

CHAPTER 1

CODE OF ORDINANCES

1.01 Title
1.02 Definitions
1.03 City Powers
1.04 Indemnity
1.05 Personal Injuries
1.06 Rules of Construction
1.07 Extension of Authority

1.08 Amendments
1.09 Catchlines and Notes
1.10 Altering Code
1.11 Severability
1.12 Warrants
1.13 General Standards for Action
1.14 Standard Penalty

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Norwalk, Iowa, 2010.

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

1. "City" means the City of Norwalk, Iowa.
2. "Clerk" means the city clerk of Norwalk, Iowa.
3. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
4. "Code of Ordinances" means the Code of Ordinances of the City of Norwalk, Iowa, 2010.
5. "Council" means the city council of Norwalk, Iowa.
6. "County" means Warren County, Iowa.
7. "May" confers a power.
8. "Measure" means an ordinance, amendment, resolution or motion.
9. "Must" states a requirement.
10. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
11. "Ordinances" means the ordinances of the City of Norwalk, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
12. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

13. "Public way" includes any street, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
14. "Shall" imposes a duty.
15. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
16. "State" means the State of Iowa.
17. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
18. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

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

(Code of Iowa, Sec. 364.1)

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

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

cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

(Code of Iowa, Sec. 718.5)

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the

power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

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

[The next page is 9]

CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

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

2.01 TITLE. This chapter may be cited as the charter of the City of Norwalk, Iowa.[†]

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

(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** Ordinance No. 46, adopting a charter for the City was passed and approved by the Council on August 13, 1973.

o o o o o o o o o o

CHAPTER 3
BOUNDARIES

3.01 Corporate Limits

3.02 Voting Precincts

3.01 CORPORATE LIMITS. The City of Norwalk, Iowa, is hereby declared to embrace the following territory:

A part of Sections 6, 7, 17 and 18 of Township 77 North, Range 24 West of the 5th P.M. and a part of Sections 1, 2, 11, 12, 13, 14 and 24 of Township 77 North, Range 25 West of the 5th P.M., included in and forming the City of Norwalk, Warren County, Iowa, being more particularly described as follows:

That part of said Section 6, T77N, R24W, described as follows:

*The Southwest Quarter of the Northeast Quarter of said Section 6;
The Southeast Quarter of said Section 6;
The Southwest Quarter of said Section 6;
The South Half of the Northwest Quarter of said Section 6;*

That part of said Section 7, T77N, R24W, described as follows:

*The South Half of the Southeast Quarter of the Southeast Quarter of said Section 7;
The Southwest Quarter of said Section 7;
The Northwest Quarter of said Section 7;*

That part of said Section 17, T77N, R24W, described as follows:

A parcel of land in the Northwest Quarter of said Section 17, being more particularly described as follows: Beginning at the west quarter corner of said Section 17; thence north along the west line of the Northwest Quarter of said Section 17, a distance of 2093.6 feet; thence N89°32'30"E, a distance of 864.0 feet; thence N38°38'30"E, a distance of 712.1 feet, to a point on the north line of the Northwest Quarter of said Section 17; thence N89°43'E, along the north line of said Northwest Quarter, a distance of 1343.5 feet, to the north quarter corner of said Section 17; thence S00°08'W, a distance of 2683.8 feet, to the center of said Section 17; thence N89°33'W, a distance of 2646.5 feet, to the point of beginning.

That part of said Section 18, T77N, R24W, described as follows:

*The Northeast Quarter of said Section 18;
The West Half of the Southwest Quarter of said Section 18;
The west 4.05 chains of the Northeast Quarter of the Southwest Quarter of said Section 18;
The northwest 4 acres of the Southeast Quarter of the Southwest Quarter of said Section 18;
The Northwest Quarter of said Section 18;*

Less and except the following described parcels:

The north 871.75 feet of the east 330.84 feet of the Northeast Quarter of the Northeast Quarter of said Section 18; and

The south 181.50 feet of the east 181.50 feet of the Southeast Quarter of the Northeast Quarter of said Section 18; and

The north 327.00 feet of the south 360.00 feet of the east 272.00 feet of the west 713.50 feet of the Southeast Quarter of the Northeast Quarter of said Section 18.

That part of said Section 1, T77N, R25W, described as follows:

The Northeast Quarter of said Section 1;

The Southeast Quarter of said Section 1;

The Southwest Quarter of said Section 1;

The Northwest Quarter of said Section 1.

That part of said Section 2, T77N, R25W, described as follows:

The Northeast Quarter of said Section 2;

The Southeast Quarter of said Section 2;

The East Half of the Southwest Quarter of said Section 2;

The East Half of the Northwest Quarter of said Section 2;

That part of said Section 11, T77N, R25W, described as follows:

The Southeast Quarter of said Section 11;

That part of said Section 12, T77N, R25W, described as follows:

The Northeast Quarter of said Section 12;

The Southeast Quarter of said Section 12;

The Southwest Quarter of said Section 12;

The East Half of the Northwest Quarter of said Section 12.

That part of said Section 13, T77N, R25W, described as follows:

The Northeast Quarter of said Section 13;

The Southeast Quarter of said Section 13;

The Southwest Quarter of said Section 13;

The Northwest Quarter of said Section 13;

That part of said Section 14, T77N, R25W, described as follows:

The Northeast Quarter of said Section 14;

The East Half of the Southeast Quarter of said Section 14;

The Northwest Quarter of said Section 14;

Less and except the following described parcel: a parcel of land lying south and west of the existing right-of-way of County Road G14 in the Southwest Quarter of the Northwest Quarter of said Section 14,

That part of said Section 24, T77N, R25W, described as follows:

The North Half of the Northwest Quarter of said Section 24;

Less and except the following described parcel: the south 132.00 feet of the east 330.00 feet of said North Half of the Northwest Quarter of said Section 24.

