avenue from Broadway Street to Washington Street.
6. "Residential districts" means all areas of the City not included in business districts.
(Code of Iowa, Sec. 321.1)

3-4-3 TRAFFIC ACCIDENT REPORTS

The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the *Chief of Police or* Law Enforcement Officer. All such reports shall be for the confidential use of the police department or Law Enforcement Officer and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

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

(Code of Iowa, Sec. 321.266)

3-4-4 POLICE DEPARTMENT/LAW ENFORCEMENT OFFICER TO SUBMIT ANNUAL REPORTS

The *Police Chief or* Law Enforcement Officer shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number

and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-4-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

Provisions of this Chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-4-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW

Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this Chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this Chapter. These Sections of the Code are adopted by reference:

- 1. 321.98 Operation without registration.
- 2. 321.180 Violations of instruction permit limitations.
- 3. 321.193 Violation of conditions of restricted license.
- 4. 321.194 Violation of conditions of minor’s school license.
- 5. 321.216 Unlawful use of license.
- 6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
- 7. 321.219 Permitting unauthorized minor to drive.
- 8. 321.220 Permitting unauthorized person to drive.
- 9. 321.229 Failure to comply with lawful order of peace officer.
- 10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
- 11. 321.232 Radar jamming devices.
- 12. 321.234 Failure to observe seating requirements.
- 13. 321.236 (Parking) Violation of local ordinance (not a state offense).
- 14. 321.256 Failure to obey traffic control device.
- 15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
- 16. 321.260 Unlawful possession of, or interference with traffic control device.

17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.

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| 62. | 321.341 | Failure to properly stop at railroad crossing. |
| 63. | 321.342 | Failure to obey stop sign at railroad crossing. |
| 64. | 321.343 | Failure to stop certain cargo or passenger vehicle at railroad crossing. |
| 65. | 321.344 | Unlawful movement of construction equipment across railroad track. |
| 66. | 321.353 | Unsafe entry into sidewalk or roadway. |
| 67. | 321.354 | Stopping on traveled part of highway. |
| 68. | 321.358 | Stopping, standing, or parking where prohibited. |
| 69. | 321.360 | Prohibited parking in front of certain buildings. |
| 70. | 321.361 | Parking too far from curb/angular parking. |
| 71. | 321.362 | Parking without stopping engine and setting brake. |
| 72. | 321.363 | Driving with obstructed view or control. |
| 73. | 321.365 | Coasting upon downgrade. |
| 74. | 321.366 | Improper use of median, curb, or controlled access facility. |
| 75. | 321.367 | Failure to maintain distance fire-fighting vehicle. |
| 76. | 321.368 | Crossing unprotected fire hose. |
| 77. | 321.369 | Putting debris on highway/roadway. |
| 78. | 321.370 | Removing injurious material. |
| 79. | 321.371 | Clearing up wrecks. |
| 80. | 321.372 | School bus provisions. |
| 81. | 321.377 | Excessive speed of school bus. |
| 82. | 321.381 | Driving or towing unsafe vehicle. |
| 83. | 321.382 | Operating underpowered vehicle. |
| 84. | 321.383 | Failure to display reflective device on slow-moving vehicles. |
| 85. | 321.384 | Failure to use headlamps when required. |
| 86. | 321.385 | Insufficient number of headlamps. |
| 87. | 321.386 | Insufficient number of headlamps-motorcycles and motorized bicycles. |
| 88. | 321.387 | Improper rear lamp. |
| 89. | 321.388 | Improper registration plate lamp. |
| 90. | 321.389 | Improper rear reflector. |
| 91. | 321.390 | Reflector requirements. |
| 92. | 321.391 | Improper type of reflector. |
| 93. | 321.392 | Improper clearance lighting on truck or trailer. |
| 94. | 321.393 | Lighting device color and mounting. |
| 95. | 321.394 | No lamp or flag on rear-projecting load. |
| 96. | 321.395 | Parking on certain roadways without parking lights. |
| 97. | 321.397 | Improper light on bicycle. |
| 98. | 321.398 | Improper light on other vehicle. |
| 99. | 321.402 | Improper use of spotlight. |
| 100. | 321.403 | Improper use of auxiliary driving lights. |
| 101. | 321.404 | Improper brake light. |
| 102. | 321.408 | Back-up lamps. |
| 103. | 321.409 | Improperly adjusted headlamps. |

104.	321.415	Failure to dim.
105.	321.419	Improper headlighting when night driving.
106.	321.420	Excessive number of driving lights.
107.	321.422	Lights of improper color-front or rear.
108.	321.423	Special light/signal provision.
109.	321.430	Defective braking equipment.
110.	321.431	Brake performance ability.
111.	321.432	Defective audible warning device.
112.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
113.	321.434	Use of siren or whistle on bicycle.
114.	321.436	Defective or unauthorized muffler system.
115.	321.437	Mirrors.
116.	321.438	Windshields.
117.	321.439	Defective windshield wiper.
118.	321.440	Defective tires.
119.	321.441	Unauthorized use of metal tire or track.
120.	321.442	Unauthorized use of metal projection on wheels.
121.	321.444	Failure to use safety glass.
122.	321.445	Failure to maintain or use safety belts.
123.	321.446	Failure to secure child.
124.	321.449	Special regulations.
125.	321.450	Hazardous materials.
126.	321.454	Width and length violations.
127.	321.455	Excessive side projection of load – passenger vehicle.
128.	321.456	Excessive height.
129.	321.457	Excessive length.
130.	321.458	Excessive projection from front of vehicle.
131.	321.459	Excessive weight – dual axels (each over 2000 lb. over).
132.	321.460	Spilling loads on highways.
133.	321.461	Excessive tow-bar length.
134.	321.462	Failure to use required towing equipment.
135.	321.463	Maximum gross weight.
136.	321.466	Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-4-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

The *Chief of Police or* Law Enforcement Officer shall cause to be placed and maintained traffic-control devices when and as required under this Chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The *Chief of Police or* Law Enforcement Officer shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, Sec. 321.255 and 321.256)

3-4-8 CHIEF OF POLICE/LAW ENFORCEMENT OFFICER TO DESIGNATE CROSSWALKS, ESTABLISH AND MARK TRAFFIC LANES

The *Chief of Police or* Law Enforcement Officer is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.
2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-4-9 PLAY STREETS

The *Chief of Police or* Law Enforcement Officer has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS

3-4-10 GENERAL SPEED REGULATIONS

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)

3-4-11 BUSINESS DISTRICT

A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [13])

3-4-12 RESIDENCE OR SCHOOL DISTRICT

A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [2])

3-4-13 SUBURBAN DISTRICT

A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [4])

3-4-14 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])

3-4-15 MINIMUM SPEED

No person shall 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)

3-4-16 EMERGENCY VEHICLES

The speed limitations set forth in this chapter do not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, Sec. 321.231)

3-4-17 SPECIAL SPEED RESTRICTIONS

In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth 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.

(Code of Iowa, Sec. 321.290)

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

1. On Ellis Street from Broadway Street to North Street;
2. On Davis Street from Broadway Street to North Street;
3. On North Street from Ellis Street to Davis Street;
4. On Dewey Street from Ellis Street to Davis Street.
5. On Keokuk-Washington Road from Broadway Avenue to Washington Avenue.

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:

1. On Broadway Street from Davis Street to the west corporate limits.

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:

1. On County Road W-15 from the north corporate limits continuing to the end of County Road W-15 and further continuing on Iowa Highway 77 to the south corporate limits.

3-4-18 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES

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

1. **Increased speed limit:**
2. **Lower speed limit:**
(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-4-19 TURNING MARKERS, BUTTONS AND SIGNS

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

(Code of Iowa, Sec. 321.311)

3-4-20 AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The *Chief of Police or* Law Enforcement Officer is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-4-21 OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-4-22 "U" TURNS

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

3-4-23 LEFT TURN FOR PARKING

No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

ONE-WAY STREETS AND ALLEYS**3-4-24 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS**

Whenever any traffic Code of this City designates any one-way street or alley the *Chief of Police or* Law Enforcement Officer shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this Section.

3-4-25 ONE-WAY STREETS AND ALLEYS

Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

1. Ellis Street shall be northbound only from Dewey Street to North Street;
2. North Street shall be westbound only from Ellis Street to Davis Street;
3. Dewey Street shall be westbound only from Ellis Street to Davis Street between the hours of two-thirty o'clock (2:30) p.m. and four-thirty (4:30) p.m., Monday through Friday.

3-4-26 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

The *Chief of Police or* Law Enforcement Officer is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day

and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The *Chief of Police or Law Enforcement Officer* may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

SPECIAL STOPS REQUIRED

3-4-27 THROUGH STREETS STOP

Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. Broadway Street from the east corporate limits to the west corporate limits;
2. Keokuk Street from Iowa Avenue to the west corporate limits;
3. Washington Street from the east corporate limits to the west corporate limits.

3-4-28 SPECIAL STOPS REQUIRED

SPECIAL STOPS REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Lafayette Avenue. Vehicles traveling on Lafayette Avenue shall stop at Green Street;
2. Centennial Avenue. Vehicles traveling on Centennial Avenue shall stop at Hamilton Street;
3. Centennial Avenue. Vehicles traveling west on Centennial Avenue shall stop at Fulton Street;
4. Centennial Avenue. Vehicles traveling east on Centennial Avenue shall stop at the County Line Road;
5. Park Avenue. Vehicles traveling east on Park Avenue shall stop at the County Line Road;
6. Broadway Street. Vehicles traveling east on Broadway Street shall stop at the

County Line Road;

7. Washington Avenue. Vehicles traveling east on Washington Avenue shall stop at the County Line Road;
8. White Street. Vehicles traveling east on White Avenue shall stop at the County Line Road;
9. Iowa Street. Vehicles traveling north on Iowa Street shall stop at White Avenue;
10. White Street. Vehicles traveling west on White Street shall stop at Iowa Street;
11. Broadway Avenue. Vehicles traveling west on Broadway Street shall stop at Highway 77;
12. Keokuk Avenue. Vehicles traveling west on Keokuk Avenue shall stop at the County Line Road;
13. Washington Avenue. Vehicles traveling west on Washington Avenue shall stop at the County Line Road;
14. Jefferson Street. Vehicles traveling on Jefferson Street shall stop at Keokuk Avenue.
15. NW Baker Drive. Vehicles traveling north and south on NW Baker Drive shall stop at Washington Avenue;
16. Washington Avenue. Vehicles traveling east and west on Washington Avenue shall stop at NW Baker Drive;
17. Centennial Avenue. Vehicles traveling east and west on Centennial Avenue shall stop at Green Street;

3-4-29 FOUR-WAY STOP INTERSECTIONS

Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec.321.345)

1. Intersection of Washington Avenue and Ellis Street;
2. Intersection of Washington Avenue and Davis Street;
3. Intersection of Keokuk Avenue and Davis Street;
4. Intersection of Keokuk Avenue and Ellis Street;

- 5. Intersection of Washington Avenue and Hamilton Street.

3-4-30 THREE-WAY STOP INTERSECTIONS

Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

(Code of Iowa, Sec.321.345)

- 1. Fulton Street and Lafayette Avenue. Vehicles approaching the intersection of Fulton Street and Lafayette Avenue from the north, south and west shall stop before entering such intersection.
- 2. Lincoln Street and Keokuk Street. Vehicles approaching the intersection of Lincoln Street and Keokuk Street from the east, west and north shall stop before entering such intersection.

3-4-31 SPECIAL YIELD REQUIRED

Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

- 1. North Street. Vehicles traveling west on North Street shall yield at Davis Street;
- 2. Davis Street. Vehicles traveling north on Davis Street shall yield at Lafayette Avenue;
- 3. Green Street. Vehicles traveling north on Green Street shall yield at Park Avenue;
- 4. Carpenter Street. Vehicles traveling south on Carpenter Street shall yield at Washington Street;
- 5. Adams Street. Vehicles traveling on Adams Street shall yield at Keokuk Street.

3-4-32 SCHOOL STOPS

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

(Code of Iowa, Sec. 321.249)

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

3-4-33 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)

3-4-34 STOP WHEN TRAFFIC IS OBSTRUCTED

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

3-4-35 YIELD TO PEDESTRIANS IN CROSSWALKS

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

(Code of Iowa, Sec. 321.327)

3-4-36 THROUGH HIGHWAYS

Streets or portions of streets described below are declared to be through highways:

1. *Keokuk-Washington Road, also known as Washington County G-26 and Keokuk County V-15.*
2. *330th Avenue, also known as Keokuk County V15.*

(Code of Iowa, Sec. 321.345 and 321.350)

3-4-37 AUTHORITY TO ERECT STOP SIGNS

Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the *Chief of Police or* Law Enforcement Officer to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-4-38 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS

At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the *Chief of Police or* Law Enforcement Officer is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

PEDESTRIANS' RIGHTS AND DUTIES

3-4-39 PROHIBITED CROSSING

Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-4-40 PEDESTRIANS ON LEFT

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

(Code of Iowa, Sec. 321.326)

3-4-41 HITCH HIKING

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)

3-4-42 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)

METHOD OF PARKING**3-4-43 STANDING OR PARKING CLOSE TO CURB**

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

(Code of Iowa, Sec. 321.361)

3-4-44 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS

No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-4-45 SIGNS OR MARKINGS INDICATING ANGLE PARKING

The *Chief of Police or* Law Enforcement Officer, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-4-46 DIAGONAL PARKING

Angle or diagonal parking shall be permitted only in the following locations:
(Code of Iowa, Sec. 321.361)

3-4-47 ANGLE PARKING MANNER

Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when 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)

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES**3-4-48 PARKING FOR CERTAIN PURPOSES ILLEGAL**

No person shall park a vehicle upon the roadway for any of the following principal purposes:
(Code of Iowa, Sec. 321.236 [1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For commercial washing, greasing or repairing 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 the Code of Ordinances.
5. Storage. Storage or as junkage or dead storage for more than forty-eight (48) hours.

3-4-49 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 at an intersection.
(Code of Iowa, Sec. 321.236 [1] & 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, 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 Police Chief 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. Theatres, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at

the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxi-cab 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])

3-4-50 HANDICAPPED PARKING

Parking for the use of the physically handicapped is provided as follows:

- 1. Off-street Spaces: Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ten (10) or more parking spaces, shall set aside handicapped parking spaces in accordance with the following:

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

* TWO PERCENT (2%) OF TOTAL

Area 15 Regional Planning Commission

**** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000**

All public and private buildings and facilities, temporary and permanent, which are residences, excluding condominiums as defined in Chapter 499B, Code of Iowa, and which provide ten (10) or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in Section 321L.1, Code of Iowa, for each individual dwelling unit in which a handicapped person resides.

(Code of Iowa, Chapter 104A.7 and Sec. 321L.5)

- 2. On-street Spaces. With respect to any on-street parking areas provided by the City within the business district, at least two parking spaces per lineal block within the business district shall be set aside as handicapped parking spaces.

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

- 3. Other Spaces. Any other person may set aside handicapped parking spaces on the persons property provided each parking space is clearly and prominently designated as a handicapped parking space.

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

- 4. Improper Use. The use of a handicapped parking space located on either public or private property by a motor vehicle not displaying a handicapped identification device; or by a motor vehicle displaying such a device but not being used by a handicapped person as an operator or passenger; or by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa, constitutes improper use of a handicapped device which is a misdemeanor. The fine for each violation shall be twenty-five dollars (\$25.00).

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

3-4-51 NO PARKING ZONES

No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

3-4-52 TRUCK PARKING LIMITED

No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-up, light delivery or panel delivery trucks.

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

- 1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the following designated streets. When actually receiving or delivering merchandise or cargo

such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

- A. Broadway Street on both sides from Davis Street to the east corporate limits.
- 2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of nine o'clock (9:00) p.m. and six o'clock (6:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.
- 3. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

3-4-53 SNOW REMOVAL (PARKING)

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])

3-4-54 PARKING SIGNS REQUIRED

Whenever by this chapter or any other section of the Code of Ordinances any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.256)

3-4-55 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING

When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the *Chief of Police or* Law Enforcement Officer may cause curbings to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the *Chief of Police or* Law Enforcement Officer, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-4-56 AUTHORITY TO IMPOUND VEHICLES

Members of the police department or Law Enforcement Officers are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

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

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

STOPPING, STANDING OR PARKING**3-4-57 PARKING SIGNS REQUIRED**

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

(Code of Iowa, Sec. 321.236)

3-4-58 PROHIBITED PARKING DURING SNOW EMERGENCY

No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation

through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

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

(Code of Iowa, Sec. 321.236)

3-4-59 ALL-NIGHT PARKING PROHIBITED

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-4-60 TRUCK PARKING LIMITED

Trucks licensed for five tons or more shall not be parked at the following locations on the streets named:

3-4-61 PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon the roadway for the principal purpose of:

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

MISCELLANEOUS DRIVING RULES

3-4-62 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS

The driver of a vehicle shall not drive upon or within any sidewalk area.

3-4-63 CLINGING TO VEHICLES

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

3-4-64 DRIVING THROUGH FUNERAL OR OTHER PROCESSION

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

3-4-65 DRIVERS IN A PROCESSION

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

3-4-66 FUNERAL PROCESSIONS TO BE IDENTIFIED

A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department or Law Enforcement Officers.

3-4-67 VEHICULAR NOISE

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

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

3-4-68 ENGINE AND COMPRESSION BRAKES

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

ENFORCEMENT PROCEDURES**3-4-69 ARREST OR CITATION**

Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

3. As an alternative enforcement action for violation of this chapter, an officer may issue a violator a civil "notice of violation." The penalty for a civil "notice of violation" under this section shall be the same as set by State Code Chapter 805 unless state differently in the city code or Iowa Code and shall not include court cost or surcharge. No record or information concerning the issuance of a civil "notice of violation" shall be sent, reported, or forwarded to the state department of transportation, or similar department of any other state, for purpose of adding to the driving record of the violator.
 - a. No civil "notice of violation" shall be issued for violations of driving under suspension, reckless driving, drag racing, or that are alcohol or accident-related. A civil "notice of violation" shall not be issued to any person who has an unpaid penalty from previous "notice of violation."
 - b. Each penalty for a civil "notice of violation" issued under this section shall be paid at the city police department or city hall. If such penalty is not paid within 30 days of the date of issuance, or if the driver denies community such violation, the issuing officer shall cancel the civil "notice of violation" and issue a traffic citation to be processed through the court system in the same manner as if the violator had been originally issued a citation for the violation.
 - c. The Police Department shall maintain record of each civil "notice of violation" issued, civil penalty paid, and each "notice of violation" which is unpaid or denied.

3-4-70 LOCAL PARKING FINES

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

- | | |
|------------------------------|---------|
| 1. Overtime parking | \$ 5.00 |
| 2. Prohibited parking | \$ 5.00 |
| 3. No parking zone | \$ 5.00 |
| 4. Blocking alley | \$ 5.00 |
| 5. Illegal parking | \$ 5.00 |

- 6. **Street cleaning** \$ 5.00
- 7. **Snow removal ban** \$ 5.00
- 8. **Persons with Disabilities parking** \$100.00

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

Note: Legislature allows cities to set parking fines

3-4-71 FAILURE TO PAY PARKING CITATIONS

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

3-4-72 PARKING VIOLATIONS: VEHICLE UNATTENDED

When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

3-4-73 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 this chapter, and
- 2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

3-4-74 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 upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. **Illegally Parked Vehicle.** When any vehicle is left unattended upon a street 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 forty-eight Hour Period.** When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found 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])

LOAD AND WEIGHT RESTRICTIONS

3-4-75 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)

3-4-76 PERMITS FOR EXCESS SIZE AND WEIGHT

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

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

3-4-77 LOAD LIMITS UPON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall operate any vehicle except delivery trucks and garbage trucks 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)

3-4-78 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. 321.473)

BICYCLE REGULATIONS**3-4-79 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])

For the purpose of this chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

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

(Code of Iowa, Sec. 321.1)

3-4-80 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)

3-4-81 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.

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

3-4-82 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.

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

3-4-83 BICYCLE PATHS

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

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

3-4-84 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])

3-4-85 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])

3-4-86 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])

3-4-87 RIDING ON SIDEWALKS

No person shall ride a bicycle on a sidewalk except in accordance herewith:

1. 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])

2. 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])

3-4-88 TOWING

It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.

3-4-89 FOLLOWING FIRE TRUCK

No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

3-4-90 IMPROPER RIDING

No person shall ride a bicycle in an irregular or reckless manner such as zig-zagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

3-4-91 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])

3-4-92 EQUIPMENT REQUIREMENTS

Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Night-time Use. Every bicycle when in use at night-time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

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

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

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

3. 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])

3-4-93 SCHEDULED FINE

The scheduled fine for bicyclists violating these regulations is ten dollars (\$10.00).

(Code of Iowa, Sec. 805.8[2j])

3-4-94 SPECIAL PENALTY

Any person violating the provisions of this chapter may, in lieu of the scheduled fine 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.

ALL-TERRAIN VEHICLES AND SNOWMOBILES

3-4-95 PURPOSE

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

3-4-96 DEFINITIONS

For use in this chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain" vehicle includes off-road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(Code of Iowa, Sec 321.1)

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.
3. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

4. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

3-4-97 GENERAL REGULATIONS

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

(Code of Iowa, Ch. 321G)

3-4-98 PLACES OF OPERATION

The operators of ATV's and snowmobiles shall comply with the following restrictions as to where ATV's and snowmobiles may be operated within the City:

1. Streets. ATV's and 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. ATV's and snowmobiles may be operated on prohibited streets only under the following circumstances:

- A. Emergencies. ATV's and 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. ATV's and snowmobiles may make a direct crossing of a prohibited street provided:

- (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 ATV or snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all oncoming 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. ATV's and snowmobiles shall not be operated on an operating railroad right-of-way. An ATV or 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{8})

- 4. Trails. ATV’s shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.
(Code of Iowa, Sec. 321G.9[4f and g])
- 5. Parks and Other City Land. ATV’s and snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.
- 6. Sidewalk or Parking. ATV’s and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

3-4-99 NEGLIGENCE

The owner and operator of an ATV or snowmobile is liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile.

(Code of Iowa, Sec. 321G.18)

3-4-100 ACCIDENT REPORTS

Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to Two Hundred Dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

(Code of Iowa, Sec. 321G.10)

GOLF CARTS

3-4-101 DEFINITIONS

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

3-4-102 OPERATION OF GOLF CARTS

Golf carts may not be operated on City streets.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE LIMITS

- 3-5-1 Fire Limits Designated
- 3-5-2 Plan Submittal and Permit Required
- 3-5-3 Building Specifications
- 3-5-4 Outbuilding Construction
- 3-5-5 Council Issuance
- 3-5-6 Moving Buildings
- 3-5-7 Repair of Damaged Buildings
- 3-5-8 Determination of Extent of Damage
- 3-5-9 Removal of Nonconforming Structures

3-5-1 FIRE LIMITS DESIGNATED

The following described area shall be known and designated as the fire zone:

Beginning at a point at the east corporation line of the City of Keota, Iowa, on the south side of Broadway Street, thence south two hundred seventy-eight (278) feet; thence west on a straight line to a point one hundred fifty (150) feet west of the west side of Davis Street; thence north to a point one hundred forty (140) feet north of the north side of Broadway Street; thence east to the east side of Ellis Street; thence north to the south side of Keokuk Street; thence east to the west side of Fulton Street; thence south to a point one hundred forty (140) feet north of the north side of Broadway Street; thence east to the east side of Iowa Avenue; thence north to the south side of Washington Street; thence east to the said corporation line; thence south to the point of beginning.

The Clerk shall outline and designate the fire zone on a City plat to be kept in the Clerk’s office and to be known as the fire zoning map of the City. Whenever reference is made to any fire zone for the application of regulations, it shall be construed to mean the fire zone described in this section.

3-5-2 PLAN SUBMITTAL AND PERMIT REQUIRED

It is unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the fire limits, until a plan of the proposed work, together with a statement of materials to be used, has been submitted to the Mayor, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

3-5-3 BUILDING SPECIFICATIONS

1. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the fire limits, unless constructed in strict compliance with this chapter.
2. The buildings or structures shall be enclosed on all sides with walls constructed wholly of stone, brick, terra cotta, hollow building tile, concrete or other fireproof material and

the roof, top and sides of all roof structures, including dormer windows and cornices, shall be covered with incombustible material approved by the National Board of Fire Underwriters.

3. All exterior or division walls of buildings hereafter erected shall be of sufficient thickness to support the load to be carried, and in all cases, a brick, stone, concrete or hollow tile wall shall be at least eight inches thick and shall extend at least eighteen inches above the roof.
4. The ends of all floors, ceilings, and roof beams entering a party or fire wall from opposite sides shall be separated by solid masonry, sufficiently thick to prevent the spread of fire through the walls.

3-5-4 OUTBUILDING CONSTRUCTION

The Mayor may issue a permit to build coal houses and other outbuildings within the fire limits of materials other than those specified in this chapter, not exceeding twelve (12) feet in height and one hundred fifty (150) square feet in area, to be placed not less than twenty (20) feet from any other building erected within the fire limits, and with the use of which no fire is anticipated. To obtain such permission, written application shall be made to the Mayor before any work is done, specifying the location, size and contemplated use of the proposed erection, and if the Mayor approves of the same, the Mayor shall issue a permit.

3-5-5 COUNCIL ISSUANCE

The Council may by four-fifth vote issue a special permit to improve any property within the fire limits on condition that such improvements shall not increase the fire hazard according to the rules of the Iowa Rate Bureau; shall comply with the 2009 International Building Code; and the entity seeking to the permit shall present the improvement plan, including the procedures for demolition and back filling, if any, to the Public Works Department of the City of Keota for its review and approval before a special permit will be issued.

3-5-6 MOVING BUILDINGS

The moving of any building not constructed as provided by this chapter from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.

3-5-7 REPAIR OF DAMAGED BUILDING

Any building within the fire limits, not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value, the building shall not be repaired, so as to be higher in value than it was before the damages were sustained, except upon approval, by four-fifths of the members of the Council, of the plans and specifications of such repairs and rebuilding.

3-5-8 DETERMINATION OF EXTENT OF DAMAGE

In case of any question as to the amount or extent of damage, by fire or otherwise, to any building, the damage shall be determined by three (3) disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the Mayor, and the persons thus chosen shall select a third person, all of whom shall subscribe to an oath to ascertain the damage to the best of their ability and according to the provisions of this chapter. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the Clerk. No building within the fire limits shall be repaired or rebuilt until such finding has been filed with the Clerk.

3-5-9 REMOVAL OF NONCONFORMING STRUCTURES

Any person who erects or moves any building in the fire limits, contrary to the provisions of this chapter, shall be given ten (10) days written notice by the Mayor to remove or tear down the same. If such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report the expense to the Clerk, and the same shall be charged to the person owning such building and collected by the Clerk, or, in case the Clerk is unable to collect such cost, the same shall be certified to the County Treasurer as a special tax against the property and collected the same as other taxes.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 HAZARDOUS SUBSTANCE SPILLS

3-6-1 Purpose

3-6-2 Definitions

3-6-3 Cleanup Required

3-6-4 Liability for Cleanup Costs

3-6-5 Notifications

3-6-6 Police Authority

3-6-7 Liability

3-6-1 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.

3-6-2 DEFINITIONS

For purposes of this chapter the following terms are defined:

1. "Cleanup" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.
(Code of Iowa, Sec. 4453.381[6])

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[2])

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[1])

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. 445B.381[8])

3-6-3 CLEANUP REQUIRED

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground 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.

3-6-4 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 as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

3-6-5 NOTIFICATIONS

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the 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.

3-6-6 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.

3-6-7 LIABILITY

The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 3-6-2 (4).

TITLE III COMMUNITY PROTECTION

CHAPTER 7 CURFEW FOR MINORS

3-7-1 Preamble

3-7-2 Findings and Purpose

3-7-3 Definitions

3-7-4 Offenses

3-7-5 Defenses

3-7-6 Enforcement

3-7-7 Penalty, Municipal Infraction

3-7-1 PREAMBLE

The City of *KEOTA* recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This Section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-7-2 FINDINGS AND PURPOSE

The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 18 in the City of *KEOTA*; and

Persons under the age of 18 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of *KEOTA* has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-7-3 DEFINITIONS

In this Chapter:

1. Curfew hours means 10:30 p.m. until 5:00 a.m. Sunday, Monday, Tuesday, Wednesday, and Thursday; and 12:30 a.m. until 5:00 a.m. Friday and Saturday.
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. Guardian means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. A public or private agency with whom a minor has been placed by a court.
5. Minor means any person under age 18 years of age.
6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent means a person who is:
 - a. A biological parent, adoptive parent, or step-parent of another person; or
 - b. At least 25 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain means to:
 - a. Linger or stay; or
 - b. Fail to leave premises when requested to do so by a police officer or Law Enforcement Officer or the owner, operator, or other person in control of the premises.
10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-7-4 OFFENSES

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-7-5 DEFENSES

1. It is a defense to prosecution under this Chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to *the police department or* Law Enforcement Officer about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of *KEOTA*, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of *KEOTA*, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-7-4(3) that the owner, operator, or employee of an establishment promptly notified *the police department or* Law Enforcement Officer that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-7-6 ENFORCEMENT

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

3-7-7 PENALTY, MUNICIPAL INFRACTION

The violation of this Chapter shall be a municipal infraction with penalties not to exceed those contained in the City Code.

Editor's Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See *Maquoketa v. Russell*, 484 N.W. 2nd, 179 (Iowa 1992) and *Quit v. Strauss*, 8 F2d 260 (1993)."

TITLE III COMMUNITY PROTECTION

CHAPTER 8 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

<p>3-8-1 Purpose</p> <p>3-8-2 Definitions</p> <p>3-8-3 License Required</p> <p>3-8-4 License Exemptions</p> <p>3-8-5 Processing of License Application</p> <p>3-8-6 License Fee</p>	<p>3-8-7 License Issuance and terms</p> <p>3-8-8 License Display</p> <p>3-8-9 License - Nontransferability</p> <p>3-8-10 Consumer Protection Law</p> <p>3-8-11 Bond Required</p>
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3-8-1 PURPOSE

The purpose of the chapter is to protect residents of the city against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

3-8-2 DEFINITIONS

For use in this chapter, the following terms are defined as follows:

1. A “peddler” is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. A “solicitor” is any person who solicits or attempts to solicit from house to house or upon public streets orders for commercial goods, wares, subscription, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purpose of this Chapter, “solicitor” does not include a person who contacts another person at such person’s residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or services.

3. A “transient merchant” includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business with connection with, as part of or in the same of any local merchant, dealer trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this Chapter shall not be construed to apply to persons sell at at wholesale to merchants, not to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-8-3 LICENSE REQUIRED

Any person engaging in peddling, soliciting or in the business of transient merchant in this city without first obtaining a license as herein provided shall be in violation of this chapter.

3-8-4 LICENSE EXEMPTIONS

The following are excluded from the application of the chapter:

1. Persons selling or distributing newspapers or similar tabloids;
2. Club members, of non-profit youth organizations. Members of local Boy Scouts, Girl Scouts, Campfire Girls, 4-H Clubs, Future Farmers of America, and similar organizations;
3. Students. Students representing the Keota Community School district conducting projects sponsored by organizations recognized by the school;
4. Persons selling tangible personal property or services to business enterprises; and
5. Chamber sponsored events. Farmers Market, Keota Fun Days, and other mass events sponsored by the City of Keota or Keota Unlimited or other duly incorporated nonprofit organizations.

3-8-5 PROCESSING OF LICENSE APPLICATION

An application in writing shall be filed with the City Clerk for a license under this Chapter. Such application shall set forth the applicant’s name, permanent and local address, business address if any, physical description, and valid photo identification card. 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. The application shall also include a copy of the applicant’s state sales tax license as well as evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa. An application fee of twenty-five dollars shall be paid at the time of filling, to cover the investigating the facts stated therein. There shall be no application fee for renewals within one year of the initial permitting period.

3-8-6 LICENSE FEE

The following license fees shall be paid to the City Clerk prior to issuance of any license:

Application Fee	\$25.00
Daily	\$5.00
Weekly	\$15.00
Monthly	\$30.00

3-8-7 LICENSE ISSUANCE AND TERMS

If the City Clerk finds the application is completed in conformance with Section 3-8-5 of this chapter and the facts stated therein are found to be correct, the license fee paid and investigation of an applicant's business responsibility is found to be satisfactory, a license shall be issued within three business days, excluding weekends, and holidays, after it has been filed.

3-8-8 LICENSE DISPLAY

Each solicitor or peddler shall at all times while doing business in the city keep in their possession the license provided for in Section 3-8-7 of this Chapter, and shall, upon request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display prominently and publicly the city issued license in their place of business.

3-8-9 LICENSE - NONTRANSFERABILITY

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.

3-8-10 CONSUMER PROTECTION LAW

All solicitors and peddlers shall be informed of, agree to comply with, the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-8-11 BOND REQUIRED

Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 CIGARETTE LICENSE

- 3-9-1 Definitions
- 3-9-2 Permit Required
- 3-9-3 Issuance
- 3-9-4 Expiration
- 3-9-5 Fees

- 3-9-6 Refunds
- 3-9-7 Suspension; Revocation; Civil Penalty
- 3-9-8 Permits Not Transferable
- 3-9-9 Display

3-9-1 DEFINITIONS

For use in this Chapter the following terms are defined as follows:

1. The term "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 shall not be construed to include cigars.
(Code of Iowa, Sec. 453A.1(2))

2. The term "retailer" means and includes every person in this State who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.
(Code of Iowa, Sec. 453A.1(19))

3. The term "place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.
(Code of Iowa, Sec. 453A.1(17))

3-9-2 PERMIT REQUIRED

No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of *KEOTA*, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.
(Code of Iowa, Sec. 453A.13)

3-9-3 ISSUANCE

The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-9-5.
(Code of Iowa, Sec. 453A.13(2)(a))

3-9-4 EXPIRATION

Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.13(3))

3-9-5 FEES

The fee for permits issued or renewed in July, August, or September is \$ **75.00**. The fee for permits issued in October, November, or December is \$ **56.25**; in January, February or March, \$ **37.50**; and in April, May or June, \$ **18.75**.

(Code of Iowa, Sec. 453A.13(3))

3-9-6 REFUNDS

A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$ **56.25**; in October, November, or December, for \$ **37.50**; or in January, February, or March, for \$ **18.75**.

(Code of Iowa, Sec. 453A.13(4))

3-9-7 SUSPENSION; REVOCATION; CIVIL PENALTY

1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection 6 or 453A.39, Code of Iowa, the City Council, in addition to the other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:

a. 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.

b. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars 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 paragraph.

c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty (60) days.

d. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of ninety (90) days.

e. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

f. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.2A at the time of violation. A retailer may assert only once in a four (4) year period the bar under either this subsection or subsection 4 against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

g. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the retailer provides written documentation that the employee of the retailer has completed an in-house tobacco compliance employee training program or a tobacco compliance employee training program which is substantially similar to the I Pledge program which is approximately one (1) hour in length as developed by the alcoholic beverages division of the Department of Commerce. A retailer may assert only once in a four (4) year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

3. The City Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit.

(Code of Iowa, Sec. 453A.22)

3-9-8 PERMITS NOT TRANSFERABLE

A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-9-9 DISPLAY

The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

TITLE III COMMUNITY PROTECTION

CHAPTER 10 ALCOHOLIC BEVERAGES

3-10-1 Purpose

3-10-3 Action By Council

**3-10-2 Required Obedience To Provisions
Of This Chapter And State Law**

3-10-4 Transfers

3-10-1 PURPOSE

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

(Code of Iowa, Sec. 364.1)

3-10-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW

The following Sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
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25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-10-3 ACTION BY COUNCIL

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

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

3-10-4 TRANSFERS

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

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

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 11 JUNK AND ABANDONED VEHICLES

3-11-1 Purpose	3-11-9 Notice To Abate
3-11-2 Definitions	3-11-10 Abatement By Municipality
3-11-3 Removal Of Abandoned Vehicles	3-11-11 Collection Of Cost Of Abatement
3-11-4 Notification Of Owners And Lienholders	3-11-12 Exceptions
3-11-5 Impoundment Fees And Bonds	3-11-13 Interference With Enforcement
3-11-6 Hearing Procedures	
3-11-7 Auction Or Disposal Of Abandoned Vehicles	
3-11-8 Junk Vehicles Declared A Nuisance	

3-11-1 PURPOSE

The purpose of this Chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-11-2 DEFINITIONS

For the purpose of this Chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the *Chief of Police or* Law Enforcement Officer and has not been reclaimed for a period of ten days; or

- e. Any vehicle parked on the street determined by the *Chief of Police or* Law Enforcement Officer to create a hazard to other vehicular traffic.
(Code of Iowa, Sec. 321.89(1)(b))
- 2. "Private property" means any real property within the City which is not public property as defined in this Section.
- 3. "Public property" means any public right-of-way open for the purposes of vehicular travel.
- 4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:
 - a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.
 - b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.
 - c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
 - d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.
 - e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)
- 5. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.
- 6. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles, or parts of automobiles, or iron, steel, or other old or scrap ferrous or nonferrous material.

3-11-3 REMOVAL OF ABANDONED VEHICLES

- 1. The *Chief of Police or* Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in Section 3-11-2 (1). The *Chief of Police or* Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this Chapter shall be in such areas or places designated by the City Council.
3. When a vehicle is taken into custody and impounded under the provisions of this Chapter, the *Chief of Police or* Mayor if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.
(Code of Iowa, Sec. 321.89(2))
4. Nothing in this Chapter shall govern the procedures of any police officer or Law Enforcement Officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this Chapter.

3-11-4 NOTIFICATION OF OWNERS AND LIENHOLDERS

1. When a vehicle is taken into custody under the provisions of this Chapter or under any provisions of State law, the *Chief of Police or* Mayor if the Chief of Police is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:
 - a. Describe the year, make, model, and serial number of the vehicle.
 - b. Describe the personal property found in the vehicle.
 - c. Describe the location of the facility where the vehicle is being held.
 - d. Inform the persons receiving notice:
 - (1) Of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;
 - (2) That the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
 - (3) That failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

- (4) That failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.
- e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the *Chief of Police or* Law Enforcement Officer or the assessment of fees and charges provided by this Chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-11-6.
 - f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.
 - g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-11-5.
(Code of Iowa, Sec. 321.89(3)(a))
2. The owner, lienholders or any person receiving notice may, by written request received by the *Chief of Police or* Law Enforcement Officer prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.
(Code of Iowa, Sec. 321.89(3)(c))
3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this Chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this Section. Published notice shall be used if:
- a. The identity of the last registered owner cannot be determined, or
 - b. The registration contains no address for the owner, or
 - c. It is impossible to determine with reasonable certainty the identity and address of all lienholders.
(Code of Iowa, Sec. 321.89(3)(b))
4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.
5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten day reclaiming period.
(Code of Iowa, Sec. 321.89(3))

3-11-5 IMPOUNDMENT FEES AND BONDS

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this Chapter or any other provision of law may recover such vehicle, such person shall present to the *Chief of Police or Mayor* if the Chief of Police is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:
 - a. An impoundment fee
 - b. Towing charges
 - c. Preservation charges
 - d. Storage charges
 - e. Notice charges

(Code of Iowa, Sec. 321.89(3)(a))
2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-11-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:
 - a. The fees required by Sec. 3-11-5(1)
 - b. The amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-11-6 HEARING PROCEDURES

1. The registered owner, any lien holder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to Section 1-4-1 et seq.

(Code of Iowa, Sec. 321.89(3))

3-11-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES

The *Chief of Police or* Law Enforcement Officer shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-11-8 JUNK VEHICLES DECLARED A NUISANCE

Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of *KEOTA*, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-11-9 NOTICE TO ABATE

1. Whenever the *Chief of Police or* Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of 3-11-8, *the Chief of Police or* Law Enforcement Officer shall notify, by certified mail with five-days return receipt, the following persons:
 - a. The owner of the property
 - b. The occupant of the property
2. The notice to abate shall:
 - a. Describe, to the extent possible, the year, make, model, and color of the vehicle
 - b. Describe the location of the vehicle
 - c. State that the vehicle constitutes a nuisance under the provisions of this Chapter
 - d. State that the owner of the property shall remove or repair the said junk vehicle within ten days

3-11-10 ABATEMENT BY MUNICIPALITY

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

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

3-11-11 COLLECTION OF COST OF ABATEMENT

The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-11-12 EXCEPTIONS

This Chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-11-13 INTERFERENCE WITH ENFORCEMENT

No person shall interfere in any way with the enforcement provision of this Chapter.

TITLE III COMMUNITY PROTECTION**CHAPTER 12 DRUG PARAPHERNALIA****3-12-1 Definitions****3-12-3 Prohibition****3-12-2 Exemption****3-12-1 DEFINITIONS**

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

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

3-12-2 EXEMPTION

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

3-12-3 PROHIBITION

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

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 SEX OFFENDER

AN ORDINANCE PROHIBITING SEX OFFENDERS FROM RESIDING WITHIN TWO THOUSAND FEET OF A PUBLIC PARK, PLAYGROUND OR REGISTERED DAY CARE

BE IT ENACTED by the council of the City of Keota, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to provide for the safety and well being of all citizens of Keota.