3.02 VOTING PRECINCTS. The City is divided into four (4) voting precincts described as follows:

1. Precinct 1 is comprised of territory located within the following lines:
Starting at the intersection of Beardsley Street and the NE corner of the NW quarter of the NE quarter of Section 7, Township 77, Range 24W, then proceeding easterly along the centerline of Beardsley Street to the intersection of SW 28th Street, then proceeding north along the centerline of SW 28th Street to the very NE corner of the Norwalk corporate limits, then proceeding north and westerly along the north corporate limits to the intersection of South Orilla Road, then proceeding south along the centerline of South Orilla Road to the intersection of West G14 Highway, then proceeding east along the centerline of G14 Highway to the intersection of 50th Avenue, then proceeding north and easterly along the centerline of 50th Avenue to the intersection of West Beardsley Street, then proceeding east along the centerline of West Beardsley Street and continuing along the centerline of Beardsley Street to the point of beginning.
2. Precinct 2 is comprised of territory located east of the following line:
Starting at the intersection of Highway 28 and Beardsley Street, then proceeding southerly along the centerline of Highway 28 to the intersection of Cherry Parkway, then proceeding southerly along Cherry Parkway to the intersection of North Avenue, then easterly along the centerline of North Avenue and census blocks 191810202002000 and 191810202003017 in Greenfield Township.
3. Precinct 3 is comprised of territory located south of the following line:
Starting at the NE corner of the NW quarter of the SE quarter of Section 14, Township 77, Range 24W, then proceeding east along the centerline of West North Avenue and continuing along the centerline of North Avenue to the intersection of Redwood Drive, then north along the centerline of Redwood Drive to the intersection of Knoll Drive, then east along the centerline of Knoll Drive to the intersection of Skylane Drive, then north along the centerline of Skylane Drive to the intersection of Shady Lane Drive, then east along the centerline of Shady Lane Drive to the intersection of Highway 28, then north easterly along the centerline of Highway 28 to the intersection of Richard George Drive, then east along the centerline of Richard George Drive to the intersection of Cherry Parkway, then south along the centerline of Cherry Parkway to the intersection of North Avenue, then east along the centerline of North Avenue approximately 1,500 feet to the southeast corporate limit.
4. Des Moines Precinct 28 consists of territory of Norwalk in Polk County, south of Iowa Highway 5, between the southern extension of SW 42nd Street and southern extension of SW 60th Street.
5. The boundaries of Precinct 4 are comprised of territory not located within precincts 1, 2 or 3 or Des Moines Precinct 28.

(Ord. 11-14 – Jan. 12 Supp.)

[The next page is 21]

CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

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

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

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

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

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

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

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

1. **Standard Civil Penalties.** A municipal infraction is punishable by civil penalties as contained in Chapter 177 of this Code of Ordinances. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.
2. **Special Civil Penalties.**
 - A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.
 - B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence.

However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

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

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

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

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

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

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

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

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

[The next page is 25]

CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Duties: General
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5[1])

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[2])

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

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

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

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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

(Code of Iowa, Sec. 362.5[7])

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

(Code of Iowa, Sec. 362.5[8])

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

(Code of Iowa, Sec. 362.5[9])

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

(Code of Iowa, Sec. 362.5[4])

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[10])

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

(Code of Iowa, Sec. 362.5[12])

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

(Code of Iowa, Sec. 362.5[13])

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

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

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

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, 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[2b])

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

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

[The next page is 35]

CHAPTER 6
CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

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

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

(Code of Iowa, Sec. 45.4)

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

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

o o o o o o o o o o

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council no later than February 15 of each year.
4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10)

nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Clerk, City Administrator, Treasurer or Mayor, except as provided by subsection 5 hereof.

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

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

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

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.

2. Annual Report. Not later than December first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

[The next page is 45]

CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose

8.02 Definitions

8.03 Period of Partial Exemption

8.04 Amounts Eligible for Exemption

8.05 Limitations

8.06 Applications

8.07 Approval

8.08 Exemption Repealed

8.09 Dual Exemptions Prohibited

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

o o o o o o o o o

CHAPTER 9
URBAN RENEWAL

EDITOR'S NOTE		
<p>The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.</p>		
ORDINANCE NO.	ADOPTED	NAME OF AREA
97-07	November 20, 1997	Norwalk Urban Renewal Area No. 1
98-05	March 5, 1998	1998 Addition to Norwalk Urban Renewal Area
98-07	July 16, 1998	1998 Second Addition to Norwalk Urban Renewal Area
99-01	February 4, 1999	1999 Addition to Norwalk Urban Renewal Area No. 1
00-16	November 16, 2000	Amendment to Ord. 99-01
00-17	December 21, 2000	2000 Addition to Norwalk Urban Renewal Area
02-12	December 5, 2002	Amendment to Ord. 00-16
03-14	September 18, 2003	2003 Addition to Norwalk Urban Renewal Area No. 1
06-11	August 17, 2006	Amendment to Ord. 02-12
11-06	April 21, 2011	Norwalk Urban Renewal Area No. 2

o o o o o o o o o o

CHAPTER 10

URBAN REVITALIZATION

10.01 Designation of Revitalization Area

10.02 Urban Revitalization Plan

10.01 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the Code of Iowa, the following described area of the City is hereby designated as an Urban Revitalization Area:

All land within the corporate boundaries of Norwalk, Iowa

Such area shall be known as the Norwalk Urban Revitalization Plan Area of the City of Norwalk, Iowa.

10.02 URBAN REVITALIZATION PLAN. The area designated in Section 10.01 of this chapter as a revitalization area shall be administered under an urban revitalization plan as adopted by Council.

[The next page is 71]

CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of four (4) years.
(Code of Iowa, Sec. 376.2)

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

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

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

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

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

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

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

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

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

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

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

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

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

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

15.03 APPOINTMENTS.

1. The Mayor shall appoint the Mayor Pro Tem, and the Mayor also appoints, with Council approval, the following officials:

(Code of Iowa, Sec. 372.4)

- A. Library Board of Trustees
- B. Public Safety Coordinator
- C. Police Chief
- D. Fire Chief
- E. Construction Board of Appeals
- F. Zoning Board of Adjustment
- G. Zoning Administrator

2. In the event of a vacancy of the Public Safety Coordinator, Police Chief, or Fire Chief positions, the Mayor may appoint an interim Public Safety Coordinator, Police Chief, or Fire Chief until a permanent replacement is found. Interim appointments shall serve without consent of the Council and shall last no longer than six (6) months. Temporary appointments lasting longer than six (6) months shall require Council approval.