SECTION 2. Definitions. For use in this ordinance, the following terms are defined:

- A. Sex Offender. A person who has been convicted of a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor as set out in Chapter 692A of the Code of Iowa.
- B. Public Park. Any area of land owned by the City of Keota, or any other governmental entity set apart for the recreation of the public.
- C. Public Playground. Any area of land owned by the City of Keota or any other governmental entity used for outdoor games and recreation.
- D. Registered Day Care. Any registered day care facility that provides day care for children.

SECTION 3. Residency Restricted. A Sex Offender shall not reside within two thousand feet (2,000') of the real property comprising a public park, public playground, or registered day care.

SECTION 4. Municipal Infraction. A Sex Offender who resides within two thousand feet (2,000') of the real property comprising a public park, public playground, or registered day care commits a Municipal Infraction, subject to penalty as set out in Title I, Chapter 3 of the Keota City Code of Ordinances.

SECTION 5. Exceptions. A Sex Offender residing within two thousand feet (2,000') of the real property comprising a public park, public playground, or registered day care does not commit a violation of this Ordinance if any of the following apply:

- A. The Sex Offender is required to serve at a jail, prison, juvenile facility, or other correctional institution or facility.
- B. The Sex Offender is subject to an order of commitment under Chapter 229A of the Code of Iowa.

- C. The Sex Offender has established a residence prior to the effective date of this ordinance.
- D. The Sex Offender is a minor or a ward under guardianship.

SECTION 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

<p>4-1-1 Definitions</p> <p>4-1-2 Immunization</p> <p>4-1-3 At Large Prohibited</p> <p>4-1-4 Animal Nuisances</p> <p>4-1-5 Impounding</p>	<p>4-1-6 Cruelty To Animals</p> <p>4-1-7 Exhibitions And Fights</p> <p>4-1-8 Dangerous Animals</p> <p>4-1-9 Keeping A Vicious Dog Or Cat</p> <p>4-1-10 Abandonment of Cats and Dogs</p> <p>4-1-11 Bothersome Animals and Fowl</p>
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4-1-1 DEFINITIONS

For use in this Chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

4-1-2 IMMUNIZATION

All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33 and 351.34)

4-1-3 AT LARGE PROHIBITED

No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-4 ANIMAL NUISANCES

It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by excessive barking or other noise making or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.
(Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING

1. Any unvaccinated dog found at large or any dog found at large in violation of Section 4-1-3 and 4-1-4 of this Chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Owners of impounded dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.
3. Impounded unvaccinated dogs may be recovered by the owner, upon proper identification, by payment of the impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.
(Code of Iowa, Sec. 351.37)
4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.
(Code of Iowa, Sec. 351.39)
5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.
(Code of Iowa, Sec. 351.39)

4-1-6 CRUELTY TO ANIMALS

No person shall torture, torment, mutilate, cruelly beat, or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter, protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals,

whether the acts or omissions herein contemplated are committed either maliciously, willfully or negligently.

(Code of Iowa, Sec. 712.2)

4-1-7 EXHIBITIONS AND FIGHTS

No person shall arrange, promote, or stage an exhibition at which any animal is tormented, beat, injured, or killed, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

4-1-8 DANGEROUS ANIMALS

1. **Dangerous Animals Prohibited.** No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.
2. **Definitions.** A dangerous animal is:
 - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
 - b. The following are animals which shall be deemed to be dangerous animals per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
 - (2) Wolves, coyotes, and foxes;
 - (3) Badgers, wolverines, weasels, skunks, and mink;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys, chimpanzees, and apes;
 - (7) Alligators and crocodiles;
 - (8) Scorpions and gila monsters;
 - (9) Snakes that are venomous or constrictors;
 - (10) Pit bulls meaning any dog that is an American Pit Bull Terrier, American Stafforshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
 - (11) Any cross breed of such animals which have similar characteristics of the animals specified above.
 - c. Any animals declared to be dangerous by the City Council.

3. **Dangerous Animals Exceptions.** The keeping of dangerous animals shall not be prohibited in the following circumstances:
 - a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

4-1-9 KEEPING A VICIOUS DOG OR CAT

It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

4-1-10 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, Section 717.B8)

4-1-11 BOTHERSOME ANIMALS AND FOWL

1. It shall be unlawful for a person to keep within the City such bothersome animals and fowl as barking dogs, bees, cattle, horses, swine, sheep, geese, ducks, tom turkeys, roosters, chickens and any other feathered fowl that use loud vocalization such as peacocks and guinea fowl as they tend to disrupt the peace and good order of the community.
2. It shall be unlawful for a person to keep within the City more than twenty (20) female chickens, confined on their property in such a way as to not create a noise or smell nuisance to the citizens of the community.
3. All other animals not included or banned in this or other city ordinance shall be looked at on a case by case basis with a "reasonable" standard as to determining nuisance applicability.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1 Purpose	5-1-6 Contracting with Other Libraries
5-1-1 Public Library	5-1-7 Non-Resident Use
5-1-2 Library Trustees	5-1-8 Expenditures
5-1-3 Qualifications Of Trustees	5-1-9 Annual Report
5-1-4 Organization Of The Board	5-1-10 Injury to Books or Property
5-1-5 Powers And Duties	5-1-11 Theft
	5-1-12 Notice Posted

5-1-1 PURPOSE

The purpose of this chapter is to provide for the appointment of a City Library Board of Trustees, and to specify that Board’s powers and duties.

5-1-2 PUBLIC LIBRARY

The public library for the City is known as the Wilson Memorial Library. It is referred to in this chapter as the Library.

5-1-3 LIBRARY TRUSTEES

The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven (7) resident members and two (2) nonresident members. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident members are to be appointed by the Mayor with the approval of the Council.

(Code of Iowa, Sec. 392.5)

5-1-4 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.

5-1-5 ORGANIZATION OF THE BOARD

The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for four (4) years, except to fill vacancies. Each term shall commence on September first. Appointments shall be made of four (4) and/or five (5) members every two (2) years 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.

5-1-6 POWERS AND DUTIES

The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, 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. Once the library board has approved the employment and/or compensation then they must present their recommendation to the city council for final approval of the hire and/or compensation. A approval by a majority of the city council is required for the employment and/or compensation to be final.
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 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 Non-Residents. To authorize the use of the Library by non-residents 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 bill of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
(Code of Iowa, Sec. 392.5)
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, Sec. 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.

5-1-7 CONTRACTING WITH OTHER LIBRARIES

The Board shall have 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, any other city, school corporation, private or semi-private organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.
(Code of Iowa, Sec. 336.18 (1))
2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of the electors who

voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

(Code of Iowa, Sec. 336.18 (2)(a and b))

5-1-8 NON-RESIDENT 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 non-residents on the same terms and conditions as to residents of the City, or County, or upon payment of a special non-resident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to non-residents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to non-residents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to non-residents.

5-1-9 EXPENDITURES

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

(Code of Iowa, Sec. 384.2 & 392.5)

5-1-10 ANNUAL REPORT

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

5-1-11 INJURY TO BOOKS OR PROPERTY

It shall be 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)

5-1-12 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)

5-1-13 NOTICE POSTED

There shall be posted in clear public view within the Library a notice stating:

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 MUSEUM BOARD OF TRUSTEES

1. Purpose. The purpose of this chapter is to provide the appointment of a City Museum Board of Trustees, and to specify that Board's powers and duties.
2. Museum. The public museum for the City is known as the Keota Historical Museum. It is referred to in this chapter as the Museum.
3. Museum Trustees. The Board of Trustees of the Museum, hereinafter referred to as the Board, consists of seven (7) persons appointed by the Mayor with the approval of the Council.
4. Qualifications of the Trustees. All resident Trustees of the Board shall be bona fide citizens and residents of the city over the age of eighteen (18) years. All nonresident Trustees of the Board shall be bonafide citizens residing within the Keota Community School District.
5. Organization of the Board. The organization of the Board shall be as follows:
 - a. Term of Office. All appointments to the Boar shall be for four (4) years, except to fill vacancies and except for the initial Trustees, who shall be appointed to terms of two (2) or four (4) years in order to provide for staggered terms. Each term shall commence on July first. Appointments shall be made of three (3) or four (4) Trustees every two (2) years to stagger the terms.
 - b. Vacancies. The position of any resident Trustee shall be vacated if such person moves permanently from the City. The position of any nonresident Trustee shall be vacated if such person moves permanently from the Keota Community School District or into the City. The postion of any Trustee shall be deemed vacated if such Trustee is absent from three (3) consecutive regular meetings of the Board, except in the case of sickness, temporary absence from the city or just cause. The board president must be notified if Trustee will be absent from upcoming meeting for any reason. Any Trustee that is removed due to missing three (3) consecutive regular meetings shall be notified in writing. 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.
 - c. Compensation. Trustees shall receive no compensation for their services.
6. Powers and Duties. The Board shall have and exercise the following powers and duties:
 - a. Officers. To meet and elect from its membership a President, Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a Trustee.
 - b. Physical Plant. To have charge, control and supervision of the Museum, its appurtenances, fixtures and rooms containing the same.

- c. Charge of Affairs. To direct and control all affairs of the Museum.
- d. Hiring of Personnel. To employ a museum director, and authorize the museum director to employ such assistants and employees as may be necessary for the proper management of the Museum, and fix their compensation; provided, however, that prior to such employment, the compensation of the museum director, assistants and employees shall have been fixed and approved by a majority of the Board voted in favor thereof.
- e. Removal of Personnel. To remove the museum director, by two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, or incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
- f. Purchases. To select, or authorize the museum director to select, and make purchases of books, pamphlets, papers, maps, journals and other historical artifacts, as well as furniture, fixtures, and supplies for the Museum within budgetary limits set by the Board.
- g. Establish Admission and Rental Fees. To establish fees for admission to the Museum, rental rates for use of the Museum or its related facilities and other charges for services and produces offered to users.
- h. 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 Museum and the business of the Board, fixing and enforcing penalties for violations.
- i. Expenditures. To have exclusive control of the expenditure of all funds allocated for Museum purposes by the Council, and for all moneys available by gift or otherwise for the erection of Museum buildings, and of all other moneys belonging to the Museum, including admissions, fines, and rentals collected under the rules of the Board.
- j. 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 Museum; 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 Museum.
- k. 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 of the Council.
- l. Record of Proceedings. To keep a record of its proceedings.
- m. County Historical Association. To have authority to make agreements with the local county historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgement of a historical and education nature and pay for the same out of funds allocated for museum purposes.

7. Expenditures. All money appropriated by the Council for the operation and maintenance of the Museum shall be set aside in an account for the Museum. Expenditures shall be paid only on orders of the Board, signed by its President and Secretary.
8. 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 Museum, the number of artifacts added, the number of patrons served, admission fees collected, and the amount of money expended in the maintenance of the Museum during the year, together with such further information as may be required by the Council.
9. Injury to Artifacts or Property. It shall be unlawful for a person to willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole in part, any artifact or other property belonging to the Museum.
10. Theft. No person shall take possession or control of property of the Museum with the intent to deprive the Museum thereof.

Originally adopted as ordinance 245 on July 28th 2016.

EXHIBIT A

Keota Historical Museum By-Laws

This organization shall be known as the Keota Historical Museum.

Meetings:

1. Regular meeting on the 3rd Wednesday of each month at 7:00 pm at the library (subject to change for convenience of board members)
2. All meetings shall be held in accordance with Chapter 21, Open Meeting Law, and Code of Iowa.
3. A special meeting may be called by the president of any two board members. The business of the special meeting shall be limited to that stated in the call for the meeting.
4. Notice must be announced as required by law of regular meeting.
5. Notice of regular meetings and agenda must be given to board members seven days in advance.
6. The annual meeting shall be in June each year.

Quorum:

1. Five members.
2. If no quorum, bills can be approved to be paid. Voting by proxy shall not be allowed.

Agenda:

1. Includes minutes of previous meetings, financial report, approval of treasurer's report, report of museum director, old business, new business, others. "Others" must be included so that something unscheduled may be introduced or individuals, other than board members, may be allowed to speak.

Officers:

2. President, vice-president, secretary, treasurer. All transactions shall be approved by the board and submitted to the City Clerk for payment. Election of officers held last meeting of each year in June. Terms of office shall be for one year. Officers may succeed themselves in office.

3. Seven members on the board, who live in the Keota School District including Keokuk and Washington County, appointed to a 2 or 4 year term approved by the Mayor and City Council.
4. Four members reside in the City of Keota and three rural members that reside in the Keota Community School District.
5. Museum board trustees appointed after July, 2016 shall be limited to two consecutive terms. There will be 4 – 4 year terms 3 -2 year terms to be determined by lottery drawing for the first appointments only. A trustee may serve another term after being off the board for 4 years. A board trustee may resign with good cause at any time during an appointed term.
6. If a board trustee is no longer able to serve, a replacement member will be appointed by the Museum Board to serve the remainder of the term with approval from the Mayor and City Council. They can serve one more term after filling the former trustees term.
7. A board member, absent from three consecutive meetings without good cause, shall be relieved of trustee duties in writing. The museum president needs to be notified prior to the meeting of upcoming absence.
8. The board has the right to repeal or amend the by-laws by two-thirds vote.
9. Trustees shall receive no compensation for their services.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definitions	6-1-4	Emergency And Temporary Parking
6-1-2	Location Of Mobile Homes	6-1-5	Traffic Code Applicable
6-1-3	Special Permits For Location Of Mobile Homes Outside Mobile Home Parks	6-1-6	Building Permits
		6-1-7	Mobile Home Hookups

6-1-1 DEFINITIONS

For use in this Chapter the following terms are defined as follows:

1. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no State or Federal seals, and was built before June 15, 1976.

(Code of Iowa, Sec. 435.1(4))

2. "Mobile home park" shall mean any site, lot, field or tract of land upon which three or more occupied mobile homes are placed developed spaces connected to all available public utilities.

(Code of Iowa, Sec. 435.1 (5))

6-1-2 LOCATION OF MOBILE HOMES

All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This Section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS

The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of 12 months. Not more than one mobile home shall be permitted to be located on the same premises outside of mobile home parks. Any special permit issued under this section shall be invalid if the mobile home is removed for more than thirty (30) days from such location. The special

permit shall also be required for any unoccupied mobile homes located outside of mobile home parks.

Application for the permit shall include:

1. A description of the applicant's mobile home.
2. A property description of the place where the mobile home will be located.
3. The name of the property owner of the premises upon which the mobile home will be located together with the written approval from the owner of the premises where the mobile home will be located.
4. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
5. A statement concerning the practicability of location within a local mobile home park.
6. A statement of the desired duration of the special permit.

6-1-4 EMERGENCY AND TEMPORARY PARKING

Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of three days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-5 TRAFFIC CODE APPLICABLE

The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-6 BUILDING REQUIREMENTS

All mobile homes, modular homes, and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home.

(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS

A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the

mobile home dealer shall pay an inspection fee of **\$50.00** and the sewer hook-up fee. No additional permits shall be required.

(Code of Iowa, Sec. 322B.3)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 WATER SERVICE

6-2-1 Definitions	6-2-10 Tapping Mains
6-2-2 Superintendent: Appointment, Duties	6-2-11 Installation of Water Service Pipe
6-2-3 Mandatory Connections	6-2-12 Curb Stop
6-2-4 Abandoned Connections	6-2-13 Interior Stop and Waste Cock
6-2-5 Permit	6-2-14 Inspection and Approval
6-2-6 Fee for Permit and Connection Charge	6-2-15 Completion by the City
6-2-7 Compliance with Plumbing Code	6-2-16 Shutting off Water Supply
6-2-8 Plumber Required	6-2-17 Property Owner's Responsibility
6-2-9 Excavations	6-2-18 Failure to Maintain
	6-2-19 Operation of Curb Stop

6-2-1 DEFINITIONS

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

1. "Customer" means in addition to any person receiving water service from the City the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. "Superintendent" means the Superintendent of Public Utilities of the City or any duly authorized assistant, agent or representative.
3. "Water Main" means a water supply pipe provided for public or community use.
4. "Water Service Pipe" means the pipe from the water main to the building served.
5. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

6-2-2 SUPERINTENDENT: APPOINTMENT, DUTIES

The Mayor shall appoint the superintendent, who 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])

6-2-3 MANDATORY CONNECTIONS

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

6-2-4 ABANDONED CONNECTIONS

When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely water-tight.

6-2-5 PERMIT

Before any person makes a connection with the public water system, a written permit must be obtained from the superintendent. The application for the permit shall be filed with the Clerk on blanks furnished by the Clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the superintendent. The superintendent shall sign and issue the permit and state the time of issuance, if the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid. Work under any permit must be begun within six (6) months after it is issued. The superintendent may at any time revoke the permit for any violation of this chapter and require that the work be stopped.

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

6-2-6 FEE FOR PERMIT AND CONNECTION CHARGE

Before any permit is issued the person who makes the application shall pay twenty-five dollars (\$25.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspection of the work. In addition there shall be a connection charge in the amount of twenty-five dollars (\$25.00) paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84[2a])

6-2-7 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 Division 4, Plumbing Rules and Regulations, of the State Building Code.

6-2-8 PLUMBER REQUIRED

All installations of water service pipes and connections to the water system shall be made by a competent plumber.. The superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The superintendent shall

notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

6-2-9 EXCAVATIONS

All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 175.

6-2-10 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:

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 premise 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 three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top 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 Cock. A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than 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.

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

6-2-11 INSTALLATION OF WATER SERVICE PIPE

Water service pipes from the main to the meter setting shall be standard weight type K copper, one hundred forty (140) pound test P.V.C., or approved cast iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

6-2-12 CURB STOP

There shall be installed within the public right-of-way a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "w" marked thereon, visible and even with the pavement or ground.

6-2-13 INTERIOR STOP AND WASTE COCK

There shall be installed a shut-off valve and waste cock 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 and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

6-2-14 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.

6-2-15 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 superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

6-2-16 SHUTTING OFF WATER SUPPLY

After following the procedures set out in Section 6-4-5, the superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter, or valid regulation under Section 6-4-2 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.

6-2-17 PROPERTY OWNER'S RESPONSIBILITY

All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the curb stop to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe. (Amended by Ordinance No. 197)

6-2-18 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])

6-2-19 OPERATION OF CURB STOP

It shall be unlawful for any person except the water superintendent to turn water on at the curb stop.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 WATER METERS

- 6-3-1 Purpose
- 6-3-2 Water Use Metered
- 6-3-3 Fire Sprinkler Systems - Exception
- 6-3-4 Location of Meters
- 6-3-5 Meter Setting
- 6-3-6 Meter Costs
- 6-3-7 Meter Repairs
- 6-3-8 Right of Entry

6-3-1 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.

6-3-2 WATER USE METERED

All water furnished customers shall be measured through meters furnished by the City and installed by a bonded plumber at the property owner’s expense.
(Code of Iowa, Sec. 384.84[1])

6-3-3 FIRE SPRINKLERS - 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.

6-3-4 LOCATION OF METERS

All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

6-3-5 METER SETTING

The property owner shall have provided all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him.

6-3-6 METER COSTS

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

6-3-7 METER REPAIRS

Whenever a water meter owned by the City is found to be out of order the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or

negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

6-3-8 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 WATER RATES

6-4-1	Service Charges	6-4-6	Repealed
6-4-2	Rates and Service	6-4-7	Property Owner Responsible
6-4-3	Rates Outside the City	6-4-8	Lien for Nonpayment
6-4-4	Billing for Water Service	6-4-9	Customer Deposits
6-4-5	Service Discontinued	6-4-10	Temporary Vacancy

6-4-1 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 6-3. 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)

6-4-2 RATES AND SERVICE

Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. First 2,000 gallons used per month @ \$36.61 (Minimum Usage Charge).
2. For each additional 1,000 gallons used per month @ \$5.50 per 1,000 gallons. In addition to the water usage charge, there shall be added a customer charge of \$10.00 per month per customer. In no case shall the minimum monthly charge be less than \$46.61.

6-4-3 RATES OUTSIDE THE CITY

Water service shall be provided to any customer located more than 1/8 mile outside the corporate limits of the City which the City has agreed to serve at rates two hundred percent (200%) of the rates provided in Section 6-4-2. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

6-4-4 BILLING FOR WATER SERVICE

Billing and payment for water service shall be in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare, date and issue bills for water service on or before the first day of each month.
2. Bills Payable. Bills for water service shall be due and payable at the Clerk’s office by the 15th day of each month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

6-4-5 SERVICE DISCONTINUED

Water service to delinquent customers shall be discontinued in accordance with the following:
(Code of Iowa, Sec. 384.84)

1. Notice. Delinquent customers shall be sent a second billing, with the ten percent (10%) penalty added thereto, and a notice that their water service will be discontinued ten (10) days after the date of the second billing.
2. Service Discontinued. The Superintendent shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the shut off letter. The supply shall remain off for 24 hours from the time of full payment (amount of bill and reconnect/disconnect fee) during normal working days (Monday-Friday). If payment is received on Friday, then supply will be reinstated on the next normal working day.
3. Fees. If water service is discontinued, a twenty-five dollar (\$25.00) disconnection fee shall be charged. When the bill is paid and water service reinstated, an additional twenty-five dollar (\$25.00) fee shall be charged for turning the water back on.

6-4-6 PROPERTY OWNER RESPONSIBLE

As a convenience to property owners that lease or rent property to others, the City may bill lessees or tenants for charges for water delivered to a property during such rental or lease period; however, a property owner and any lessee or tenant shall have joint and several responsibility for payment of the charges and fees associated with the provision of water service to the property.

6-4-7 LIEN FOR NONPAYMENT

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)

6-4-8 CUSTOMER DEPOSIT

For every meter in service, there shall be required a required \$200.00 deposit intended to guarantee the payment of bills for water and sewer service. The deposit shall be transferable from property to property within the city limits only if the customers account is current. The deposit shall be refunded once the final bill has been paid or the remaining amount after the

final bill has been taken out of the deposit shall be refunded. Half of the deposit (\$100.00) shall be refunded if the customer hasn't been delinquent with payment for twelve (12) consecutive months.

(Code of Iowa, Sec. 384.84)

6-4-9 TEMPORARY VACANCY

A property owner may request water service be temporarily discontinued and shut off at the curb stop when the property is expected to be vacant for an extended period of time. There shall be a \$7.50 fee collected for shutting the water off at the curb stop and a \$7.50 fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 SANITARY SEWERS

6-5-1 Purpose	6-5-6 Service Outside the City
6-5-2 Definitions	6-5-7 Right of Entry
6-5-3 Superintendent	6-5-8 Owner’s Liability Limited
6-5-4 Prohibited Acts	6-5-9 Use of Easements
6-5-5 Sewer Connection Required	6-5-10 Special Penalties

6-5-1 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.

6-5-2 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 (20) degrees C., expressed in milligrams per liter or parts per million.
2. “Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
(IAC, 567—69.3[1])
3. “Building Sewer” means the extension from the building drain to the public sewer or other place of disposal.
(IAC, 567—69.3[1])
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. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
11. "Private Sewer System" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.
12. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.
13. "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
14. "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.
15. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
16. "Semi-Public Sewage Disposal System" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act.
17. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and stormwaters as may be present.

18. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
19. "Sewage Works" or "Sewage System" means all facilities for collecting, pumping, treating, and disposing of sewage.
20. "Sewer" means a pipe or conduit for carrying sewage.
21. "Sewer Rental" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
22. "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 twenty-four (24) hour concentration or flows during normal operation.
23. "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.
24. "Superintendent" means the Superintendent of Public Utilities of the City or any authorized deputy, agent, or representative.
25. "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.
26. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

6-5-3 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 Sewers chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

6-5-4 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. Downspouts. Connect a roof downspout, exterior foundation drain, area-way drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the superintendent.
4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.
(Code of Iowa, Sec. 364.12[3f])
6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.
(Code of Iowa, Sec. 364.12[3f])

6-5-5 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 Sewers chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 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—69.3[3])

6-5-6 SERVICE OUTSIDE THE CITY

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

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

6-5-7 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 Sewers 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.

6-5-8 OWNER'S LIABILITY LIMITED

While performing the necessary work on private property, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

6-5-9 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.

6-5-10 SPECIAL PENALTIES

The following special penalty provisions shall apply to violations of these Sanitary Sewers chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 6-5-4, 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 guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding one hundred dollars (\$100.00) for each violation. 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 BUILDING SEWERS AND CONNECTIONS

- | | |
|-------------------------------|---------------------------------------|
| 6-6-1 Permit Required | 6-6-6 Sewer Tap |
| 6-6-2 Plumber Required | 6-6-7 Connection Deadline |
| 6-6-3 Excavations | 6-6-8 Inspection Required |
| 6-6-4 Connection Requirements | 6-6-9 Property Owner’s Responsibility |
| 6-6-5 Interceptors Required | 6-6-10 Abatement of Violations |

6-6-1 PERMIT REQUIRED

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 superintendent in accordance with the following:

1. Application. Any person desiring to make a connection with the sewer system shall first file with the Clerk an application therefor, on blanks furnished by the City, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used.
2. Plans and Specifications. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.
3. Classes of Permits. There shall be two (2) classes of building sewer permits.
 - A. For residential and commercial service.
 - B. For service to establishments producing industrial wastes.
4. Permit Fee. The person who makes the application shall pay seventy-five dollars (\$75.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.
5. Limited Responsibility for Permit Revocation. All permits to connect with sewer shall be given upon the express condition that the Council may at any time before the work is completed revoke and annul the same and no party interested shall have a right to claim damages in consequence of any such permits being revoked or annulled.
6. Bond Required. The person performing the connection shall provide a surety bond in the minimum sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to

indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

7. Connection Charge. All applications filed after the commencement of the operation of the system shall be accompanied by a fee of seventy-five dollars (\$75.00) payable to the City, for the connection charge.

6-6-2 PLUMBER REQUIRED

Any connection to a public sewer shall be made by a plumber approved by the City. The superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewers chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

6-6-3 EXCAVATIONS

All excavations for building sewer installations shall be made in accord with the following and with the provisions of Chapter 175 where applicable:

1. Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.
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. Construction Methods. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification C12-19, except that no backfill shall be placed until the work has been inspected.
4. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.

5. Completion by the City. Should any excavation in any street or alley be left open or unfinished for a period of twenty-four (24) hours or should the work be improperly done, the superintendent shall have the right to finish or correct such work and the expense shall be charged to the property owner.

6-6-4 CONNECTION REQUIREMENTS

Any connection with a public sanitary sewer must be made under the direct supervision of the superintendent and in accordance with the following:

1. old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. installation. The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:
 - A. Four (4) inch lines: one-fourth ($\frac{1}{4}$) inch per foot.
 - B. Six (6) inch lines: one-eighth ($\frac{1}{8}$) inch per foot.
 - C. Minimum velocity: 2.50 feet per second with the sewer half full.

- D. Deviations: any deviation in alignment or grade shall be made only with the written approval of the superintendent and shall be made only with properly curved pipe and fittings.
7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code or the City plumbing code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
- A. Clay sewer pipe - A.S.T.M. C-700 (extra strength).
 - B. Extra heavy cast iron soil pipe - A.S.T.M. A-74.
 - C. Cast and ductile iron water pipe - A.S.T.M. A-377.
 - D. P.V.C. - DWV - A.S.T.M. D-2665.
 - E. Concrete sewer pipe - A.S.T.M. C-14.
10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, subject to the approval of the superintendent, and subject to the current edition of the following specific requirements.
- A. Clay sewer pipe - compression joints in accordance with A.S.T.M. C-425.
 - B. Cast iron soil pipe - A.S.T.M. A-74.
 - C. Cast and ductile iron water pipe - A.S.T.M. A-377.
 - D. P.V.C. - A.S.T.M. D-2665.
 - E. Concrete sewer pipe - A.S.T.M. C-14.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

6-6-5 INTERCEPTORS REQUIRED

Grease, oil, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, garages, and other facilities, when, in the opinion of the superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers that shall be gas-tight and water-tight.
3. Maintenance. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at the owner's expense in continuously efficient operations at all times.

6-6-6 SEWER TAP

Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property owner shall at the owner's expense install a "Y" saddle with mortar in the public sewer at the location specified by the superintendent. 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.

6-6-7 CONNECTION DEADLINE

All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days from the approval of the permit, except that when, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond the owner's control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair, an extension of time within which to comply with the provisions herewith may be granted.

6-6-8 INSPECTION REQUIRED

All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the superintendent shall be notified and the superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

6-6-9 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.

6-6-10 ABATEMENT OF VIOLATIONS

Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right—of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 USE OF PUBLIC SEWERS

6-7-1 Storm Water	6-7-5 Restricted Discharges — Powers
6-7-2 Surface Waters Exception	6-7-6 Special Facilities
6-7-3 Prohibited Discharges	6-7-7 Control Manholes
6-7-4 Restricted Discharges	6-7-8 Testing of Wastes

6-7-1 STORM WATER

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the 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.

6-7-2 SURFACE WATERS EXCEPTION

Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

6-7-3 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 BOD, Solids or Flow. Any waters or wastes having (1) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) having an average daily flow greater than two (2) percent of the average sewage flow of the City, shall be subject to the review of the superintendent. 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 (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

6-7-4 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 (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (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 thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

4. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
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 or 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 BOD, 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.

6-7-5 RESTRICTED DISCHARGES - POWERS

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-7-4 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;
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.

6-7-6 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.

6-7-7 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.

6-7-8 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 of the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 PRIVATE AND SEMI-PUBLIC SEWER SYSTEMS

- 6-8-1 When Prohibited
- 6-8-2 When Required
- 6-8-3 Compliance with State Rules
- 6-8-4 Discharge to Natural Outlets Prohibited
- 6-8-5 Maintenance of Facilities
- 6-8-6 Additional Requirements
- 6-8-7 Private Systems Abandoned
- 6-8-8 Disposal of Waste

6-8-1 WHEN PROHIBITED

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

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

6-8-2 WHEN REQUIRED

Where a public sanitary or combined sewer is not available under the provisions of Section 6-5-5, the building sewer shall be connected to a private or semi-public sewage system complying with the provisions of this chapter.

6-8-3 COMPLIANCE WITH STATE RULES

The type, capacity, location and layout of a private or semi-public sewage disposal system shall comply with all recommendations of the State Department of Natural Resources.

(IAC, 567—69.3[3])

6-8-4 DISCHARGE TO NATURAL OUTLETS PROHIBITED

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(IAC, 567—69.3[3])

6-8-5 MAINTENANCE OF FACILITIES

The owner of private and semi-public sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the City.

6-8-6 ADDITIONAL REQUIREMENTS

No statement contained In this chapter shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in an official capacity.

6-8-7 PRIVATE SYSTEMS ABANDONED

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 6-5-5, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewers chapters and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6-8-8 DISPOSAL OF WASTE

It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location in the City except in such location as may be designated by the superintendent. The rate or charge for receiving such waste shall be determined by resolution of the Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 SEWER RENTAL

6-9-1 Sewer Rental Required	6-9-6 Liability
6-9-2 Rental Rate	6-9-7 Lien for Nonpayment
6-9-3 Special Rates	6-9-8 Special Agreements Permitted
6-9-4 Private Water Systems	6-9-9 Accounting and Auditing
6-9-5 Payment of Bills	

6-9-1 SEWER RENTAL REQUIRED

Every customer shall pay to the City sewer rental fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

6-9-2 RENTAL RATE

Each customer shall pay a sewer rental based on water used each month:

1. For the first 2,000 gallons of water used, sewer rent shall be \$27.00 (Minimum Charge).
2. For the next 3,000 gallons of water used, sewer rent shall be charged at \$5.00 per 1,000 gallons.

6-9-3 SPECIAL RATES

Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer rental provided in Section 6-9-2 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

6-9-4 PRIVATE WATER SYSTEMS

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

(Code of Iowa, Sec. 384.84)

6-9-5 PAYMENT OF BILLS

All sewer rentals shall be due and payable under the same terms and conditions provided for payment for water service. The provision of Section 6-9-7 shall be used to enforce collection of delinquent sewer charge.

(Code of Iowa, Sec. 384.84)

6-9-6 LIABILITY

The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for sewer service provided said premises.

6-9-7 LIEN FOR NONPAYMENT

Sewer rental 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)

6-9-8 SPECIAL AGREEMENTS PERMITTED

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

6-9-9 ACCOUNTING AND AUDITING

The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Council shall cause an audit of the books to be made by the State Auditor or an independent auditing concern to show the receipts and disbursements of the sewer system.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9A BENEFITED SEWER DISTRICT

6-9A-1 PURPOSE

The City has determined the necessity of establishing a policy and a procedure to be utilized to recover the cost of design and construction of major sanitary sewer facilities in those instances in which a significant number of the properties to be benefited by such facilities are not sufficiently developed to permit the recovery of those costs through the special assessment process as provided in Chapter 384, Division IV of the Code of Iowa. The City hereby declares its intent to utilize connection fees, as herein provided, to recover the cost for design and construction of such major sanitary sewer facilities from property owners who connect to such facilities subsequent to their construction.

6-9A-2 INTENT

It is the intent of this chapter to set forth the method of recovery of proportional cost shares from those property owners who connect their properties to major sanitary sewer facilities subsequent to their construction, so that in the event that all property, other than street and road right-of-way, which lies within the benefited district is connected to the major sanitary sewer facilities during their expected useful life, then those properties shall bear, in the aggregate, up to 100 percent of the cost to design and deconstruction of such facilities, including legal, administrative, and interest expenses associated therewith.

6-9A-3 PROCEDURE

1. In the event the Council determines the necessity for construction of a major sanitary sewer facility, and determines that the utilization of a connection fee is the most equitable manner in which to recover the City's costs associated therewith, the Council shall cause a "Notice of Public Hearing on the Proposed Adoption of an Ordinance to Establish a Benefited District and a Connection Fee Schedule" to be published in a newspaper of general circulation within the City as hereafter provided. In addition to indicating the date, time, and place of the public hearing, the notice shall:
 - a. Indicate the nature and extent of the major sanitary sewer facility or facilities under construction, as well as the estimated cost or costs of the design and construction of same;
 - b. Identify by general description the proposed benefited district to be served by the major sanitary sewer facility or facilities; and
 - c. Set forth the proposed yearly schedule of connection fees to be paid by property owners within the benefited district who connect to said facilities, expressed in dollars per acre of land area served.

The notice shall also state that the proposed connection fee ordinance is on file, along with a service area map of the area to be served, and both are available for public inspection in the office of the Clerk. The notice shall be published not more than 45 days and not less than 20 days prior to the scheduled date of the public hearing, and shall be mailed to each property owner within the benefited district as shown by the records of the County Auditor.

2. At the public hearing, the owners of the property within the proposed benefited district shall be heard and may offer comments or objections as to:
 - a. The necessity for the project;
 - b. The calculations of the area benefited by the proposed major sanitary sewer facilities
 - c. The estimated cost of the proposed facilities
 - d. The proposed per acre connection fee; and
 - e. The graduated yearly connection fee schedule.
3. Upon concluding the hearing, the Council shall rule upon the objections presented during the hearing and may consider the adoption of the proposed connection fee ordinance. Upon consideration of the proposed connection fee ordinance, the council may:
 - a. Adopt the ordinance as proposed;
 - b. Delete elements or portions of the proposed major sanitary sewer facilities from the proposed project and the properties served thereby from the benefited district proposed; or
 - c. Amend the ordinance to revise the connection fee schedule.
4. The connection fee ordinance may provide, at the Council's discretion, that single family residences within the benefited district, in existence or under construction upon the effective date of the ordinance, and located within the corporate limits of the City, are eligible for connection to the major sanitary sewer facility. In that event, the ordinance shall include the following provisions:
 - a. That the owners of residences on parcels of less than one acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, payment of the connection fee for the parcel, and construction, at the owners expense, of appropriate connection structures, as determined necessary by the Public Works Director.

- b. That the owners of residences on parcels in excess of one acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, subdivision of said parcel into a residence parcel, and construction, at the owners expense, of appropriate connection structures, as determined necessary by the Public Works Director.
- c. The Connection fee ordinance may also provide, at the Council's discretion, that sanitary sewer service can be provided to recreational and park facilities in the same manner and under the same procedures set forth in this section for single family residences within the benefited district.

All other property located within the corporate limits of the City and within a benefited district shall be eligible for connection to the major sanitary sewer facility upon approval of an application for connection by the owner thereof, as hereafter provided, and payment of the connection fee for such property, provide such property has been appropriately subdivided for development, and, where applicable, all sanitary sewer improvements necessary to serve said property have been constructed, at the owners expense, and accepted by the City.

5. After adoption, publication and recording by the Clerk of the a connection fee ordinance for a benefited district, all owners of those properties within the benefited district whose properties are eligible for connection, and who propose to connect such properties directly or indirectly to the major sanitary sewer facility, shall make application to the City for such connection. The submitted of construction plans to the City for sanitary sewer improvements on property being subdivided for development shall constitute an application to the City for purposes of this chapter. The sewer connection fee shall be due and payable at the time application is made to the City for connection to the major sanitary sewer facility. No connection shall be made to a major sanitary sewer facility until such application has been approved and until the required connection fee has been paid. The sewer connection fee shall be paid before the City will approve the final plat of property subject to the sewer connection fee.
6. The sewer connection fee shall be in an amount equal to the maximum acre area of contiguous property, or faction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per acre connection fee established in the connection fee ordinance for that benefited district. The connection fee ordinance may provide for a graduated connection fee, with annual interest adjustments, such that property owners who connect in later years pay interest on the connection fee established in each benefited district shall not exceed the rate of interest applicable to special assessments pursuant to Chapter 74A and Section 384.60(3) of the Iowa Code in effect on the date that the connection fee established for that district by enactment of a connection fee ordinance.

7. The sewer connection fee required by this chapter shall be due and payable to the City Clerk and is in addition to, and not in lieu of, any other fees for connection required under the plumbing code or other provisions of this Code of Ordinances.
8. In the event any property owner connects his or her property within a benefited district to a major sanitary sewer facility without having made application therefor or without having received approval thereof or without having paid the required connection fee established by a connection fee ordinance, the City shall be entitled to disconnect such private sewer connection until such time as the property owner has made and received approval of his or her application, and/or has paid the required connection fee.
9. The terms set forth in this Section 6-9A-3 shall constitute the default method of establishing the appropriate connection fee for a benefited sewer district. However, the council may establish by ordinance another method of establishing appropriate connection fees within a specific benefited district so long as said method complies with requirements of Iowa Code Section 384.38.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9B EAST BROADWAY SEWER CONNECTION FEE DISTRICT

AN ORDINANCE ESTABLISHING THE EAST BROADWAY SANITARY SEWER CONNECTION FEE DISTRICT OF KEOTA, IOWA,

BE IT ENACTED by the City Council of the City of Keota, Iowa:

SECTION 1: It is the finding of the council of the City of Keota that the provisions of Chapter 9A notwithstanding, the lots and properties proposed to be connected within the proposed East Broadway Benefited Sewer District are largely developed at this time. The properties consist of three residential lots and three businesses. The anticipated utilization of the proposed customers are anticipated to be roughly equal and therefore the connection fees for all customers will be set at equal amounts instead of based upon lot areas as is established by default under Chapter 9A.

SECTION 2: That the East Broadway Benefited Sewer District be added to the Code of Ordinances of the City of Keota, Iowa as follows:

1. The East Broadway Sanitary Sewer Connection Fee District is hereby established, consisting of lots in Keokuk County, Iowa and lots in Washington County, Iowa, see Exhibit A.
2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the East Broadway Sanitary Sewer Connection Fee District, at the time of application to connect their properties to said sewer facilities as follows:
 - a. From the effective date of Chapter 9B, a connection fee of \$5,000.00 per lot of property served by sewer facilities shall be imposed. Beginning with connections made on or after January 1, 2015, the fee shall be set forth in table in Exhibit B.
 - b. The above-established connection fee schedule shall also apply to any properties outside the East Broadway Sanitary Sewer Connection Fee District which use or derive benefit from any of the sewer facilities constructed for East Broadway Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.
 - c. Such fee will be applied to any property that shall be served by the East Broadway Sanitary Sewer Connection Fee District in the future with an increase in the fee by four percent (4%) starting January 1, 2015. The four percent (4%) increase shall be applied on the 1st day of January for the next 20 years.

- d. The above-established connection fee schedule shall not apply to any properties within the East Broadway Sanitary Sewer Connection Fee District which do not use or derive benefit from any sewer facilities constructed for the East Broadway Sanitary Sewer Connection Fee District.
 - e. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recording, or issuance of a building or plumbing permit, whichever occurs first.
 - f. Any single family residence existing or under construction upon the effective date of Chapter 9B, located upon a parcel in excess of one lot may apply for connection upon annexation to the City. Any future development of said lot shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.
 - g. The owner of any lot being used as a public or nonprofit recreational or park facility upon the effective date of Chapter 9B may apply for connection upon annexation to the City and payment of a single lot connection fee. Any future development of said lot shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.
3. Effect of Schedule. The above-established connection fee schedule shall remain in force and effect until such a time that the City Council for the City of Keota adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the East Broadway Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict City Council from appropriate adjustment of the connection fee schedule to reflect future construction cost.