15.04 COMPENSATION. The salary of the Mayor is seventy-five hundred dollars (\$7,500.00) per year.

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

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

(Code of Iowa, Sec. 372.4)

[The next page is 75]

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

16.04 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of 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])

o o o o o o o o o

CHAPTER 17

COUNCIL

17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

1. City Clerk
2. City Attorney
3. City Administrator
4. Planning and Zoning Commission
5. Parks and Recreation Advisory Commission
6. Municipal Utilities Advisory Commission

17.06 COMPENSATION. The salary of each Council member is twenty-five hundred dollars (\$2,500.00) per year.

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

[The next page is 83]

CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation
18.02 Powers and Duties: General
18.03 Publication of Minutes
18.04 Recording Measures
18.05 Publication
18.06 Authentication
18.07 Certify Measures

18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal

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

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

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

18.03 PUBLICATION OF MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

18.09 ATTENDANCE AT MEETINGS. At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18.10 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt

number, name of person to whom issued, term of license or permit and purpose for which issued.

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

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

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

18.12 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.

(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

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

[The next page is 89]

CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation

20.05 Review and Comment
20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

o o o o o o o o o

CHAPTER 21

CITY MANAGER

21.01 Purpose
21.02 Appointment, Term and Compensation

21.03 Powers and Duties Generally
21.04 Council Reports

21.01 PURPOSE. The City of Norwalk currently operates under the Mayor-Council form of government pursuant to Section 372.4 of the *Iowa Code*. By virtue of the authority conferred by Section 372.4, *Code of Iowa*, the office of City Manager for the City of Norwalk, Iowa, is hereby created.

21.02 APPOINTMENT, TERM AND COMPENSATION. The City Manager shall be appointed by a majority of the City Council at a regular meeting of such body, and such Manager shall hold office at the pleasure of the said body and shall be subject to removal by a majority vote thereof, subject to the terms and conditions of any existing agreement executed between the City Council and the Manager. The Manager shall receive such annual salary as the Council shall, from time to time, determine by agreement and/or approve by resolution, and time of payment shall be fixed in accordance with other City employees.

21.03 POWERS AND DUTIES GENERALLY. The duties of the Manager shall be as follows:

1. Resolutions, Policies and Laws. The Manager shall see that all resolutions, ordinances, laws, Council's and Mayor's directives and approved operational policies are either faithfully enforced and executed or referred to the proper official for compliance thereof.
2. Attend Council Meetings. The Manager shall attend all meetings of the City Council unless otherwise excused by the Mayor or Council.
3. Recommendations. The Manager shall recommend to the Mayor and Council such measures as the Manager may deem necessary for good efficient government and the general welfare of the City.
4. Departmental Administration. The Manager shall have general supervision and direction of the administration of the following departments, offices, classifications and services and be directly responsible to the Mayor and Council for the proper function of the same.
 - A. City Clerk.
 - B. Public Works.
 - C. Community and Economic Development.
 - D. Finance.
 - E. Development services.
 - F. Fire Department.
 - G. Emergency Medical Services Department.
 - H. Police Department.

- I. Purchasing.
 - J. Human resources.
 - K. Human services.
 - L. Parks and recreation.
 - M. Public buildings, land and custodians thereof under the direct jurisdiction of the Council.
 - N. Budget preparation and operation.
 - O. Contracts and agreements as approved by Council.
 - P. Administrative policies and procedures.
 - Q. Library (through the Board of Trustees).
 - R. All others as directed by Council.
5. Supervise Contracts. The Manager shall supervise the performance of all contracts for work and services to be done for the City, except as specified otherwise in said construction or service program involved.
6. Franchises. The Manager shall maintain an accounting of all obligations, agreements, commitments and contractual franchises involving the City and report to the Mayor and Council any deviations from the exact terms as specified.
7. Purchasing. The Manager shall be authorized to direct the purchasing of all commodities, materials, supplies, capital outlay and services for all departments of the City that have been budgeted and appropriated by resolution of the Council, and enforce a program to determine that such purchases are received and are of the quality and character called for in the order.
8. Require Taking of Bids. The Manager shall require the taking of bids on all matters deemed advisable, as required by law or as directed by the Council.
9. Hire, Suspend and Discharge Employees. The Manager shall have the power to hire, suspend, or discharge any employee over which the Manager has, by this chapter, authority to appoint or employ. The Manager shall have the power to appoint or employ all officers and employees to fill authorized positions with the exception of the Library Director, City Attorney, or City Clerk. Subject to the provisions of Section 372.4, *Code of Iowa*, the Manager appoints the Police Chief as coordinated with the Mayor. The appointment or employment of officers or employees at the department head level is subject to Council approval.
10. Emergency Employees. The Manager shall have the authority to employ any person for emergency purposes as deemed necessary for the welfare of the City, but in no case shall said employment be extended after the first Council meeting following the date of employment, unless otherwise approved by vote of the Council.
11. Supervision of Facilities and Equipment. The Manager shall supervise and manage all buildings, structures and land under the jurisdiction of the Council, and shall also be charged with the care and preservation of all City-owned equipment, tools, machinery, appliances, supplies and commodities under the control of employees or departments, over which the Manager has, by this chapter, specific authority.

12. Personnel Functions. Unless such power is specifically assigned by law to another appointing authority, the City Manager shall have the power to appoint, employ, transfer, promote, reclassify, determine rate of pay, discipline, or discharge all persons to City service. The City Manager shall review and comment on personnel actions made by department heads to the City Council. The City Manager shall develop, administer and enforce personnel rules and regulations for employees under the authority delegated to the office of City Manager.
13. Fiscal Advice. The Manager shall keep the Mayor and Council fully advised of the financial and other conditions of the City.
14. Annual Budget. The Manager shall prepare and submit to the Mayor and Council an annual budget in the manner as prescribed by law.
15. Business Affairs. The Manager shall see that all business affairs of the City are conducted by modern, approved methods and in an efficient manner.
16. Records and Reports. The Manager shall, at all times, be responsible for the maintenance of accurate and current records of all affairs of the departments under the Manager's jurisdiction, and in a form acceptable by the Council. Copies of such reports shall be available for public inspection.
17. Assist Council Committees. The Manager shall assist the Council committees in the execution of their reviews, investigations, reports and assignments, and perform in compliance with their directives; provided, same is not in conflict with established procedure governed by the chapter or not in conflict with existing City ordinances.
18. Other. The Manager shall perform duties and have direct authority on all matters delegated by Council action.
19. Public Relations. Maintains liaisons with residents, businesses, developers, builders, engineers, other governmental or quasi public agencies or ventures.
20. Administrative Assistant to Mayor. The Manager shall act as administrative assistant to the Mayor and perform duties in the coordination of all phases of municipal activity as directed by the Mayor and Council.