EXHIBIT A**KEOKUK COUNTY**

Mulberry Lane Investments, LLC – KOCK-039400

A parcel of land in the Town of Keota located in the Northeast Quarter of Section 25, Township 76 North, Range 10 West, Keokuk County, Iowa, described below as follows:

Commencing at a point on the centerline of the Chicago, Rock Island and Pacific Railroad Company's main track, 329 feet west of the point where said centerline intersects the east line of the Northeast Quarter of said Section 25; thence North a distance of 95 feet to the point of beginning; thence continuing north a distance of 133 feet; thence westerly and parallel with the centerline of said main track a distance of 70 feet, thence southerly at right angles a distance of 133 feet to a point 95 feet northerly of as measured perpendicular to the centerline of said main track; thence easterly parallel with and 95 feet northerly of the centerline of said main track a distance of 70 feet, more or less, to the point of beginning.

Mulberry Land Investments, LLC – KOCOK-026050

ABANDONED RAILROAD RIGHT-OF-WAY of KE-WASH RAILROAD CO. situated in the corporate limits of the City of Keota, Iowa, and referred to as Parcel 026050 on the tax records of Keokuk County, Iowa, and more particularly described as follows:

A part of the former Chicago, Rock Island, and Pacific Railroad Company's Depot Grounds located in the Northeast Quarter of the Northeast Quarter of said Section Twenty-five, Township Seventy-six North, Range Ten West of the 5th P.M., in the City of Keota, Keokuk County, Iowa, and more particularly described as follows:

Commencing at a point on the centerline of the former Chicago, Rock Island, and Pacific Railroad Company's main track 329 feet West of the point where said centerline intersects with the East line of the Northeast Quarter of said Section Twenty-five, thence North a distance of 228 feet more or less, thence westerly and parallel with the centerline of said main track a distance of 70 feet more or less, to the point of beginning, thence westerly and parallel with the centerline of said main track a distance of 92 feet more or less, thence southerly at right angles a distance of 133 feet more or less to a point 95 feet northerly of as measured perpendicular to the centerline of said main track, thence easterly parallel with and 95 feet northerly of the centerline of said main track a distance of 92 feet more or less thence Northerly ad distance of 133 feet more or less to the point of beginning.

Sigourney Ready Mix – KOCK-045300

A tract of land in the Northeast Quarter of Section 25, Township 76 North, Range 10 West in the Town of Keota, County of Keokuk, State of Iowa, is described as follows:

Commencing at point of intersection of the south line of Broadway Street with the east line of Hamilton Street; thence southerly along last said street line 203 feet to a line being 25 feet northerly of an parallel with the centerline of the Chicago, Rock Island, and Pacific Railroad Company's main track; thence easterly along said parallel line 130 feet to the point of beginning; thence northerly at right angles 70 feet more or less, to the centerline of the Railroad Company's spur track; thence easterly along centerline of said spur track 229 feet, more or less, to the easterly line of the Railroad Company's station grounds; then southerly along last said easterly line 45 feet to a line being 50 feet northerly of sand parallel with said Railroad Company's main track; thence easterly along last said parallel line 296 feet the westerly line of County Road; thence southerly along westerly line of said County Road 25 feet to a line being 25 feet northerly of and parallel with said Railroad Company's main track; thence westerly along last said parallel line 525 feet, more or less, to the point of beginning.

Grantor reserves unto itself, its successors and assigns, railroad track and an easement for railroad right of way and clearance of railroad equipment on, over and across that portion of the above described premises lying northerly of a line 10 feet southerly of an parallel with the centerline of Grantor's existing spur track immediately northerly of the premises herein conveyed, as track is now located or as may hereafter be located, for so long as required for Grantor's purposes. Existing nonrailroad structures or portions thereof, to the extent same are within the easement area, shall not be rebuilt if substantially damaged or destroyed; and no new nonrailroad structures shall be permitted within the easement area.

Ideal Ready Mix Co Inc. – KOCOK-026060

Commencing at the intersection of the east line of Section 25 T-76N R10W and the centerline of the Chicago, Rock Island, and Pacific Railroad Company's main track; thence west 33.00 feet to the point of beginning; thence west 530.10 feet; thence north 25 feet; thence east 530.10 feet; thence south 25 feet to the point of beginning and containing 0.30 acre.

James Tinnes and Kimberly Tinnes – KOCOK-031600

Beginning at the Northeast Quarter of the Mill Lit situated in the Northeast Quarter of Section 25, Township 76 North, Range 10 West of the 5th Principal Meridian, City of Keota, Keokuk County, Iowa, thence S90°00'00" W, 179.00 feet; thence S0°02'00" W, 130.00 feet to the Northerly Right of Way line of the former Chicago, Rock Island and Pacific Railroad spur track; thence Southerly, along said former Right of Way line, 181.44 feet along a 1647 foot radius curve, concave southwesterly, whose 181.35 foot chord bears S80°55'00" E; thence N0°00'00" E, along the East line of said Mill lot, 158.63 feet to the Point of Beginning.

WASHINGTON COUNTY

Winfield Solutions, LLC – 05-30-101-004

The following described real estate situated in the County of Washington, State of Iowa to-wit:

Beginning at the Southeast corner of Lot C-1, according to the plat of survey of a Portion of Lot C of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 30, in Township 76 North, Range 9 West of the 5th Principal Meridian, recorded in Plat Book 3, Page 311, Office of the Recorder of Washington County, Iowa; thence N 89°57'30" E 474.00 feet; thence S 00°00'00" W 264.00 feet, to the Northerly right of way of the Ke-Wash Railroad, Inc. (formerly Chicago, Rock Island, and Pacific Railroad); thence N 89°52'10" W along said northerly right-of-way line 675.00 feet to a point on the West line of said Section 30, at the Southwest corner of Lot C-3, in accordance with said plat of survey of a portion of Lot C of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 30, recorded in Plat Book 3, page 311, Office of the Recorder of Washington County, Iowa; thence N 0°00'00" E along said West line 177.12 feet to the Southwest corner of Lot C-2, which is 1042.00 feet S 0°00'00" W of the Northwest corner of said Northwest Quarter of Section 30 in accordance with said plat of survey of a portion of Lot C of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 30, recorded in Plat Book 3, page 311; thence N 90°00'00" E, along the South line of said Lot C-2, 201.00 feet, to the Southeast corner of said Lot C-2; thence N 0°00'00" E, along the East line of said Lot C-2, 85.00 feet to the point of beginning.

And

Commencing at a point 1269.38 feet South of the N.W. corner of Section 30 T76-N R9W of the 5th P.M., Washington County, Iowa, which is also the centerline of the abandoned Chicago, Rock Island, and Pacific Railroad, thence East 500.00, then North 50.00, thence West 500.00 feet, thence South 50.00 feet to the point of beginning and containing 0.57 acre subject to highway and Kewash trail easements.

Cynthia C. Detweiler – 05-30-101-003

Lot C-2. Commencing at the Northwest Corner of Section Thirty (30), Township Number Seventy-six (76) North, Range Nine (9) West of the Fifth (5th) Principal Meridian, thence South 957 feet to the West Section Line of Section 30, Township 76 North, Range 9 West of the 5th Principal Meridian, to iron pin, the Point of Beginning, thence 201 feet East along fence line to iron pipe, thence South 85 feet along fence to iron post, thence West 201 feet to iron pin on West Section line of Section 30, Township 76 North, Range 9 West of the 5th Principal Meridian, then North 85 feet on aforesaid Section Line to the point of beginning; all in Washington County, Iowa; as shown by Plat recorded in Plat Book 3, page 311, in the office of the Recorder of Washington County, Iowa.

Randy Tarrence and Cindy Tarrence – 05-30-101-002

Lot C-1 as shown by plat recorded in Plat Book 3, page 311, in the office of the County Recorder of Washington County, Iowa, and which is more particularly described as:

Commencing at the Northwest corner stone of Section 30, Township 76 North, Range 9 West of the 5th P.M., thence South 851.25 feet on the west section line of said Section 30, to iron pin, the point of beginning, thence East 201 feet along fence to iron pipe, thence South 107.0 feet to iron pipe, thence West 201 feet along fence to iron pin on west Section line of said Section 30, thence North 105.75 feet along aforesaid section line to point of beginning; in Washington County, Iowa.

EXHIBIT B

Connection Dates	Connection Fees
January 1, 2015 to December 31, 2015	\$5,200.00
January 1, 2016 to December 31, 2016	\$5,400.00
January 1, 2017 to December 31, 2017	\$5,600.00
January 1, 2018 to December 31, 2018	\$5,800.00
January 1, 2019 to December 31, 2019	\$6,000.00
January 1, 2020 to December 31, 2020	\$6,200.00
January 1, 2021 to December 31, 2021	\$6,400.00
January 1, 2022 to December 31, 2022	\$6,600.00
January 1, 2023 to December 31, 2023	\$6,800.00
January 1, 2024 to December 31, 2024	\$7,000.00
January 1, 2025 to December 31, 2025	\$7,200.00
January 1, 2026 to December 31, 2026	\$7,400.00
January 1, 2027 to December 31, 2027	\$7,600.00
January 1, 2028 to December 31, 2028	\$7,800.00
January 1, 2029 to December 31, 2029	\$8,000.00
January 1, 2030 to December 31, 2030	\$8,200.00
January 1, 2031 to December 31, 2031	\$8,400.00
January 1, 2032 to December 31, 2032	\$8,600.00
January 1, 2033 to December 31, 2033	\$8,800.00
January 1, 2034 to December 31, 2034	\$9,000.00
January 1, 2035 to December 31, 2035	\$9,200.00

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 SOLID WASTE CONTROL

<p>6-10-1 Purpose</p> <p>6-10-2 Definitions</p> <p>6-10-3 Governing Ordinances and Statutes</p> <p>6-10-4 Solid Waste Transporter</p> <p>6-10-5 Solid Waste Collection</p> <p>6-10-6 Solid Waste Containers Required</p> <p>6-10-7 Solid Waste Deposited in Containers</p> <p>6-10-8 Separation of Solid Waste Required</p> <p>6-10-9 Refuse and Garbage Collection</p> <p>6-10-10 Recycling Collection Kits</p> <p>6-10-11 Yard Waste Collection</p>	<p>6-10-12 Appliances, Tires, Bulky Rubbish, Hazardous Waste, Lead Acid Batteries, Waste Oil and Waste Gasoline</p> <p>6-10-13 Location of Solid Waste Containers</p> <p>6-10-14 Collection Locations</p> <p>6-10-15 Withholding of Service</p> <p>6-10-16 Nuisance</p> <p>6-10-17 Collection Fees</p> <p>6-10-18 Certification of Unpaid Fees and Charges</p> <p>6-10-19 Prohibited Acts</p> <p>6-10-20 Penalties</p>
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6-10-1 PURPOSE

The purpose of this chapter is to provide for the collection and disposal of solid waste from residential households in the City, to define and classify solid waste, to provide a method for setting fees and charges, to provide for the enforcement of the provisions of this chapter and to provide penalties for the violation thereof.

6-10-2 DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

1. "Appliances" means machines common to household use, and includes refrigerators, stoves, microwave ovens, dishwashers, clothes washers and dryers, water heaters, furnaces, air conditioners, dehumidifiers, television sets, stereo systems, lawn mowers, vacuum cleaners, video cassette recorders, radios and any other devices used in the home that contain either a gasoline engine or an electric motor.
2. "Approved landfill" means a site approved by the Department of Natural Resources of the State of Iowa as a landfill for the deposit of solid waste.
3. "Building waste materials" means waste material from the construction, destruction or demolition of residential, commercial, industrial or farm buildings or structures, except brick and foundation materials.

4. "Bulky rubbish" means nonputrescible refuse consisting of combustible and noncombustible waste materials which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles by solid waste collectors.
(IAC, 567—100.2)
5. "Can" means an airtight container usually cylindrical in shape and made of tin, iron or aluminum in which food, beverages, liquids, powders and other materials are stored and preserved. Any object generally considered a can by the general population is included in this definition.
6. "Contractor" means the person or other entity with whom the City contracts for the collection and transportation of solid waste.
7. "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial or agricultural business located upon any premises including premises used in whole or in part as a dwelling.
8. "Disposable solid waste container" means disposable plastic or paper sacks, approved by the City, specifically designed for the storage of solid waste and to be used for the disposal of residential solid waste.
9. "Dwelling" means a building which is wholly or primarily used for residential purposes, including such activities as sleeping, cooking and eating meals.
10. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single unit possessing facilities which are used or are intended to be used for living, sleeping, cooking or eating of meals.
11. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.
12. "Glass" means any of the large class of materials with highly variable mechanical and optical properties that solidify from the molten state without crystallization, that are typically based of silicon dioxide, boric oxide, aluminum oxide or phosphorus pentoxide, that are generally transparent or translucent which are formed into containers in which food, beverages, liquids, powders and other materials are stored or preserved. Any object generally considered glass by the general population is included in this definition.
13. "Hazardous wastes" means all pathological and explosive wastes, pesticides, toxic radioactive materials and those wastes included by definition in Chapter 455B.411(4a) of the Code of Iowa, the regulations of the Department of Natural Resources, and any federal law or regulation. Also included in this definition are

any cans or containers of any kind which have been used to store or transport an item defined as a hazardous waste.

14. "Litter" means the discarding, depositing or dumping of paper, rubbish, plastic, cans, bottles, bags, food, beverages or other solid waste materials in the City in any manner or location other than as designated herein for collection.
15. "Occupant" means any person who alone or jointly with others is in actual possession of any premises, whether as owner, landlord, tenant, resident or operator. Possession includes both permanent and temporary control of the premises.
16. "Operator" means any person, including any agent, fiduciary or representative thereof, who occupies, possesses, uses or controls property within the City.
17. "Owner" means any person possessing right, title and interest to any real or personal property, whether it be legal, equitable, by contract, by sale or by deed.
18. "Paper" means then sheet material made of cellulose pulp, derived mainly from wood, rags and certain grasses, processed into flexible leaves or rolls by deposit from an aqueous suspension, and used chiefly for writing, printing, drawing, wrapping and covering walls. Any object generally considered paper by the general population is included in this definition.
19. "Plastic" means any of various complex organic compounds produced by polymerization, capable of being molded, extruded or cased into various shapes and films or drawn into filaments used as textile fibers and lines and ropes and includes such materials formed into containers for the storage or preservation of food, beverages, liquids, powders or other materials. Any object generally considered plastic by the general population is included in this definition.
20. "Premises" means any real property, including but not limited to buildings and improvements whether intended for residential, commercial, industrial or other use.
21. "Processing" means bailing, compacting, composting, incinerating, recycling, separating and shredding, together with all other activities whereby solid waste is either modified or its quantity is reduced to facilitate disposal.
22. "Recycling" means any process by which solid waste is collected, separated, processed and returned to use in the form of raw materials or products. Recycling includes the composting of yard waste, but does not necessarily involve energy recovery.

23. "Recyclable" means any solid waste that is capable of and designated for recycling by the City.
24. "Refuse" means all solid waste not required to be recycled, and includes garbage.
25. "Residence" means the same as dwelling.
26. "Resident" means a person who lives in and occupies a dwelling or residence within the City.
27. "Residential solid waste" means solid waste resulting from the maintenance and operation of residences.
28. "Responsible party" means any person who is issued an S account for or is furnished sewer or solid waste service in the City. This includes all persons of legal age occupying a residence which is furnished sewer or solid waste service and if more than one person is listed on an account, includes all persons listed. The owner of a residence is also considered a responsible party of the premises.
29. "Solid waste" means any unwanted or discarded material in a solid or semisolid state, including but not limited to garbage, ashes, refuse, yard waste, appliances, special waste, demolition and construction wastes, whether from agricultural, residential, commercial or industrial operations.
30. "Solid waste disposal" means the process of permanently removing solid waste from the City.
31. "Special waste" means solid waste that is required by State or federal regulations to be handled or processed in a special manner prior to disposal.
32. "Storage" means the keeping and maintaining of waste material prior to collection and removal by the contractor.
33. "Transportation" means the conveying of solid waste from the place of collection or processing to a landfill or other disposal site.
34. "Yard waste" means mowed grass, leaves, tree stumps, cuttings from trees or shrubs, the fallen branches or trunks of trees or shrubs, weeds, discarded flowers, garden plants, ground cover or other plantings and debris from lawns or gardens.

6-10-3 GOVERNING ORDINANCES AND STATUTES

Provisions of this chapter shall govern the management of solid waste collection and disposal within the City. In the event that any provision of this chapter is in conflict with any federal,

State or County statute or regulation, the provision that is the most restrictive shall be applied unless to do so would be contrary to State law.

6-10-4 SOLID WASTE TRANSPORTER

No person shall engage in the business of transportation of solid waste from residences in the City without first being awarded a contract duly authorized by the City. No person shall engage in the business of transportation of nonresidential solid waste, building demolition materials, bulky rubbish, hazardous wastes, commercial solid waste or special waste from the City without first being awarded a valid annual permit from an approved landfill which allows the permit holder to dispose of solid waste in the approved landfill. Nothing contained in this section shall prohibit a resident, owner, operator or occupant from transporting his or her own solid waste to an approved landfill. Nothing contained in this paragraph shall be deemed to allow any person to transport solid waste in violation of any federal, State, County or other statute or regulation.

6-10-5 SOLID WASTE COLLECTION

1. Residential Premises. The City will provide solid waste collection for all units within the City as hereinafter provided. Such collection shall be provided on a regular basis at least once a week unless prevented by calamity or weather. Solid waste which shall be collected as a part of regular residential collection shall include refuse, garbage, recyclable waste and yard waste. Appliances, tires and bulky rubbish shall be collected only by making prior arrangements with the contractor, and shall be paid for by the responsible party directly to the contractor. The City will not be responsible for the collection of any of the following solid waste from any dwelling or residence: hazardous waste, building waste materials, commercial solid waste, special waste, lead acid batteries, waste oil, waste gasoline, any substance or material determined to be hazardous or otherwise unacceptable for collection.
2. Commercial Premises. The owner of commercial premises shall be responsible for the collection and transportation of all of the commercial solid waste resulting from any operation on such premises.
3. Governmental. Premises. Governmental entities which own or lease premises in the City shall be responsible for the collection and transportation of all solid waste resulting from the operation on said premises.

6-10-6 SOLID WASTE CONTAINERS REQUIRED

The resident, owner, operator or occupant of every premises, whether residential, commercial, industrial, agricultural or governmental, shall provide solid waste containers of sufficient size, number and quality for the adequate storage of solid waste. Any solid waste container that

leaks, is unduly unsanitary or is otherwise inadequate, need not be handled by the contractor, or may be collected and disposed of as solid waste.

6-10-7 SOLID WASTE DEPOSITED IN CONTAINERS

The resident, owner, operator or occupant of very premises shall place all solid waste in proper containers except as otherwise provided in this chapter and shall maintain such solid waste containers. Containers are not required for appliances, tires, tree and brush limbs, tree stumps and bulky rubbish.

6-10-8 SEPARATION OF SOLID WASTE REQUIRED

All residential solid waste to be collected by the City contractor shall be separated by the resident, owner, operator or occupant into the following waste categories:

1. Refuse and garbage
2. Yard waste
3. Recyclable glass
4. Recyclable paper
5. Recyclable plastic
6. Recyclable cans
7. Hazardous wastes
8. Bulky rubbish
9. Appliances
10. Waste oil, waste gasoline and lead acid batteries
11. Tires

All residents of the City shall be deemed to be on notice of the designations of the City and the provisions of this chapter regarding solid waste collection and disposal.

6-10-9 REFUSE AND GARBAGE COLLECTION

Classifications of solid waste are as follows:

1. Yard waste includes leaves, grass clippings, wood ash, saw dust, garden waste, and brush tied in four (4) foot bundles or smaller with a maximum weight of forty (40) pounds per bundle.
2. Recyclable glass includes clear glass, brown glass, blue glass and green glass. All clear glass is to be placed in the appropriate container of the recycling kit. All brown glass, blue glass and green glass shall be placed in a bag and set on top of the recycling cart. All glass shall be rinsed and clean. Lids shall be removed. Labels may remain on the containers. The containers are not to be broken.

3. Recyclable paper includes newspaper, telephone books, lightweight cardboard, cereal boxes, cracker boxes and similar items. These items are to be placed in the paper container in the recycling kit. All plastic liners are to be removed. The paper is to be kept clean and dry. Recyclable paper also includes corrugated cardboard. The cardboard must be flattened, stacked and tied in small bundles and placed on top of the recycling kit.
4. Recyclable plastic includes food and beverage containers, detergent containers, shampoo bottle containers and other similar items with the numbers 1, 2, 4, 5 and 7 showing on the bottom of the container within the recycling triangle symbol. Recyclable plastic does not include oil or anti-freeze containers. All plastic containers are to be rinsed and clean. All lids are to be removed. Labels may remain on the containers.
5. Recyclable cans include all food and beverage cans, aluminum foil, TV dinner trays and pie tins. All items are to be rinsed and clean.
6. Hazardous waste shall include, but is not limited to, pathological waste, explosive waste, pesticides, toxic radioactive materials and those wastes included by definition in the Code of Iowa, Section 455B.41 I(4)(a) and any waste defined as such in the regulations of the Department of Natural Resources and any Federal law or regulation. Also included in this definition are any cans or containers of any kind which have been used to store or transport an item defined as hazardous waste.
7. Bulky waste shall mean nonputrescible refuse consisting of combustible and noncombustible waste materials which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors.
8. Appliances shall mean machines common to household use and shall include refrigerators, stoves, microwave ovens, dishwashers, clothes washers and dryers, water heaters, furnaces, air conditioners, dehumidifiers, humidifiers, television sets, stereo systems, lawn mowers, vacuum cleaners, video cassette recorders, radios, computers and monitors, and any other devices used in the home that contain either a gasoline engine or an electric motor.
9. Refuse and garbage shall mean putrescible animal or vegetable waste resulting from handling, preparation, cooking, service or the consumption of food and all other solid waste not required to be recycled or re-used under the terms of section and not included in any other classification of this section.
 - A. All refuse and or non-recyclable solid waste that has been deemed non-recyclable must be placed in a specially printed bag that is purchased specifically for the purpose of landfill disposal.