21.04 COUNCIL REPORTS. The City Manager is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the body by the City Manager and all Council involvement in administration initiated by the Council must be coordinated through the Manager.

(Ch. 21 - Ord. 12-02 - Mar. 13 Supp.)

o o o o o o o o o o

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library
22.02 Library Trustees
22.03 Qualifications of Trustees
22.04 Organization of the Board
22.05 Powers and Duties
22.06 Contracting with Other Libraries

22.07 Nonresident Use
22.08 Expenditures
22.09 Annual Report
22.10 Injury to Books or Property
22.11 Theft
22.12 Notice Posted

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

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

22.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City. Members shall be over the age of eighteen (18) years.

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

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

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

1. Officers. To meet and elect from its members a Chairperson, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Director of Library Services, and authorize the Director of Library Services 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 Director of Library Services, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

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

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

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

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

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

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

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

(Code of Iowa, Ch. 661)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

1. Failure To Return. Failure to return Library materials for two (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)

CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven (7) members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

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

(Code of Iowa, Sec. 392.1)

23.03 VACANCIES. Any member of the Commission who is absent from three (3) regularly scheduled meetings of the Commission during any one calendar year, without good cause, shall be deemed to have vacated such office on the occasion of such third absence. If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

CHAPTER 24

PARKS AND RECREATION ADVISORY COMMISSION

24.01 Parks and Recreation Advisory Commission Created	24.06 Vacancy
24.02 Qualifications of Members	24.07 Compensation
24.03 Meetings	24.08 Powers, Duties and Responsibilities
24.04 Quorum	24.09 Limitation of Powers
24.05 Term of Membership	24.10 Fees

24.01 PARKS AND RECREATION ADVISORY COMMISSION CREATED. A Parks and Recreation Advisory Commission, comprised of seven (7) members, is hereby created to advise and make recommendations to the Council with reference to the development, furtherance and proper facilitation of parks, playgrounds, community facilities and recreation within the City. The Commission shall select a Chairperson from among its members.

24.02 QUALIFICATIONS OF MEMBERS. All of the regular members of the Commission shall be bona fide citizens and residents of the City and shall be over the age of eighteen (18) and the student member shall be entering 11th or 12th grade (junior or senior year of high school). Five (5) members shall be appointed by the Council from the City at large; one member shall be appointed by the Council from the Norwalk Community School District, and one student member shall be appointed. The Council will make every effort to have at least one appointment from the Lakewood Recreation District.

(Ord. 13-03 – Mar. 13 Supp.)

24.03 MEETINGS. Regular monthly meetings of the Commission shall be held at the Norwalk City Hall, pursuant to laws, regulations, rules and procedures for the holding of public meetings. The Commission shall establish a regular day and time for the regular monthly meeting. The tentative agenda for any regular or special meeting shall be submitted to the Clerk not less than five (5) full days prior to said meeting. Minutes shall be taken at each meeting by the Clerk. It shall be the responsibility and duty of the Clerk and/or City Administrator to publish notice of meetings, as required by law. Special meetings may be called at the direction of the Chairperson of the Commission.

24.04 QUORUM. For purposes of conducting business, a minimum of four (4) members of the Commission must be present at the commencement of a meeting; the Commission may continue to conduct business with the presence of at least three (3) members. Should less than three members of the Commission be present, the meeting shall stand adjourned to the next regular meeting, and all matters upon the agenda of the adjourned meeting not yet addressed and/or disposed of shall be automatically, without further request, made a part of the agenda and business of the next regular meeting.

24.05 TERM OF MEMBERSHIP. Regular members of the Commission shall be appointed for staggered three-year terms commencing July 1. The student member shall be appointed to a two-year term commencing July 1st. There shall be no preclusion or prohibition for a Commission member being appointed to serve for more than one term.

(Ord. 13-03 – Mar. 13 Supp.)

24.06 VACANCY. The position of any Commission member shall be vacant if said member makes a change of residence from the City, is absent from three (3) consecutive

regular meetings of the Commission, except in the case of illness or temporary absence from the City; dies; becomes incompetent or resigns. Vacancies in the Commission shall be filled by appointment of the Council, and any appointed Commission members shall complete the unexpired term for which the appointment is made.

24.07 COMPENSATION. The members of the Commission shall receive no compensation or salary for their services. The Council may approve reimbursement of actual expenses of the members of the Commission.

24.08 POWERS, DUTIES AND RESPONSIBILITIES. The Commission has the following powers, duties and responsibilities:

1. To review and make recommendations with respect to the furtherance, development and regulation, operation facilitation, promotion and funding of parks, playgrounds, recreational areas, sporting activities, hobbies, quality leisure time, community facilities, nature studies, and recreational activities within the City.
2. To request that the Council authorize studies and surveys with reference to recreation and leisure time.
3. To make recommendations as to parks, playgrounds, community facilities and recreation areas within the City.
4. To submit an annual report to the Clerk for submission to the Council not later than November 1 of each year.
5. To submit to the Council for approval the rules and regulations for the use of recreational facilities within the City, including but not limited to parks, playgrounds, community facilities, trails, bikeways, waterways, and other recreation areas within the City, and for the conduct of recreational programs. The Commission is not empowered to implement rules and regulations without approval by the Council. All rules and regulations, as approved by the Council, shall be posted on the facility with the subject of the rules, or otherwise publicized in a manner so as to provide the public with adequate notice as to the rules and regulations.
6. To submit any requests, recommendations, reports or other rules, regulations, and agenda to the Clerk and the City Administrator for distribution to the Council.
7. To make specific studies and recommendations, as requested from time to time by the Council.
8. To make recommendations and requests as to the beautification and appearance of City recreational facilities and areas of the City.
9. To coordinate its activities with and through the office of the City Administrator.
10. To make recommendations as to expenditures and budgeting for purposes of this chapter.
11. To make recommendations with respect to property and personnel devoted to parks and recreation within the City.

24.09 LIMITATION OF POWERS. The Commission shall have no power to:

1. Obligate the City to expend any money without the approval of the Council.
2. Terminate the employment of any City personnel.

3. Impose rules, regulations and procedures which have not been approved by the Council.
4. Develop any civil penalties or sanctions for violations of any rules or regulations without prior approval by the Council.

24.10 FEES. Fees for the use of the Parks and Recreation facilities and programs are as established in Chapter 177 of this Code of Ordinances.

[The next page is 111]

CHAPTER 25

MUNICIPAL UTILITIES ADVISORY COMMISSION

25.01 Creation of the Commission
25.02 Qualification for Membership
25.03 Terms of Membership
25.04 Meetings
25.05 Quorums

25.06 Vacancies
25.07 Compensation
25.08 Powers, Duties and Responsibilities
25.09 Limits of Power

25.01 CREATION OF THE COMMISSION. A Norwalk Municipal Utilities Advisory Commission, comprised of five (5) members, is hereby created to advise and make recommendations to the Council with reference to the planning of the water and sanitary sewer systems, wastewater treatment plant operations, storm water systems, solid waste collections and franchises for cable television, electrical, gas and other franchised services in the community, hereinafter referred to as “enterprise operations”. The Commission, upon request from the Council or City staff, shall study and make proposals through City staff for improvements, proper planning and budgeting for the continued successful operation of the above utilities within contractual and legislative guidelines of applicable Federal, State and local governmental agencies.

25.02 QUALIFICATION FOR MEMBERSHIP. All of the members of the Commission shall be bona fide citizens and residents of the City, and shall be over the age of eighteen (18) years. Members shall be appointed by the Council from the City at large with an emphasis of attempting to obtain a geographically diverse membership from areas of the City.

25.03 TERMS OF MEMBERSHIP. Members of the Commission are appointed for staggered terms of three (3) years. Members may reapply for appointment to the Commission.

25.04 MEETINGS. Regular meetings of the Commission shall be held quarterly at a City Hall or a site to be determined pursuant to the Iowa Open Meetings Law. The Commission shall establish day and time for the quarterly meetings. An agenda shall be prepared and made available at least twenty-four (24) hours prior to the meeting in compliance with the Iowa Open Meetings Law. Special meetings may be called at the direction of the Mayor, the City Council, the City Administrator or the Chairperson of the Commission.

(Ord. 11-02 – May 11 Supp.)

25.05 QUORUMS. For the purpose of conducting business, a minimum of three (3) members of the Commission must be present at the commencement of the meeting. The Commission may continue to conduct business as long as this quorum is present. Should less than three members of the Commission be present, the meeting shall stand adjourned until the next regular or specially called meeting of the Commission. All items on the agenda for the adjourned meeting shall be continued to and be made part of the agenda for the next meeting.

25.06 VACANCIES. The position of any Commission member shall be declared vacant if said member moves from the City, misses more than five (5) meetings in one calendar year (unless due to illness or temporary absence from the City), becomes incompetent, dies, or resigns. Relocation to an area of the City other than the original area served by a member shall not preclude reappointment. Vacancies in the Commission shall be filled by

appointment of the Council, and any appointed Commission member shall complete the unexpired term for which the appointment is made.

25.07 COMPENSATION. The members of the Commission shall receive no compensation or salary for their services. The Council may approve reimbursement of actual expenses of the members of the Commission.

25.08 POWERS, DUTIES AND RESPONSIBILITIES. The Norwalk Municipal Utilities Commission has the following powers, duties and responsibilities:

1. To review and make recommendations with respect to the furtherance, development and regulation of the enterprise operations. Daily operations will be conducted by City staff.
2. The Commission may request that the Council authorize studies and surveys for the enterprise operations. Such recommendations shall be coordinated with City staff.
3. To review and provide comment to City staff regarding departmental budgets relating to the creation and maintenance of the enterprise operations.
4. To submit through City staff any advice or recommendations regarding access to municipal utility facilities. The Commission shall not be empowered, unless otherwise designated by the Council, to implement or adopt rules or regulations.
5. To submit to the City Administrator through the Community Services Director any reports, rate studies, budgets, regulations or agendas for distribution to the Council.
6. To make specific studies and recommendations, as requested from time to time by the Council.
7. To coordinate its activities with the City Administrator through the Community Services Director of the City.

25.09 LIMITS OF POWER. The Commission shall not have the power:

1. To obligate the City to expend any money without the approval of the City Council.
2. To hire or terminate any employee of the City.
3. To impose rules, regulations or procedures which have not been duly forwarded to and adopted by the City Council.
4. To develop any civil penalties or sanctions for violations of any rules or regulations.

[The next page is 115]

CHAPTER 26
PUBLIC SAFETY COORDINATOR

(Repealed by Ord. 10-01 – May 11 Supp.)

[The next page is 145]

CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established
30.02 Organization
30.03 Peace Officer Qualifications
30.04 Required Training
30.05 Compensation

30.06 Police Chief Appointed
30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons

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

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

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

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

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

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

30.06 POLICE CHIEF APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council.
(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 321.266)

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

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, as may be necessary for the operation of the department.

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

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

CHAPTER 31

RESERVE POLICE FORCE

31.01 Establishment of Force
31.02 Training
31.03 Status of Reserve Officers
31.04 Carrying Weapons
31.05 Supplementary Capacity
31.06 Supervision of Officers

31.07 No Reduction of Regular Force
31.08 Compensation
31.09 Benefits When Injured
31.10 Insurance Liability and False Arrest Insurance
31.11 No Participation in Pension Fund or Retirement System

31.01 ESTABLISHMENT OF FORCE. A force of reserve peace officers is hereby established. A reserve peace officer is a volunteer, non-regular, sworn member of the Police Department, who will serve with or without compensation and has regular police powers while functioning as the Police Department's representative, and will participate on a regular basis in the agency's activities, including those of crime prevention and control, preservation of the peace and enforcement of the law.

31.02 TRAINING. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the Iowa Law Enforcement Academy. All standards and training required under Chapter 80D of the Code of Iowa constitute the minimum standards for reserve peace officers. Upon satisfactory completion of training, the Iowa Law Enforcement Academy shall certify the individual as a reserve peace officer. There shall be no exemptions from the personal and training standards provided for in this chapter.

31.03 STATUS OF RESERVE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the Police Chief. While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations and duties as any other peace officers.

31.04 CARRYING WEAPONS. A member of the reserve force shall not carry a weapon in the line of duty until he or she has been approved by the Council and certified by the Iowa Law Enforcement Academy Council. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the Police Chief.

31.05 SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full time duties of regular peace officers without first complying with all the requirements of regular peace officers.