- B. The specially printed plastic bags will be available in two (2) sizes. The thirteen (13) gallon bag will be sold at retail for ten dollars and seventy-five cents (\$10.75) for a package of ten (10) and will have a twenty pound weight limit. The thirty (30) gallon bag will be sold at retail for sixteen dollars and fifty cents (\$16.50) for a package of ten (10) and will have a forty (40) pound weight limit. Any materials placed in any other container for landfill disposal will not be collected and there will be no provision for any “first bag free” at any time by any person.
 - C. Increases in the retail price of landfill destined bags are directly related to the tipping fees at the participating landfill. If the tipping fees at the participating landfill increase five dollars (\$5.00) per ton, the smaller 13 gallon bag will increase five cents (\$.05) each and the larger 30 gallon bag will increase ten cents (\$.10) each. The benchmark used for the current retail price of bags is twenty-five dollars (\$25.00) per ton of landfill materials.
10. The Keota City Council may, at their discretion, modify this section as the definitions of solid waste disposal and recycling characterized by Federal, State, County, or local laws and rules and regulations may demand.

6-10-10 RECYCLING COLLECTION KITS

All recyclable waste to be collected by the contractor after the effective date of this chapter shall be stored in a recycling kit provided by the City for each dwelling unit. Each residential recycling kit shall consist of four receptacles and a cart for holding the receptacles. The responsible party of the dwelling unit shall be responsible for upkeep and maintenance of the residential recycling kit and if a kit is damaged, normal wear and tear excluded, will be liable to the contractor for the cost of replacement. All recyclable waste shall be deposited in the appropriate receptacle in the residential recycling kit. Periodically, when residential recycling kits are deemed no longer satisfactory for use, said kits will be replaced at no charge to the responsible party.

6-10-11 YARD WASTE COLLECTION

All yard waste, except tree and brush limbs and stumps, to be collected by the contractor after the effective date of this chapter shall be sorted in an approved disposable solid waste container available for purchase at such locations and prices as are determined by the Council. Tree and brush limbs and stumps shall be collected as bulky rubbish. Tree and brush limbs and stumps created by commercial tree service operations or by the clearing of real estate for construction shall not be collected by the contractor as part of the service provided by the City. Tree and brush limbs and stumps in order to be collected as bulky rubbish shall measure less than four (4) inches in diameter and shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter. The weight of an individual bundle shall not exceed sixty (60) pounds. Each bundle must have secured to it a tag, specified as a Brush Tag,

which will be available for purchase at such locations and prices as are determined by the Council.

6-10-12 APPLIANCES, TIRES, BULKY RUBBISH, HAZARDOUS WASTE, LEAD ACID BATTERIES, WASTE OIL AND WASTE GASOLINE

Appliances, tires, bulky rubbish, hazardous waste, lead acid batteries, waste oil and waste gasoline which are discarded from use at residential premises shall be collected only upon prior arrangement with the contractor. The resident, owner, operator or occupant shall be responsible for payment for the collection and disposal of such appliances, tires, bulky rubbish, hazardous waste, lead acid batteries, waste oil and gasoline.

6-10-13 LOCATION OF SOLID WASTE CONTAINERS

Solid waste containers including disposable containers and recyclable kits shall be kept on the private property of the resident, owner, operator or occupant prior to the day collection is to take place. No solid waste containers, whether disposable or not, shall be kept on public property, except for solid waste containers owned by the City.

6-10-14 COLLECTION LOCATIONS

All residential solid waste containers including yard waste containers, bundled tree limbs and brush, and recyclable waste kits, shall be placed for collection at the curb or property line adjacent to the City street. Containers shall be placed at the curb or property line prior to seven o'clock (7:00) a.m. on the morning of the regularly scheduled collection day. Containers may be placed at the curb or property line no earlier than five o'clock (5:00) p.m. on the day preceding the regularly scheduled collection day. All solid waste containers shall be removed from the curb or property line on the same day that collection occurs. The contractor is authorized to refuse collection of solid waste which is not placed at the curb in compliance with this chapter. For solid waste to be in compliance with this chapter, it must be segregated as required in Sections 6-6-9, 6-6-10, and 6-6-11. Failure by the contractor to collect solid waste not in compliance with the provisions of this chapter shall not relieve the resident, owner, operator or occupant of liability for violations of this chapter.

6-10-15 WITHHOLDING OF SERVICE

In the event that any resident, owner, operator or occupant is in violation of the provisions of this chapter, the City may elect in addition to any other remedies to withhold solid waste management services from that resident, owner, operator, occupant or dwelling unit. Election to withhold services shall not prevent the City from taking additional action which is allowable under this chapter or other law.

6-10-16 NUISANCE

In the event any resident, owner, operator or occupant is in violation of this chapter, such violation shall constitute a nuisance and the City may abate the nuisance pursuant to Chapter 657 of the Code of Iowa.

6-10-17 COLLECTION FEES

The collection and disposal of solid waste as provided by this chapter are declared to be a benefit 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. Schedule of Fees. The fee for solid waste collection and disposal service, used or available, shall be:
 - A. For each single family dwelling - \$8.00 per month;
 - B. For each dwelling unit of a multiple-family dwelling -\$8.00 per month.
2. Payment of Bills. All fees shall be due and payable under the same terms and conditions provided for payment for water service. The provisions of Section 6-10-18 hereof shall be used to enforce collection of delinquent fees.

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

6-10-18 CERTIFICATION OF UNPAID FEES AND CHARGES

In the event a fee or charge for solid waste management becomes delinquent, the Clerk may certify said delinquent fees and charges to the County Treasurer pursuant to State law for collection with and in the same manner as real estate taxes.

6-10-19 PROHIBITED ACTS

The following acts are hereby prohibited and the performance of any such acts by any person, resident, owner, operator or occupant, is a violation of this chapter and may be punished as provided herein.

1. Depositing solid waste in a solid waste container other than a solid waste container owned or leased by the depositor or in a recyclable container kit provided by the City collector for the depositor. This section does not prohibit any person from depositing litter in a container provided by the City, commercial enterprises or governmental institutions. This exception does not permit a resident to deposit regular residential solid waste in such a container provided for the public in order to avoid the provisions of this chapter.
2. Burning of any recyclable, ray material and leaves. Yard waste consisting of tree limbs, brush limbs and stumps are permissible.
3. Depositing residential refuse or garbage or yard waste or other solid waste not designated as recyclable in the residential recycling kit provided by the City.
4. Depositing recyclable solid waste as designated by the Council in refuse and garbage solid waste containers.

5. Littering on the streets, alleys, parks, playgrounds and other public places of the City, or upon any real estate or any commercial establishment or governmental institutions in the City or upon any private property in the City, whether residential or commercial, including the private property of the person doing the littering.
6. Littering while a driver or passenger in a motor vehicle.
7. Operating a truck or any kind within the City carrying a load of materials so constructed or loaded so as to permit part of its load, whether litter or other solid waste, including sand or gravel, to drop, sift, leak or otherwise fall therefrom.
8. Depositing or attempting to deposit for collection any solid waste in the residential collection containers when such solid waste is declared by this chapter not subject to regular residential collection by the City contractor.
9. Interfering in any manner with the collection, storage, transportation of solid waste as established by the provisions of this chapter.
10. Damaging or destroying any solid waste containers of the City, any residential recycling kits, any residential, private or commercial solid waste containers not belonging to them.
11. Failing in any manner to follow the requirement of this chapter regarding any mandatory provision regarding solid waste management.

6-10-20 PENALTIES

Any person, resident, owner, operator or occupant who violates any of the provisions of this chapter is guilty of a misdemeanor.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 CEMETERY

<p>6-11-1 Definition</p> <p>6-11-2 Cemetery Superintendent Appointed</p> <p>6-11-3 Duties of Superintendent</p> <p>6-11-4 Records</p> <p>6-11-5 Sale of Lots</p> <p>6-11-6A Trusteeship</p> <p>6-11-6B Establishment of Trust Fund</p>	<p>6-11-7 Perpetual Care</p> <p>6-11-8A Perpetual Care Registry</p> <p>6-11-9 Rules and Regulations</p> <p>6-11-10 Trespassing or Vandalism in Cemetery</p> <p>6-11-11 Permanent Receptacle Requirement</p>
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6-11-1 DEFINITION

The term "cemetery" means the Keota Municipal Cemetery, which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 of the Code of Iowa.

6-11-2 CEMETERY SUPERINTENDENT APPOINTED

The Council shall appoint a cemetery superintendent who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

6-11-3 DUTIES OF SUPERINTENDENT

The duties of the cemetery superintendent shall be as follows:

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

1. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment; and
2. Monthly Report. Make a monthly report of the cemetery operation to the Council.

6-11-4 RECORDS

It shall be the duty of the Clerk to make and keep a permanent record of all interments made in the cemetery, which record shall at all times be open to public inspection. The record shall, among other things, include:

1. Plat. An accurate plat of the cemetery;
2. Lot Owners. The names of the owners of all lots that have been sold;
3. Lot Descriptions. The correct description of all lots for sale and the price thereof, as shall be fixed by the City Council;

4. Grave Locations. The exact location of each grave upon each cemetery lot.

6-11-5 SALE OF LOTS

The sale of lots in the cemetery shall be evidenced by certificate of interment rights signed and executed by the Mayor and the Clerk for and on behalf of the City, and it shall be the duty of the Clerk to collect the purchase price for any lot sold before delivering the certificate of interment rights as conveyance for the same, including amount or percentage of money to be placed in the perpetual care cemetery fund. The interment rights agreement shall disclose all information required by the Iowa Cemetery Act.

6-11-6A TRUSTEESHIP

Pursuant to section 523I.502 of the Code of Iowa, City of Keota hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Keota Municipal Cemetery.

6-11-6B ESTABLISHMENT OF TRUST FUND

A perpetual trust is hereby established for Keota Municipal Cemetery in accordance with Iowa Code chapter 523I, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the "perpetual care cemetery fund," which shall be funded by the deposit of an amount equal to or greater than twenty percent of the gross selling price, or \$5.00, whichever is more, for each sale of lot within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code chapter 523I.

The perpetual care cemetery fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

6-11-7 PERPETUAL CARE

The term "perpetual care" shall be construed to mean the obligation which the City assumes each year to expend the net annual income of the perpetual care endowment fund set aside for the lot in furnishing such care as mowing grass, raking and cleaning the lot and adjacent alleys, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general. Expenditures shall be made at the discretion and under the direction of the Council and the City shall not be bound to make any separate investment of the sum of money set aside as perpetual care, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner heretofore provided.

(Code of Iowa, Sec. 566.14)

6-11-8A PERPETUAL CARE REGISTRY

The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

6-11-9 RULES AND REGULATIONS

The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the Council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of lots or payments for perpetual care as deemed necessary.

6-11-10 TRESPASSING OR VANDALISM IN CEMETERY

Any person who shall trespass upon any cemetery under the jurisdiction of the City by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to the cemetery shall be guilty of a misdemeanor and shall be liable for any and all damage.

(Code of Iowa, Sec. 716.1)

6-11-11 PERMANENT RECEPTACLE REQUIREMENT

A permanent receptacle (i.e., concrete, fiberglass, etc.) shall be required for all interments in the Keota Municipal Cemetery.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 BUILDING AND LAND USE REGULATIONS

6-12-1	Purpose	6-12-10	Action by Council
6-12-2	Building Official	6-12-11	Restrictions
6-12-3	Permit Required	6-12-12	Condition of the Permit
6-12-4	Application	6-12-13	Posting of Permit
6-12-5	Fees	6-12-14	Revocation
6-12-6	Amendments	6-12-15	Permit Void
6-12-7	Completion of Existing Buildings	6-12-24	Fences
6-12-8	Application Approved	6-12-28	Certifying Ordinances
6-12-9	Erosion Control	6-12-29	Abatement of Violation

6-12-1 PURPOSE

The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds, as well as the use and occupancy of such buildings to promote the health, morals, safety and general welfare in the City.

(Code of Iowa, Sec. 364.1)

6-12-2 BUILDING OFFICIAL

The Council shall appoint one of its members as the building official, who will be responsible for the administration and enforcement of this chapter.

6-12-3 PERMIT REQUIRED

No building or other structure shall be erected, altered, repaired, used or occupied within the City without first receiving a permit therefor.

6-12-4 APPLICATION

Application shall be made in writing, filed with the building official and contain the following information:

1. Name. The name and address of the applicant.
2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.

5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.
6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

6-12-5 FEES

The following fees shall accompany applications:

Sidewalks:	\$10.00
Residential Structures:	\$50.00
Commercial Structures:	\$100.00

6-12-6 AMENDMENTS

Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

6-12-7 COMPLETION OF EXISTING BUILDINGS

Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of the ordinance adopting this Code of Ordinances; provided, however, construction under such permit or approval shall have been completed within one year and all permits are valid for one year. If construction is not completed within one year then a new permit must be obtained.

6-12-8 APPLICATION APPROVED

It shall be the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the building official shall forward findings to the Council for its approval or disapproval.

6-12-9 EROSION CONTROL

When a land disturbing activity, as defined by the Code of Iowa, is to occur as a part of a project for which a permit hereunder is sought, no permit shall be issued unless there is on file with the City a soil erosion control plan which covers the proposed project and is approved by the Soil Conservation District Commissioners.

(Code of Iowa, Sec. 467A.64[1])

6-12-10 ACTION BY COUNCIL

After receiving the findings of the building official, the Council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of same. If approved, the Council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy for the applicant, one copy for the County Assessor and one copy to be retained in the City records.

6-12-11 RESTRICTIONS

No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, repair, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, Sec. 414.24)

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

6-12-12 CONDITION OF THE PERMIT

All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

6-12-13 POSTING OF PERMIT

A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The building official shall be given at least twenty-four (24) hours notice of the starting of work under a permit.

6-12-14 REVOCATION

The building official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

6-12-15 PERMIT VOID

In the event that construction covered by a permit is not initiated and underway within six months from the date of issuance of a permit, such permit shall be deemed void and of no effect.

6-12-24 FENCES

Fences in which the openings between the materials of which the fence is constructed represent less than seventy percent (70%) of the total surface may be erected to a height not exceeding four (4) feet along the lot boundaries of the side yard and rear yard of a lot, except that no such fence shall be erected within thirty (30) feet of the intersection of two (2) street lines. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy percent (70%) of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of the intersection of two (2) street lines. Fences may be constructed in front yards of a lot only to a height of three (3) feet except that no fence shall be erected within thirty (30) feet of the intersection of two (2) street lines. Fences shall be set back from alleys a distance of five (5) feet and from sidewalks and/or city street right of ways a distance of two (2) feet. Fences may be built to greater heights than those specified as follows:

1. A variance for any of the guidelines for fences must be done through the Board of Adjustment. To request a variance, an application must be filled out and submitted to the Board of Adjustment along with the building permit.

6-12-28 CERTIFYING ORDINANCES.

Within fifteen (15) days of the effective date of the adoption of any amendments to the provisions of this chapter the Clerk shall certify such amendment to the County Recorder.

(Code of Iowa, Sec. 380.11)

6-12-29 ABATEMENT OF VIOLATION.

Any building or structure erected, altered, repaired, used or occupied in violation of this chapter shall be determined a nuisance and the same may be abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 DANGEROUS BUILDINGS

6-13-1	Enforcement Officer	6-13-5	Conduct of Hearing
6-13-2	General Definition of Unsafe	6-13-6	Posting of Signs
6-13-3	Unsafe Building	6-13-7	Right to Demolish
6-13-4	Notice to Owner	6-13-8	Costs

6-13-1 ENFORCEMENT OFFICER

The Building Official shall be responsible for the enforcement of this chapter.

6-13-2 GENERAL DEFINITION OF UNSAFE

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any ordinance, 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. 657.1 & 364.12[3])

6-13-3 UNSAFE BUILDING

“Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.
3. Material Deterioration. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
5. 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.
6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (C) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, 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.
10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
12. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

6-13-4 NOTICE TO OWNER

The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and to return the property to a safe condition, which may include any excavations to be filled and leveled, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the property of record, as shown by the records of the County Auditor, according to Section 364.12[3h] of the Code of Iowa.
2. Hearing. Such notice shall also advise the owner that he may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

6-13-5 CONDUCT OF HEARING

If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

6-13-6 POSTING OF SIGNS

The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF KEOTA, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

6-13-7 RIGHT TO DEMOLISH

In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

(Code of Iowa, Sec. 364. 12[3h])

6-13-8 COSTS

Costs incurred under Section 6-13-7 may be assessed against the property involved for collection in the manner as a property tax and in addition thereto the city may also seek reimbursement for costs against a property owner by a civil action.

(Code of Iowa, Sec. 364. 12[3h])

****NOTE**

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this Code of Ordinances.

Caution is urged in the use of this procedure. It is recommended to review the situation with the city attorney before initiating procedures and follow his or her recommendation carefully.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 MINIMUM HOUSING CODE

6-14-1	Short Title	6-14-8	Responsibility
6-14-2	Purpose	6-14-9	Reasonable Doubt
6-14-3	Definitions	6-14-10	Review of Complaints
6-14-4	Establishment of Standards	6-14-11	Unreasonable Complaints
6-14-5	Appointment of Building Inspector	6-14-12	Notification and Posting
6-14-6	Inspection of Dwellings	6-14-13	Inspection Procedures
6-14-7	Water and/or Sewer Connections	6-14-14	Appeals

6-14-1 SHORT TITLE

For purposes of brevity, this chapter may be cited as the “The Minimum Housing Code of the City of Keota, Iowa.

6-14-2 PURPOSE

The purpose of this chapter is to establish minimum standards and shall be used to determine when one or more building conditions would result in a condition that would make a structure unsafe for human habitation in furtherance of the public health, safety and welfare.

6-14-3 DEFINITIONS

For use in this chapter, certain words used herein shall be interpreted or defined as follows:

1. “Dwelling” means a building used as the living quarters for more than one person.
2. “Minimum” means the lowest basic standard allowance.

6-14-4 ESTABLISHMENT OF STANDARDS

The following standards are hereby established:

STRUCTURE - EXTERIOR

1. Foundation Walls and Roof. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.
2. Foundations: The foundation elements shall adequately support the building at all points.

3. Roof. The roof shall be structurally sound, tight, and have no defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building. Every gutter and downspout shall be firmly fastened and maintained in good condition.
4. Doors. Every exterior door, door hinge, and door latch and lock shall be maintained in good and workable condition. Every exterior door, when closed, shall fit reasonably well within its frame.
5. Windows. Every window or hatchway shall be substantially tight and shall be kept in sound and operable condition and repair.
6. Structural Safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.
7. Handrails. Where necessary for safety, every flight of stairs and porch which is more than two (2) risers high, shall have handrails so located and of such design as required by any applicable building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
8. Accessory Structures. Accessory structures shall be maintained in a similar condition to living units taking into consideration the use of the structure.
9. Chimneys. Chimneys and vents shall be made structurally safe, durable, smoketight, and capable of withstanding the action of flue gases and fireproof from the rest of the structure.
10. Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

STRUCTURE - INTERIOR

11. Interior Doors. Provide a door for each opening to a bathroom or toilet compartment.
12. Plumbing. The plumbing system and its appurtenances for each building shall provide satisfactory and safe water supply, drainage, venting and operation of fixtures.
13. Electrical. All habitable rooms and other appropriate spaces requiring electrical service shall be provided with a system of wiring, wiring devices, and equipment

to safely supply electrical energy for proper illumination, appliances, resident security, and other electrical equipment.

14. Heating. Every dwelling and multi-family dwelling shall have heating facilities properly installed, safely maintained and in good working condition, and that are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein.
15. Floors. All floor construction shall provide safe and adequate support for all existing or probable loads and shall be reasonably free of objectionable vibration. A suitable surface for finish flooring shall exist or be provided.
16. Interior Walls, Ceilings and Floors. All interior walls, ceilings and floors shall be structurally sound, in good repair.
17. Stairs. All stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of any applicable building code.
18. Bath and Kitchen Floor. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
19. Ventilation. Every bathroom and water closet compartment shall have light and ventilation.