31.06 SUPERVISION OF OFFICERS. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the Police Chief, unless the Police Chief designates alternate apparel for use when engaged in assignments involving special investigations, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank.

31.07 NO REDUCTION OF REGULAR FORCE. There shall be no reduction of the authorized size of the regular law enforcement department of the City because of the establishment or utilization of reserve peace officers.

31.08 COMPENSATION. While performing official duties, each reserve peace officer shall be considered an employee of the City and shall be paid at a minimum of \$1.00 per year. In addition to the above mentioned pay, the Police Chief may compensate reserve peace officers on an hourly basis, in the discretion of the Police Chief and subject to the approval of the Council. The hourly compensation shall be fixed from time to time by the Council.

31.09 BENEFITS WHEN INJURED. Hospital and medical assistance and benefits, as provided in Chapter 85 of the Code of Iowa, shall be provided by the Council to members of the reserve force who sustain injury in the course of performing official duties.

31.10 INSURANCE LIABILITY AND FALSE ARREST INSURANCE. Insurance liability and false arrest insurance shall be provided by the City to members of the reserve force while performing official duties in the same manner as for regular peace officers.

31.11 NO PARTICIPATION IN PENSION FUND OR RETIREMENT SYSTEM. This chapter shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or retirement system created by the laws of the State and of which regular peace officers may become members.

[The next page is 161]

CHAPTER 35

FIRE DEPARTMENT

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

35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Establishment of Fire District
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Emergency Ambulance Service
35.16 Service Fees

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

(Code of Iowa, Sec. 364.16)

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

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

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

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

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

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

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

35.06 FIRE CHIEF APPOINTED. The Fire Chief shall be appointed by the Mayor, subject to the approval of the Council, and shall serve at the discretion of the Mayor.

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

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

(Code of Iowa, Sec. 100.2 & 100.3)

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)

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

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

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

35.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

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

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

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

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

35.12 ESTABLISHMENT OF FIRE DISTRICT. The Council may by resolution establish an area outside the corporate limits of the City, within which area the fire department shall respond to calls. The Council may from time to time by resolution establish the conditions upon which the fire department shall respond to such calls.

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

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

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

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

(Code of Iowa, Sec. 100.41)

35.15 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services, and the accidental injury and liability insurance provided for herein shall include such operation. The charges that shall be imposed for all EMS calls made by the Norwalk Fire Department are as established in Chapter 177 of this Code of Ordinances.

35.16 SERVICE FEES. The charges that shall be imposed for all applicable services provided by the Fire Department are as established in Chapter 177 of this Code of Ordinances. The Clerk and Fire Chief will have the authorization to invoice for such charges. The revenue generated by these service fees will be deposited into the City General Fund, which shall be used to purchase equipment for the Fire Department or to retire debt related to the purchase of said equipment. The City reserves the right to collect on the invoices for fire service fees in the best interest of the City as determined by the administration and will include all legal means.

[The next page is 171]

CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose
36.02 Definitions
36.03 Notifications
36.04 Authority

36.05 Cleanup Required
36.06 Activities and Omissions Prohibited
36.07 Liability Insurance
36.08 Violation and Penalty

36.01 PURPOSE. The purpose of this chapter is to reduce the danger to the public health, safety and welfare from the creation of hazardous conditions within the City, and to provide regulations for the cleanup and costs associated with hazardous conditions.

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

1. “Cleanup” means actions to contain, collect, control, identify, analyze, clean up, treat, eliminate, disperse, remove or dispose of a hazardous substance or hazardous waste in a manner and/or utilizing procedures acceptable to the appropriate State and/or Federal environmental agency supervising said cleanup and in accordance with all Federal and/or State statutes, rules and regulations therefor, and additionally in a manner so as not to cause any danger to persons, animals, property or the environment. “Cleanup” also includes the restoration of an area to a generally good appearance, without, as far as practical, noticeable odor or change of color in comparison with the natural setting.
2. “Corrosive” means causing or producing destruction, whether visible or not, or irreversible alterations in human and animal skin tissue at the site of contact, or in the case of leakage of a hazardous substance from its packaging, causing or producing of a severe destruction, alteration or erosion of other materials through chemical processes.
3. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, dispersal or release of a hazardous substance and/or hazardous waste onto or which creates an immediate or potential danger to the public health or safety, or to the environment. “Hazardous condition” includes any collision involving the transportation of hazardous materials, waste or substances required to be reported under Section 321.266(4) of the Code of Iowa and an abandoned or uncontrolled disposal site, as defined in Section 455B.411 of the Code of Iowa.
4. “Hazardous substance” means any substance or mixture of substances that present a danger to the public’s health, safety or environment, and includes, but is not limited to a substance or mixture of substances that is toxic, adversely infectious to humans, animals and other organic life, explosive, flammable, is an irritant or that, in confinement, generates pressure through decomposition, heat or other means. The following, without in any way limiting this definition, are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium, industrial chemicals, paint thinner; paint; pesticides; asbestos, petroleum products; poisons; radioactive materials; sludge; and organic solvents. “Hazardous substance” includes all substances, as defined by Section 455B.381 of the Code of Iowa, and biomedical byproducts, materials and waste.

5. “Hazardous waste” means a waste or combination of waste, other than agricultural waste, such as manure and crop residue returned to the soil as fertilizers or soil conditioners, that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical or infectious characteristics has either of the following effects:

- A. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- B. Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise improperly managed.

6. “Irritant” means a substance causing or producing dangers, intensely nauseous or intensely irritating fumes upon contact with fire, or when exposed to air, water or other materials through chemical processes.

7. “Person” is a natural person, and heir, personal representative, executor, administrator, trustee, successor or assign of said “person.” “Person” also includes any legal entity, including a firm, partnership, corporation, estate, trust, governmental entity and subdivisions thereof, or any employee, contractor, bailee, board member, or personal representative of any of the aforesaid.

8. “Release” means a threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a hazardous substance or hazardous waste into or onto the land, air or waters of the City unless one of the following applies:

- A. The release is done in compliance with the conditions of a Federal or State permit.
- B. The use and release of pesticides or fertilizers or the application of the same being done in accordance with the product label and compliance with any and all conditions required by the State or Federal government.

9. “Responsible person” means any person, whether owner, lessor, tenant, agent, contractor, bailee, carrier, or any other person in control or in charge of hazardous waste or hazardous substance being stored, processed, transported or handled.