6-14-5 APPOINTMENT OF BUILDING INSPECTOR

The Council shall appoint a building inspector. Said inspector shall be an authorized representative of the City. The inspector, who may be a consultant or a member of the staff of the City, shall be qualified to determine degree of standards of the dwelling in accordance with this code and to determine what corrections are needed to bring a structure up to minimum standards.

6-14-6 INSPECTION OF DWELLINGS

In accordance with the rights of entry as provided in Section 19 and 22, Chapter 103A, Code of Iowa, the City may require an entry and inspection and will, as a matter of policy, require an inspection when any of the following conditions exist:

1. Sponsored Program. On any dwelling when funds for renovation or demolition of a building are provided through a program sponsored by City.
2. Complaint of Hazard. In all cases when there is reasonable evidence that hazardous conditions existing on the property represent a threat to surrounding

properties and when a reasonable complaint has been filed by a resident of the City.

3. Nuisance. When the City has found a property to be a public nuisance.
4. Fire Hazard. When the property has been condemned by the State Fire Marshal; or where there has been substantial recent fire damage, an inspection may be required in order to determine what measures are necessary to bring the property back up to standard.
5. Change of Occupancy. When there is a change of ownership in a structure and there is reasonable evidence, as determined by the Council, to suspect that the property does not meet minimum standards as provided for in this chapter or a previous tenant has filed a complaint with the City stating that minimum standards, as provided for in this chapter, are not being met within a specific dwelling and the inspection has not yet been accomplished.

6-14-7 WATER AND/OR SEWER CONNECTIONS

If water and/or sewer adjoins a property and it is determined that existing water supplies are not safe, sanitary or reliable and/or it has been found that on-site waste disposal systems have contributed to surface or subsurface pollution, the property shall be connected to the adjoining water and/or sewer facilities. The City shall automatically require connections to facilities adjoining the property whenever there is a change of occupancy. This connection shall be made prior to the new occupants moving into the structure.

6-14-8 RESPONSIBILITY

Any person or agent who offers for sale or rent a property, other than first occupancy related to new construction, without first notifying the City of said offering, shall be considered in violation of this chapter.

6-14-9 REASONABLE DOUBT

When reasonable doubt exists that a dwelling does not meet the minimum standards as set forth in this code, the Council may require an inspection of the property.

6-14-10 REVIEW OF COMPLAINTS

All complaints of residents of the City must be filed with the City Clerk. The City Clerk will, at the next regular session of the Council, present the complaint to the Council. The Council may, at its discretion, investigate said complaints and order inspections when it is deemed reasonable by the Council.

6-14-11 UNREASONABLE COMPLAINTS

In the event that unreasonable or false complaints are filed and the Council deems said complaints as being of a harassing nature, the Council may levy a fine, equal to the amount of the costs associated with the inspection, against the complaining resident. In no case shall the said fine exceed one hundred (100) dollars or the maximum fine set forth in the Code of Iowa.

6-14-12 NOTIFICATION AND POSTING

It shall be the responsibility of an owner, or his authorized agent; to notify the City Clerk whenever there is a change of ownership of a structure, as a result of the sale of the property. The Council may require inspection of a building prior to the occupancy change if there is a reasonable question as to whether or not such building meets the standards provided for in this chapter. If, after inspection of a structure, said structure is found to be in violation of the standards in this chapter, the structure shall be posted in a conspicuous place on the front exterior of the structure and the structure may not be reoccupied until the deficiencies have been corrected and the City notified of the corrections.

6-14-13 INSPECTION PROCEDURES

The Council will order inspections as it deems necessary to carry out the intent of this chapter. The inspector shall report the results of said inspection to the Council or authorized officials so that notice may be sent to correct the deficiencies that exist. Said notification and posting of deficiencies shall be accomplished within ten (10) days of the inspection.

6-14-14 APPEALS

Any person who is required by any section of this chapter to make repairs to his property, or is restrained from sale or rental of the property, because of the provisions of this chapter may appeal said findings within a thirty (30) day period and the Council shall provide a hearing within thirty (30) days of receipt of the appeal, to hear the said appeal. Within fifteen (15) days after said hearing the City shall formally, in writing, make its findings known to the property owner.

TITLE VI PHYSICAL ENVIRONMENT
CHAPTER 15 TREES – GENERAL PROVISIONS

6-15-1 Purpose	6-15-5 Assessment
6-15-2 Definitions	6-15-6 Trimming Trees to be Supervised
6-15-3 Planting Restrictions	6-15-7 Removal of Trees
6-15-4 Duty to Trim Trees	

6-15-1 PURPOSE

The purpose of the chapters in this Code of Ordinances pertaining to Trees is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees.

6-15-2 DEFINITIONS

For use in these chapters, the following terms are defined:

1. "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.
2. "Superintendent" means the superintendent of streets or such other person as may be designated by the Council.

6-15-3 PLANTING RESTRICTIONS

No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, chinese elm, or evergreens.

6-15-4 DUTY TO TRIM TREES

The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

(Code of Iowa, Sec. 364.12[2c3])

6-15-5 ASSESSMENT

If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring 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.

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

6-15-6 TRIMMING TREES TO BE SUPERVISED

It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-15-7 REMOVAL OF TREES

The superintendent shall remove, on order of the Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. The superintendent shall additionally remove any trees on the street, not on private property, which are dead or have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, Sec. 364.12 [2c] & 372.13 [4])

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 TREES – DUTCH ELM DISEASE CONTROL

6-17-1 Trees Subject to Removal

6-16-2 Duty to Remove

6-16-3 Inspection

6-16-4 Removal from City Property

6-16-5 Removal from Private Property

6-16-1 TREES SUBJECT TO REMOVAL

The Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch Elm Disease, hereby declares the following shall be removed:

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

1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.).
2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

6-16-2 DUTY TO REMOVE

No person or entity shall permit any tree or material as defined in Section 6-16-1 to remain on the premises owned, controlled or occupied by such person or entity within the City.

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

6-16-3 INSPECTION

The superintendent inspects or causes to be inspected all premises and places within the City to determine whether any condition as defined in Section 6-16-1 exists thereon, and also inspects or causes to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-16-4 REMOVAL FROM CITY PROPERTY

If the superintendent, upon inspection or examination, determines that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that danger to other elm trees within the City is imminent, the superintendent shall immediately cause such condition to be corrected so as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

6-16-5 REMOVAL FROM PRIVATE PROPERTY

If the superintendent, upon inspection or examination, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the City is imminent, the superintendent shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the nuisance to be removed and the cost assessed against the property as provided in Chapter 56.

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

If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, the superintendent is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 HOUSE MOVERS

6-17-1 Purpose	6-17-8 Permit Issued
6-17-2 House Mover Defined	6-17-9 Public Safety
6-17-3 Permit Required	6-17-10 Time Limit
6-17-4 Application	6-17-11 Removal by City
6-17-5 Bond Required	6-17-12 Protect Pavement
6-17-6 Insurance Required	6-17-13 Electric Wires
6-17-7 Permit Fee	

6-17-1 PURPOSE

The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

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

6-17-2 HOUSE MOVER DEFINED

A "house mover" means any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or public property using skids, jacks, dollies or any other method.

6-17-3 PERMIT REQUIRED

It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved.

6-17-4 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.

6-17-5 BOND REQUIRED

The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The

bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

6-17-6 INSURANCE REQUIRED

Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury -\$50,000 per person; \$100,000 per accident.
2. Property Damage . \$50,000 per accident.

6-17-7 PERMIT FEE

A permit fee of ten dollars (\$10.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

6-17-8 PERMIT ISSUED

Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

6-17-9 PUBLIC SAFETY

At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

6-17-10 TIME LIMIT

No housemover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

6-17-11 REMOVAL BY CITY

In the event any building or similar structure is found to be in violation of Section 6-17-10 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

6-17-12 PROTECT PAYMENT

It shall be 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 shall be at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building the estimate of the City as to such weight shall be final.

6-17-13 ELECTRIC WIRES

The holder of any permit to move a building shall see that all telephone, telegraph and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner of any telephone, telegraph or electric wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, and the holder of the permit shall pay the reasonable costs thereof.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 STREETS AND ALLEYS – USE AND MAINTENANCE

- 6-18-1 Removal of Warning Devices
- 6-18-2 Obstructing or Defacing
- 6-18-3 Placing Debris On
- 6-18-4 Playing In
- 6-18-5 Traveling on Barricaded Street or Alley
- 6-18-6 Use for Business Purposes
- 6-18-7 Driveway Culverts
- 6-18-8 Washing Vehicles
- 6-18-9 Burning Prohibited
- 6-18-10 Excavations
- 6-18-11 Maintenance of Parking or Terrace
- 6-18-12 Failure to Maintain Parking or Terrace
- 6-18-13 Dumping of Snow

6-18-1 REMOVAL OF WARNING DEVICES

It shall be unlawful for a person willfully to remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

6-18-2 OBSTRUCTING OR DEFACING

It shall be unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

6-18-3 PLACING DEBRIS ON

It shall be 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, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

6-18-4 PLAYING IN

It shall be unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

6-18-5 TRAVELING ON BARRICADED STREET OR ALLEY

It shall be unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

6-18-6 USE FOR BUSINESS PURPOSES

It shall be unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

6-18-7 WASHING VEHICLES

It shall be 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 shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when it is lawfully parked in the street or alley.

6-18-8 BURNING PROHIBITED

No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

6-18-9 EXCAVATIONS

No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of the Code of Ordinances.

1. Application. Before such permit shall be granted, the person shall file with the City a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose, for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said excavation and restoration of the street or alley surface.
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 and Lighting. Adequate barricades 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 or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury — \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
8. Completion by the City. Should any excavation in any street or alley be left open or unfinished for a period of twenty-four (24) hours or should the work be improperly done, the City has the right to finish or correct such work and the expense shall be charged to the permit holder/property owner.
9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
10. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

6-18-10 MAINTENANCE OF PARKING OR TERRACE

It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

6-18-11 FAILURE TO MAINTAIN PARKING OR TERRACE

If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

6-18-12 DUMPING OF SNOW

It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of 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, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

(Code of Iowa, Sec. 364.12 {2f})

6-18-13 DRIVEWAY CULVERTS

The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 BUILDING NUMBERING

- 6-19-1 Definitions
- 6-19-2 Owner Requirements
- 6-19-2 Building Numbering Map

6-19-1 DEFINITIONS

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

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

6-19-2 OWNER REQUIREMENTS

Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Mayor.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2~/2) 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])

6-19-3 BUILDING NUMBERING MAP

The Mayor shall be responsible for preparing and maintaining a building numbering map.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 20 STREETS AND ALLEYS NAMING OF STREETS

6-20-1	Naming New Streets	6-20-4	Official Street Name Map
6-20-2	Changing Name of Street	6-20-5	Revision of Street Name Map
6-20-3	Recording Street Names		

6-20-1 NAMING NEW STREETS

New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

6-20-2 CHANGING NAME OF STREET

The Council may, by ordinance, change the name of a street.

(Code of Iowa, Sec. 409.17)

6-20-3 RECORDING STREET NAMES

Following adoption of an ordinance naming or changing the name of a street, the Mayor and Clerk shall certify and file a copy thereof with the County Recorder and County Auditor.

(Code of Iowa, Sec. 409.17)

6-20-4 OFFICIAL STREET NAME MAP

Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 6-20-4 of the Code of Ordinances of Keota, Iowa."

6-20-5 REVISION OF STREET NAME MAP

If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this chapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 21 VACATION AND DISPOSAL OF STREETS

6-21-1	Power to Vacate	6-21-4	Disposal of Vacated Streets or Alleys
6-21-2	Notice of Vacation Hearing		
6-21-3	Findings Required	6-21-5	Disposal by Gift Limited

6-21-1 POWER TO VACATE

When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

6-21-2 NOTICE OF VACATION HEARING

The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

6-21-3 FINDINGS REQUIRED

No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

6-21-4 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)

6-21-5 DISPOSAL BY GIFT LIMITED

The City may not dispose of real property by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364. 7[3])

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 22 STREETS AND ALLEYS STREET GRADES

6-22-1 Established Grades

6-22-2 Record Maintained

6-22-1 ESTABLISHED GRADES

The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

6-22-2 RECORD MAINTAINED

The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

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

ORDINANCE NO. ADOPTED

20 February 15, 1959

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 23 SIDEWALK REGULATIONS

6-23-1	Purpose	6-23-12	Failure to Repair or Barricade
6-23-2	Definitions	6-23-13	Interference with Sidewalk Improvements
6-23-3	Removal of Snow, Ice and Accumulations	6-23-14	Awnings
6-23-4	Responsibility for Maintenance	6-23-15	Encroaching Steps
6-23-5	Failure to Maintain — Personal Injuries	6-23-16	Openings and Enclosures
6-23-6	City May Order Repairs	6-23-17	Fires on Sidewalks
6-23-7	Sidewalk Construction Ordered	6-23-18	Fuel on Sidewalks
6-23-8	Permit Required	6-23-19	Defacing
6-23-9	Indemnification	6-23-20	Debris on Sidewalks
6-23-10	Sidewalk Standards	6-23-21	Merchandise Display
6-23-11	Barricades and Warning Lights	6-23-22	Sales Stands
		6-23-23	AADG Compliance

6-23-1 PURPOSE

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

6-23-2 DEFINITIONS

Terms are defined: For use in this chapter the following

1. "Broom Finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective Sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths (3/4) inch or more.
 - B. or more Horizontal separations equal to one-half (1/2) inch
 - C. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty (50) percent over a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - E. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.

- F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.
 - H. A change from the design or construction grade equal to or greater than three-fourths inch per foot.
3. "Established Grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
 4. "One-course Construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 5. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
 6. "Portland Cement" means any type of cement except bituminous cement.
 7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
 8. "Sidewalk Improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
 9. "Wood Float Finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

6-23-3 REMOVAL OF SNOW, ICE AND ACCUMULATIONS

It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12{2b & e})

6-23-4 RESPONSIBILITY FOR MAINTENANCE

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

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

6-23-5 FAILURE TO MAINTAIN – PERSONAL INJURIES

If the abutting property owner does not maintain or repair defective sidewalks as required and 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 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 liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

6-23-6 CITY MAY ORDER REPAIRS

If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

6-23-7 SIDEWALK CONSTRUCTION ORDERED

The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement petition the Council therefor, new permanent sidewalks shall not be required unless three—fourths (3/4) of all the members of the Council, by resolution, order the making thereof, all in accordance with state law for special assessments.

(Code of Iowa, Sec. 384.38)

6-23-8 PERMIT REQUIRED

No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

6-23-9 INDEMNIFICATION

Any person securing a permit as required above shall agree to hold the City free from all liability for damages on account of injuries received by anyone through the negligence of such person or such person's agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

6-23-10 SIDEWALK STANDARDS

Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well-drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) eighteen (18) inches from the property line, unless the Council establishes a different distance due to circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections.

Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a non-skid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 601D.9)

6-23-11 BARRICADES AND WARNING LIGHTS

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

6-23-12 FAILURE TO REPAIR OR BARRICADE

It shall be 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 they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

6-23-13 INTERFERENCE WITH SIDEWALK IMPROVEMENTS

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

6-23-14 AWNINGS

It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

6-23-15 ENCROACHING STEPS

It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

6-23-16 OPENINGS AND ENCLOSURES

It shall be unlawful for a person to:

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

6-23-17 FIRES ON SIDEWALKS

It shall be unlawful for a person to make a fire of any kind on any sidewalk.

6-23-18 FUEL ON SIDEWALKS

It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

6-23-19 DEFACING

It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

6-23-20 DEBRIS ON SIDEWALKS

It shall be 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 other substance likely to injure any person, animal or vehicle.

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

6-23-21 MERCHANDISE DISPLAY

It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

6-23-22 SALES STANDS

It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

6-23-13 ADAAG COMPLIANCE

All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 24 PARKS

6-24-1	Purpose	6-24-4	Littering
6-24-2	Use of Drivers Required	6-24-5	Camping Areas
6-24-3	Fires	6-24-6	Camping Refused

6-24-1 PURPOSE

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

(Code of Iowa, Sec. 392.1)

6-24-2 USE OF DRIVES REQUIRED

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

6-24-3 FIRES

No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

6-24-4 LITTERING

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

6-24-5 CAMPING AREAS

No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

6-24-6 CAMPING REFUSED

The City may refuse camping privileges or rescind any and all camping privileges for cause.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 25 RESERVED

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 26 DEMOLITION OF BUILDINGS AND STRUCTURES

<p>6-26-1 Purpose</p> <p>6-26-2 Permit Required</p> <p>6-26-3 Application</p> <p>6-26-4 Fees</p> <p>6-26-5 Amendments</p> <p>6-26-6 Application Approved</p> <p>6-26-7 Action by Council</p> <p>6-26-8 Public Safety and Site Conditions</p>	<p>6-26-9 Time Limit</p> <p>6-26-10 Right to Demolish</p> <p>6-26-11 Required Notification of Neighboring Properties</p> <p>6-26-12 Posting of Permit</p> <p>6-26-13 Revocation</p> <p>6-26-14 Penalty</p>
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6-26-1 PURPOSE

The purpose of this chapter is to establish by which demolition of existing structure is to be conducted. The proposed standards are intended to ensure that public health, safety and welfare are protected when structures are removed. Following demolition of any structure the property shall be altered to a condition that will not create an attractive nuisance or be unsightly to neighboring properties, public streets and pedestrian facilities. This purpose statement shall be preeminent.

6-26-2 PERMIT REQUIRED

It is unlawful for any person to demolish a house, building or other structure without a valid permit from the City for each house, building or other structure to be demolished.

6-26-3 APPLICATION

Application for a demolition permit shall be made in writing, filed with the Building Official, and contain the following information.

1. Name and address. The name and address of the legal owner of the property as well as the applicant's full name and address, if different from the owner.
2. Address of property and an indication of the structure(s) to be demolished.
3. A description of procedures proposed for carrying out the structures to be demolished, including how the applicant proposes to compare the project in compliance with the requirements of this chapter.
4. A planned description for reuse of the property if the demolition permit is approved.

5. An improvement plan, including the proposed procedures for demolition and backfilling, if any, to the public works Department of the City for its review and approval.

6-26-4 FEES

A fee of ten dollars (\$10.00) shall accompany the application for buildings and structures 750 square feet and under, and a fee of fifty dollars (\$50.00) shall accompany the application for buildings and structures over 750 square feet.

6-26-5 AMENDMENTS

Nothing shall prohibit the filing of amendments to an application, to a plan or other record accompanying the same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

6-26-6 APPLICATION APPROVED

It shall be the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the building official shall forward findings to the Council for its approval or disapproval.

6-26-7 ACTION BY COUNCIL

After receiving the findings of the building official, the Council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of the same. If approved, the Council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy of the applicant, one copy for the County Assessor and one copy to be retained in the City records.

6-26-8 PUBLIC SAFETY AND SITE CONDITIONS

As a condition of receiving a demolition permit, the permittee shall:

- a) Notify Iowa ONE CALL to coordinate location and disconnection of all utilities.
- b) All city service utilities shall be capped or terminated at property lines or at the service connection in the right of way unless otherwise approved by the Public Works Director. Utilities removal and/or decommissioning of utilities shall be completed in accordance with all applicable laws and procedures. Any excavation sites, including the surface, will be restored according to City standards, usually with like material.
- c) Take steps to ensure the safety of the general public. The steps shall be in compliance with generally accepted building industry safety practices as may be reflected in building codes applicable in the State of Iowa.

- d) Provide for the restoration of the site so as to address safety and nuisance concerns. All such site shall be brought to a level or other grade determined to be appropriate by the Building Official. Sod, grass seed, or other ground cover material, including the application of topsoil if necessary to ensure growth, shall be installed to address soil erosion control.
- e) Provide for the disposal of the debris associated with the demolition work. The debris must be placed in an appropriate container for removal by a private contractor, or another arrangement shall be made for the disposal of the debris on at least a weekly basis. No permittee shall permit the non-containerized accumulation of demolition debris on any property for a period in excess of seven (7) calendar days. All debris and material associated with the demolition work shall be removed from the property. Permittee shall assure that all debris loads are properly secured and transported without threat of harm to the general public, private property and public infrastructure. This includes but is not limited to ensuring that all vehicles transporting debris are equipped with and use tarps or netting to prevent further spread of debris.
- f) Comply with all applicable rules and regulations governing removal of asbestos and demolition of structures with lead paint present.
- g) Control airborne particles at all times by thoroughly saturating all portions of the structure and areas surrounding the structure with water. Such spraying shall be undertaken to thoroughly control creation and migration of airborne particles, including, without limitation, dust from the subject property during the demolition and removal of material from the subject property. If the city's water system is used, the permittee shall provide a hydrant meter and the permittee shall pay the city for the retail value of the water used. The water shall be delivered from the water source by a hose with a minimum diameter of one and one-half inches (1 ½).
- h) Erect fencing for the duration of the demolition until site restoration is completed.
- i) All foundations, basements, footings and/or related materials shall be removed from the site. Unless otherwise approved by a seventy-five percent (75%) majority of the City Council, all man made or processed surfaces including but not limited to driveways, asphalt, patios or sidewalks shall be removed, except sidewalks along and within the public right-of-way.
- j) If commencement of new construction is not planned to occur within sixty (60) days after completion of demolition, then the applicant must restore the site, which includes but is not limited to backfilling of any excavation, grading, seeding, fencing, storm water management, utility disconnections and the like.