10. “Toxic” means causing or producing a dangerous physiological, anatomic, or biochemical change in a biological system.

11. “Treatment” means a method, technique, or process, including a neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduce it in volume. “Treatment” includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance or hazardous waste to that of a non-hazardous substance and/or non-hazardous waste.

12. “Water” means rivers, streams, lakes, creeks, or any bodies of surface or subsurface water lying within or forming a part of the boundaries of the City, which also include waters of the United States and the State of Iowa, if any, lying within, or forming apart of the boundaries of the City.

36.03 NOTIFICATIONS. Any person who is or should be aware of a hazardous condition, which is in existence within the City, shall immediately notify 911. When a hazardous condition is created, the responsible person shall notify 911 immediately upon discovery, but

in any instance, no later than twenty (20) minutes after the onset of the hazardous condition. A person may be required to submit a written report to the City and/or to the Warren County Emergency Management Agency within thirty (30) days following said request, describing fully and in detail the full and complete particulars of the creation, existence and cleanup of a hazardous condition.

36.04 AUTHORITY. The Chief of the Fire Department and/or the Norwalk Police Department, if the circumstances require shall:

1. Order evacuation of persons to areas away from the site of hazardous condition, and/or
2. Establish perimeters or other boundaries at or near the site of hazardous condition and limit access to such site.

No person shall disobey an order of any fire official, law enforcement official or any other person acting under the direction of said officials. Disobedience of an order issued under this section is punishable as stated in the Violation and Penalty section of this chapter.

36.05 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking, or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the same may enter the environment, or be emitted into the air, or discharged upon or into any land, water, or any area of the City, including groundwater, the responsible person shall cause the condition to be remedied by cleanup and treatment, as defined herein, as rapidly as feasible in an acceptable and safe condition. In the event a responsible person does not initiate cleanup within one hour of the first notification to 911, or within one hour of the point in time notice should have been given, the City may, by an authorized officer, including but not limited to the Fire Chief, Sheriff's Office, City Administrator, Mayor or Warren County Emergency Management Coordinator, give reasonable notice based upon the character and circumstances of the hazardous condition, either orally or in writing, indicating a deadline for accomplishing the cleanup, advising that should the cleanup not be satisfactorily commenced or accomplished, the City will proceed to cause and/or procure cleanup services at the cost and expense of the responsible person. The City shall proceed to bill and invoice for all actual costs and expenses incurred by the City with respect to the hazardous condition and all matters associated with it, including, but not limited to investigation, notification, disruption of services, and cleanup. In the event it is impossible, or by reason of the nature, condition or severity of the hazardous condition reasonably impractical for an authorized officer to give such notice to a responsible person, the City may proceed to cause and/or procure cleanup services at the cost and expense of the responsible person. In the event the responsible person fails to pay in full the expenses and costs associated to the hazardous condition, as billed and invoiced by the City to the responsible person, within thirty (30) days of the date of invoice, the City shall proceed to obtain payment by all legal means. The City shall be under no duty or responsibility to allocate expenses and costs among responsible persons. In the event of more than one responsible person, each shall be jointly and severally liable for all costs and expenses. In the event the cost of cleanup is beyond the capacity of the City to finance, the Mayor shall report to the Council and immediately seek any State and Federal funds available for the cleanup.

36.06 ACTIVITIES AND OMISSIONS PROHIBITED. No person shall cause, by action or omission, the deposit, discharge, injection, dumping, release, spilling, leaking, or placing of a hazardous substance or hazardous waste or a constituent of a hazardous substance or hazardous waste on, and/or into the environment within the City, or allow or cause a

hazardous substance or hazardous waste to be emitted into the air or discharged upon or into any lands or any waters within the City , including groundwaters, or cause or create a hazardous condition within the City.

36.07 LIABILITY INSURANCE. All persons, as defined within this chapter, who handle, store, transport and/or produce a hazardous substance and/or hazardous waste, shall provide proof of liability insurance. Such insurance shall be subject to review and approval as to terms, limits, and coverage by the Council. Proof of continuing coverage, as evidenced by current policy copies and evidence of premium payments, shall be furnished to the City at any time upon request. Nothing contained in this section shall relieve a responsible person from any other responsibility or sanction as provided by this or any other applicable City ordinance, or as otherwise provided by law, including, but not limited to injunctive and/or equitable relief as may be ordered by State and/or Federal Courts.

36.08 VIOLATION AND PENALTY. Anyone violating any of the provisions of this chapter shall, for each separate violation, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances.

[The next page is 201]

CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. "Deface" means to intentionally mar the external appearance.

B. "Defile" means to intentionally make physically unclean.

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

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

E. "Show disrespect" means to deface, defile, mutilate or trample.

F. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle or animal to tread upon.

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

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

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

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

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

C. Disturb or disrupt the funeral, memorial service, funeral procession or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

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

(Code of Iowa, Sec. 723.5)

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

o o o o o o o o o o

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances
41.02 False Reports to or Communications with Public Safety Entities
41.03 Refusing to Assist Officer
41.04 Harassment of Public Officers and Employees
41.05 Interference with Official Acts
41.06 Abandoned or Unattended Refrigerators

41.07 Antenna and Radio Wires
41.08 Barbed Wire, Razor Wire and Electric Fences
41.09 Discharging Weapons
41.10 Throwing and Shooting
41.11 Urinating and Defecating
41.12 Fireworks

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

41.05 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or 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, emergency medical care provider 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. The terms "resist" and "obstruct" as

used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 727.3)

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

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

41.08 BARBED WIRE, RAZOR WIRE AND ELECTRIC FENCES.

1. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits unless such land consists of three (3) acres or more; provided, however, the provisions of this subsection do not apply to barbed wire located around the top of a security fence standing at least six (6) feet above ground level.
2. It is unlawful for a person to use any other fencing which, when manufactured or otherwise assembled, is intended to cause injury, pain or discomfort upon contact, to enclose land within the City limits unless such land consists of three (3) acres or more.
3. It is unlawful for a person to use razor wire fencing within the City.

41.09 DISCHARGING WEAPONS.

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

41.10 THROWING AND SHOOTING. It is unlawful for a person to shoot arrows, paintballs, slingshots, air rifles, BB guns or other dangerous instruments within the City without written consent of the Police Chief.