6-26-9 TIME LIMIT

The permittee must complete the demolition activity, including site restoration, within thirty (30) calendar days from the receipt of the permit. The time limit may be extended at the discretion

of the Building Official and/or City Council. The permittee must provide evidence to show that extenuating circumstances prohibited the completion of the demolition work in the thirty-day (30) time period.

6-26-10 RIGHT TO DEMOLISH

In case the owner fails, neglects, or refuses to comply with the provisions of this ordinance, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

Costs incurred under this section shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located and shall be certified to the County Treasurer for collection in the manner provide for other taxes.

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

6-26-11 REQUIRED NOTIFICATION OF NEIGHBORING PROPERTIES

The permittee shall give forty-eight (48) hours notification of commencement of demolition to all abutting property owners.

6-26-12 POSTING OF PERMIT

A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The building official shall be given at least twenty-four (24) hours notice of the starting of work under a permit.

6-26-13 REVOCATION

The building official may revoke a permit or approval issued under the provision of this chapter in case there has been any false statement or misrepresentation as to a material fact in that application or plans on which the permit or approval was based.

6-26-14 PENALTY

Violations of any provisions of this chapter shall result in a fine of one hundred dollars (\$100.00) per day. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 NATURAL GAS FRANCHISE

<p>7-1-1 Franchise Granted</p> <p>7-1-2 Safe Operation Required</p> <p>7-1-3 Construction and Excavations</p>	<p>7-1-4 Uninterrupted Service</p> <p>7-1-5 Nonexclusive</p> <p>7-1-6 Term of Franchise</p>
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7-1-1 FRANCHISE GRANTED

There is hereby granted to Alliant Energy, hereinafter referred to as the “Company,” its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of the ordinance codified by this chapter, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted for the purpose of distributing, supplying and selling gas to the City and the residents thereof and to persons and corporations beyond the limits thereof; also the right to eminent domain as provided in Section 364.2 of the Code of Iowa. The term “gas” as used in this chapter shall be construed to mean natural gas only.

7-1-2 SAFE OPERATION REQUIRED

The mains and pipes of the Company must be so placed so as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any Street, alley and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of the natural gas distribution system.

7-1-3 CONSTRUCTION AND EXCAVATIONS

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

7-1-4 UNINTERRUPTED SERVICE

The Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall be a

breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

7-1-5 NONEXCLUSIVE

The franchise granted by this chapter shall not be exclusive.

7-1-6 TERM OF FRANCHISE

The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company, its successors and assigns.

EDITOR'S NOTE

Ordinance No. 216 adopting a gas franchise for the City was passed and adopted on August 22, 2001.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 ELECTRIC FRANCHISE

7-2-1	Franchise Granted	7-2-4	System Requirements
7-2-2	Construction; Maintenance; Indemnification	7-2-5	Nonexclusive
7-2-3	Meters and Service Lines	7-2-6	Continuous Service
		7-2-7	Term of Franchise

7-2-1 FRANCHISE GRANTED

There is hereby granted to Alliant Energy, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City, to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power for the period of twenty-five (25) years; also the right to eminent domain as provided in Section 364.2 of the Code of Iowa.

7-2-2 CONSTRUCTION; MAINTENANCE; INDEMNIFICATION

The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

7-2-3 METERS AND SERVICE LINES

The Company, its successors and assigns shall furnish and install all meters at its own expense and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

7-2-4 SYSTEM REQUIREMENTS

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

7-2-5 NONEXCLUSIVE

The franchise granted by this chapter shall not be exclusive.

7-2-6 CONTINUOUS SERVICE

Service to be rendered by the Company under this chapter shall be continuous unless prevented from so doing by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

7-2-7 TERM OF FRANCHISE

The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company.

EDITOR'S NOTE

Ordinance No. 217 adopting an electric franchise for the City was passed and adopted on August 22, 2001.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 CABLE TELEVISION FRANCHISE

7-3-1	Definitions	7-3-8	Rates
7-3-2	Grant of Authority	7-3-9	Franchise Term
7-3-3	Use of Existing Poles	7-3-10	Franchise Fee
7-3-4	Territorial Area Involved	7-3-11	New Developments
7-3-5	Standards and Safety Requirements	7-3-12	Service Rules and Regulations
7-3-6	Liability and Indemnification	7-3-13	Compliance with FCC Standards and United States Code
7-3-7	Conditions of Street Occupancy		

7-3-1 DEFINITIONS

The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Cable Communications System" or "System" means a system of antennas, cables, wires, lines, towers, waveguides, or other conductors, converters, equipment, or facilities located in Keota and designed and constructed for the purpose of producing, receiving, transmitting, amplifying, or distributing audio, video, and other forms of electronic signals in City. System as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. & 522 (6) (1993).
2. "Company" is the grantee of rights under this chapter and is known as Mediacom.

7-3-2 GRANT OF AUTHORITY

1. There is hereby granted by the City to the Company the right and privilege to construct, erect, operate, and maintain in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes and other television conductions and fixtures necessary for the maintenance and operation in the City of a cable television system for the interception, sale and distribution of television signals.
2. The right to use and occupy said streets, alleys, public ways and places or the purposes herein set forth shall not be exclusive and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person at any time during the period of the franchise.

7-3-3 USE OF EXISTING POLES

The poles used by the Company for its distribution system shall be those poles erected, maintained and controlled by the City itself, or any person operating under a franchise granted by

the City or any person that shall have poles erected in, on, over or under the streets, avenues, sidewalks and alleys of the City, whether the same be by franchise or otherwise, it being the intention of this provision to eliminate the necessity for the Company to erect poles on the use of pole line agreements with one or more owners of poles presently in existence.

7-3-4 TERRITORIAL AREA INVOLVED

The franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of the franchise.

7-3-5 STANDARDS AND SAFETY REQUIREMENTS

1. The Company shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failure and accidents which are likely to cause damage, injuries or nuisances to the public.
2. All structures and all lines, equipment, and connections in, over, under and upon the streets, sidewalks, alleys and public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable substantial condition and in good order and repair.
3. In cases of any disturbance of pavement, sidewalk, driveway or other surface, the Company shall, at its own expense and in a manner approved by the City, remove replace, and restore all pavements, sidewalk, driveway or surface so disturbed in as good condition as before said work was commenced. In the event the City shall elect to alter or change any street, alley, easement or public way requiring the relocation of the facilities of the Company, the Company, upon reasonable notice by the City, shall move or relocate the same at its own expense.

7-3-6 LIABILITY AND INDEMNIFICATION

The Company shall pay and by its acceptance of the franchise the Company expressly agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of granting the franchise. The City shall notify the Company's representative in the City within fifteen (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City arising out of the granting of the franchise. The Company shall maintain and by its acceptance of the franchise specifically agrees that it will maintain throughout the term of the franchise liability insurance insuring the City and the Company with regard to all damages mentioned above in the minimum amounts of \$1,000,000.00 property damage to any one person; \$3,000,000.00 for property damage resulting from any one accident; \$1,000,000.00 for personal injury arising out of any one accident. The Company shall comply with all of the provisions of the worker's compensation law of the State.

7-3-7 CONDITIONS OF STREET OCCUPANCY

1. All transmissions and distribution structures, lines and equipment erected by the Company within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to

cause minimum interference with the rights and reasonable conveniences of property owners who join any of the said streets, alleys, and public ways or places.

2. The Company may enter into one or more contracts with the light, water and gas utilities in the City, power and telephone company or the owner or lessee of any poles or posts located within the City to whatever extent such contract or contracts may be expedient and of advantage to the Company in furnishing the service covered by the franchise to its customers.
3. Any poles or other fixtures placed in any public way by the Company shall be placed in such manner as not to interfere with the usual travel on such public way.
4. The Company shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of the wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than ten (10) days advance notice to arrange for such temporary wire changes.
5. The Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of the trees from coming in contact with the wires and cables of the Company except that at the option of the City such trimming may be done by it or under its supervision and direction at the expense of the Company.

7-3-8 RATES

The Company shall have the right to charge and collect from subscribers fair and reasonable compensation calculated to offset all necessary costs for provision of the services and including a fair rate of return on investment devoted thereto, under efficient and economical management. Said rates shall be adjusted no more than annually.

7-3-9 FRANCHISE TERM

The franchise granted the Company herein shall terminate fifteen (15) years from the date of grant, and may be renewed for successive fifteen (15) year terms on the same terms and conditions as contained herein, provided that each renewal must be preceded by public proceedings involving public notice and opportunity for interested parties to participate, during which the Company's performance during the previous franchise term, plans for future operations, the adequacy of the franchise provisions and the consistency of the provisions with applicable FCC rules are fully reviewed.

7-3-10 FRANCHISE FEE

The Company may pay the City a franchise fee in an annual amount equal to three percent (3%) of its Annual Basic Revenues and the Company may itemize and pass the franchise fee to its customer.

7-3-11 NEW DEVELOPMENTS

It shall be the policy of the City liberally to amend the franchise, upon application of the Company, when necessary to enable the Company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers. Provided, however, this section shall not be construed to require the City to make an amendment or to prohibit it from unilaterally changing its policy statement herein.

7-3-12 SERVICE RULES AND REGULATIONS

The Company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of this chapter and a copy of such service rules and regulations shall be kept on file at all times with the Clerk.

7-3-13 COMPLIANCE WITH FCC STANDARDS AND UNITED STATES CODE

The Company shall fully comply with all technical standards adopted by the FCC and the United States Code.

EDITOR'S NOTE

Ordinance No. 203 adopting a cable T.V. franchise was passed and adopted on June 2, 1997.
Supp. Jul-97 5

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 PROPERTY MAINTENANCE CODE

SECTION 1. ADOPTION OF THE INTERNATIONAL PROPERTY

MAINTENANCE CODE, 2015. That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Keota, being marked and designated as “International Property Maintenance Code, 2015” as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Keota, in the State of Iowa; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, 2015, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. The following sections of the International Property Maintenance Code, 2015, adopted by reference herein, are hereby revised:

Section 101.1	Insert	“City of Keota, Iowa”
Section 103.5	Insert	“City of Keota, Iowa”
Section 112.4	Insert	\$500
Section 302.4	Insert	\$45.00 every two (2) years
Section 302.4	Insert	Six (6) inches in height
Section 3014.14	Insert	April 1 through October 1
Section 602.3	Insert	November 1 through April 1
Section 602.4	Insert	November 1 through April 1

SECTION 3. RESIDENTIAL RENTAL INSPECTIONS. The following provisions are hereby adopted to codify the residential rental inspection process previously implemented by rule:

6-25-901 DWELLING UNIT REGISTRATION

All dwelling units let for occupancy or let (also referred herein as “residential rental real estate”) shall be required to register with the building official within thirty (30) days of conversion of any owner occupied real estate to residential rental real estate.

6-25-902 EXEMPTIONS FROM REGISTRATION AND RENTAL PERMIT

The registration and rental permit herein required shall not apply to the following residential rental real estate:

1. A dwelling unit that is occupied by the grantor(s) of a revocable trust that is the record title holder of the real estate, or
2. A dwelling unit occupied by a minister or priest in the course of his or her duties as the faith leader of a record title holder.
3. A dwelling unit that is the subject of a contract for sale of real estate that has been filed of record with the Office of the County Recorder.

6-25-903 APPLICATION FOR RENTAL PERMIT

The owner or operator of any residential rental real estate shall file an application and registration for a rental permit with the building official. The application shall provide the following information:

1. Name and contact information of the owner;
2. Legal description and address of the subject property;
3. The name and contact information of any mortgagee or holder of any other lien or encumbrance of record, any contract buyer, and the tenant;
4. Any additional information as required by the building official.

6-25-904 ISSUANCE OF RENTAL PERMIT

If the building official determines that all applicable provisions of this chapter have been complied with, or a variance or modification allowed, a rental permit shall be issued to an owner or operator upon payment of the required fees. A rental permit shall be serve as evidence that the residential rental real estate has been determined by inspection to be in compliance with the requirements of this chapter at the time of issuance and shall be valid for a period of two (2) years from the date of issuance.

6-25-905 WAIVER OF INSPECTION

An owner or operator may apply to the building official for a waiver of the inspection requirement herein where the dwelling unit has been inspected by an inspector certified by the State of Iowa or Department of Housing and Urban Development within the prior six months and was found to be in satisfactory condition. Such requests may be granted where the building official believes that the safety of the tenants are sufficiently protected and an inspection by the building official would be duplicative. In the event that the building official declines to waive the inspection requirement, the owner or operator may apply to the Council for a waiver of the inspection fee.

6-25-906 RENTAL PERMIT REQUIRED

No residential rental real estate may be let or otherwise occupied unless a rental permit has been issued and has not expired therefor. In the event that a record title holder, contract buyer or agent shall fail to obtain the required rental permit provided for herein, the building official may order the residential rental real estate vacated and shall serve notice therefor upon the record title holder, contract buyer and agent of the residential rental unit, as well as the tenant. Failure to obtain a rental permit shall also serve as a basis for refusal to provide water service or to discontinue water service. Any disconnection and/or reconnection of water service due to failure to secure a rental permit provided herein shall subject the account holder to the disconnection and reconnection fees provided in Keota Municipal Code Section 6-4-5. A record title holder, contract buyer and/or agent who allows a tenant to occupy rental real estate without having secured a rental permit shall be guilty of a simple misdemeanor or municipal infraction and each day a tenant occupies the rental real estate in violation of this ordinance shall be a separate and distinct violation.

6-25-907 PUBLIC RECORD

The issuance of a rental permit shall be a public record and information pertaining to said permits shall be available for public inspection.

6-25-908 FAILURE TO REGISTER

Failure to register as required shall be a simple misdemeanor or municipal infraction and each day after the deadline that a residential rental unit remains unregistered is a separate and distinct violation.

6-25-909 APPOINTMENTS FOR INSPECTIONS

Appointments for inspections with the owner or operator shall be scheduled by the city. The owner or operator may request the appointment to be rescheduled. However, the inspection shall be performed within thirty (30) days of the original date. An owner or operator shall be required to arrange for access to all areas of a structure to be inspected. Failure to provide access to all areas of the structure will not satisfy the inspection requirement and shall require a reinspection of the residential rental real estate. The owner or operator shall provide notice to the tenant of the inspection appointment according to the requirements of Iowa Code Chapter 562A.

6-25-910 TEMPORARY OR PROVISIONAL EXTENSION OF PERMIT

The building official may provide for a temporary or provisional permit if circumstances warrant. For example, permits may be issued while the record title holder, contract buyer or agent resolve violations uncovered during an inspection and cannot be remedied prior to expiration of the existing rental permit or conditions exist which will not allow for an inspection to be scheduled

by the building official prior to expiration of a rental permit. A new rental permit issued for the dwelling unit thereafter shall relate back to the expiration of the prior rental permit when issued.

6-25-911 NOTICE ON SALE OF RESIDENTIAL RENTAL REAL ESTATE

Every person holding a rental permit as provided in this chapter shall provide notice to the building official within thirty (30) days after having sold, transferred, conveyed, or otherwise disposed of their ownership of the residential rental real estate relating thereto. The notice shall include the name and contact information for the new owner. In addition, the seller or transferor thereof shall provide to a prospective buyer the current status of the rental permit for the dwelling unit and comply with the requirements of Section 107.5 of this chapter.

SECTION 4. REPEALER. That Ordinance No 221 of the City of Keota, Iowa, entitled "An Ordinance Approving the Adoption of the International Property Maintenance Code as Published by the International Code Council, Inc." and all other ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 5. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6. EFFECT ON EXISTING PROCEEDINGS. Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance. Any property remaining subject to reinspection or not having established its compliance and issuance of a rental permit thereby under the repealed ordinance shall be subject to the appropriate provisions of the newly adopted ordinance herein upon adoption. Any rental permit issued under the repealed ordinance shall serve to establish compliance under the ordinance adopted herein until the expiration of the rental permit issued in relation thereto. Owners and operators not subject to existing reinspection requirements shall have until November 1, 2010, to establish compliance with prior inspection deficiencies and secure the issuance of a two-year rental permit effective as of the date of the original inspection. Owners and operators subject to existing

reinspection requirements shall have until December 1, 2010, to establish compliance with the repealed ordinance and secure a two-year rental permit, except that all fees for reinspection shall be those established by resolution under the new ordinance. All appeals under either ordinance shall be handled as provided in revised section 111.2 of the Property Maintenance Code of the City of Keota adopted herein.

SECTION 7. CERTIFICATION BY CLERK. Pursuant to Iowa Code Section 380.11, the Clerk shall certify this Ordinance to the Keokuk County Recorder.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 4th day of October, 2010, and approved the 4th day of October, 2010.

KEOTA, IOWA

PROPERTY MAINTENANCE CODE 7-4

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 ECONOMIC DEVELOPMENT

7-5-1. Any business locating within the corporate limits of the City of Keota is eligible to apply for reduced water and sewer rates as set forth herein.

7-5-2. A reduction of up to fifty percent (50%) in the water provided in Keota Municipal Code Section 6-4-2 and the sewer rates provided in Section 6-9-2 may be granted upon approval of the Council for a period not to exceed one year, which shall not be renewable.

7-5-3. A business shall submit an application for the rate reduction certifying the following:

- a. That the business is located within an area properly zoned for the type of activity to be conducted.
- b. That the business shall employ at least 5 full time employees at all times at the location within the City limits during the period of the rate reduction.

7-5-4. The rate reduction shall be terminated at any time that the business employment level within the City limits falls below 5 full time employees.

7-5-5. The rate reduction incentive provided herein shall be available to businesses established after or locating within the City limits on or after the adoption of this ordinance.

7-5-6. The revenue reduction to the water and sewer funds shall be reimbursed from economic development funds or the general funds pursuant to the city budget.

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 ZONING ORDINANCE

AN ORDINANCE ADDITING TITLE VII, CHAPTER 6 ZONING, TO THE CODE OF ORDINANCES TO THE CITY OF KEOTA, IOWA.

BE IT ENACTED by the City Council of the City of Keota, Iowa:

SECTION 1. ADOPTION OF THE ZONING ORDINANCE. That the following attached “City of Keota Zoning Ordinance” and marked Exhibit 1 together with the associated maps on file with the City Clerk of the City of Keota, Iowa, is hereby adopted as the zoning ordinance of the City of Keota, Iowa to be codified as Title VII, Chapter 6, Zoning.

SECTION 2. REPEALER. That Title VI, Chapter 12, Section 16-23 and Sections 25-27 are hereby repealed and that all other ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 3. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. EFFECT ON EXISTING PROCEEDINGS. Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance herby repealed as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. CERTIFICATION BY CLERK. Pursuant to Iowa Code Section 380.11, the Clerk shall certify this Ordinance to the Keokuk County Recorder and Washington County Recorder.

SECTION 6. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 7th day of April, 2014, and approved the 7th day of April 2014.

TITLE VII SPECIAL ORDINANCES

CHAPTER 7 URBAN REVITALIZATION AREA

AN ORDINANCE DESIGNATING THE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KEOTA AS AN URBAN REVITALIZATION AREA AND ADDING AN URBAN REVITALIZATION PLAN FOR THE AREA.

BE IT ENACTED by the City Council of the City of Keota, Iowa:

SECTION 1

The district within the corporate boundaries of the City of Keota, Iowa as established, and existing between April 18, 2012 and April 18, 2022, will be and hereby declared, pursuant to the Code of Iowa, Chapter 404, to be an Urban Revitalization Area.

SECTION 2

The Urban Revitalization Plan for the City of Keota, Iowa, dated, April 18, 2012, on file with the office of the City Clerk be hereby declared to be the Urban Revitalization Plan for that area of the City of Keota, Iowa, designated in Section 1 above.

SECTION 3

This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

SECTION 4

If any portion of the Ordinance shall be held unconstitutional or invalid for any reason, this decision shall not affect the remaining portions of this Ordinance not so declared unconstitutional or invalid.

This Ordinance was duly passed and adopted by the City Council of the City of Keota, Iowa, and approved by the Mayor on the 18th day of April 2012.