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

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

41.12 FIREWORKS. The sale, use or exploding of fireworks within the City is subject to the following:

1. Definition. The term "fireworks" includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing

a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrocketes, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

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

- A. Personal Injury: - \$250,000.00 per person.
- B. Property Damage: - \$50,000.00.
- C. Total Exposure: - \$1,000,000.

(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

[The next page is 211]

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

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

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

2. **Entering or Remaining on Property.** Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or 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. **Interfering with Lawful Use of Property.** Entering upon or in 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. **Using Property Without Permission.** Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

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

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])

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

[The next page is 215]

CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery or Offering For Sale

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

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

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

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

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

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

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

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

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

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

[The next page is 225]

CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *(See Section 62.05 of this Code of Ordinances.)*

CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency

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

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

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

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

o o o o o o o o o o

CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed
47.06 Camping

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

(Code of Iowa, Sec. 364.12)

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

47.03 FIRES. No 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.

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

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of ten o'clock (10:00) p.m. and five o'clock (5:00) a.m. unless otherwise posted by the Parks and Recreation Director.

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

[The next page is 251]

CHAPTER 50

NUISANCES

50.01 Definition
50.02 Prohibited
50.03 Enumerated
50.04 Notice to Abate Nuisance
50.05 Notice to Abate - Contents
50.06 Failure to Comply
50.07 Collection of Abatement Costs

50.08 Penalty
50.09 Hearing - Appeal
50.10 Emergency Abatement by City
50.11 Liability
50.12 Powers of Community Development Department
50.13 Search Warrant
50.14 Interference Prohibited

50.01 DEFINITION. Whatever is injurious to the health or is indecent or offensive to the senses, or is an obstruction to the free use of property so as to essentially interfere with the comfortable enjoyment of life or property, is considered to be a nuisance. All structures and premises both occupied and vacant shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to create, contribute to, cause blight, or restrict the public's right to health and safety.

50.02 PROHIBITED. The creation or maintenance of a nuisance is prohibited.

50.03 ENUMERATED. The following things, acts, conditions, and substances are declared to be nuisances. This enumeration shall not be deemed or construed to be exhaustive, limiting, or conclusive.

1. Any building, structure, or place where any activity is conducted which is in violation of any local, state or federal law.
2. Any and all putrid, rotting, or decaying carcasses, flesh, fish, produce, entrails, filth, offal, or other unhealthy or offensive substances of any kind left, deposited, dumped, or existing upon any street, alley, private lot, ground, or public place in or around any vacant or occupied building, except when properly enclosed in an approved trash or garbage receptacle.
3. All diseased, stray, or hazardous animals running at large.
4. Carcasses of animals not buried or destroyed within twenty-four (24) hours of death, as provided by law.
5. Any accumulation of stagnant water.
6. Any accumulation of rubbish, debris, or other offensive material(s) such as, but not limited to, old timber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass, hedge clippings, rocks, bricks, cinders, scrap iron, buckets, paint cans, tubs, windows, screens, glass, bottles, wastepaper, bedsprings, discarded furniture, improperly covered garbage and waste receptacles, old automobile parts, inoperable machinery or appliances.
7. All trees, bushes, signs, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets or alleys in sufficient time to bring a motor vehicle driving at a reasonable speed to a full stop before the intersection is reached.

8. The pollution of any well, stream, lake, river, or body of water by abandoning, dumping, depositing, or throwing of any sewage, industrial waste, carcass, garbage, refuse, offal, or manure except with the consent and under the direction of the Iowa Department of Natural Resources; and the dumping, depositing, or throwing of any such items upon any private or public property.
9. All weeds, grasses, and other noxious growth as provided in Chapter 52 of this Code of Ordinances.
10. Dense smoke, noxious fumes, gas and soot, or cinders in noisome or unreasonable quantities.
11. All explosives, flammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law.
12. Any use of property abutting on a public street, path, trail, or sidewalk, or any use of a public street, path, trail, or sidewalk which causes large crowds of people to gather, which obstructs traffic and free use of the public.
13. All snow and ice not removed from public sidewalks within twenty-four (24) hours after the snow or ice has ceased being deposited thereon.
14. All limbs of trees or other vegetation which are less than ten (10) feet above the surface of any public sidewalk or street.
15. All wires, cords, cables, or ropes which are strung less than fifteen (15) feet above the surface of any public street, path, trail, or alley.
16. Any unsecured areas, buildings or places that could cause accidental or unauthorized access where such access threatens the health or safety of public. (Fences, railings and other guards shall be well built, kept in good repair, and an adequate height to perform their function, and have no sharp points, spikes, hooks, projection barbs, or other devices that are in themselves hazardous; except barbed wire which may be used to enclose agricultural land.)
17. All trees, bushes, or other vegetation which are dead, decayed, diseased, or dying.
18. Any building or location which harbors or breeds rodents or pests.
19. All accessory buildings or structures, including garages, fences, walls, that are not maintained in a structurally sound manner.
20. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, that contain holes, breaks, loose or rotting boards or timber, or falling or loose bricks or stucco.
21. Any exterior paint that is peeling, flaking and chipped. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights that are not maintained weather resistant and water tight.
22. All foundation walls containing open cracks and breaks and allowing the entry of rodents and pests.
23. The roof shall be tight and sound and not have defects which admit rain or moisture. Roof drainage shall be maintained in good repair and free from obstruction. Roof drainage shall not be discharged in a manner that creates a potentially hazardous

condition to the health and safety of the public and adequate to prevent rainwater to cause dampness in the walls.

24. Every exterior stair, porch, deck, balcony, or railing incapable of safely accommodating imposed live and dead loads.

25. All exterior decorative features such as, but not limited to, trim, cornices, and wall facings in such disrepair as to create an unsafe condition.

26. All overhanging extensions such as, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, and exhaust ducts in such disrepair as to create an unsafe condition.

50.04 NOTICE TO ABATE NUISANCE. Whenever, in the judgment of the official charged with enforcement, it is determined, after inspection, that a public nuisance is being maintained or exists within the City, such official will notify in writing the person committing or maintaining the nuisance to abate the nuisance within twenty-four (24) hours or within stated longer period if the official charged with enforcement determines it necessary to avoid unnecessary hardship. However, the maximum time for abatement of the nuisance shall not exceed thirty (30) days. The written notification to abate shall be served by the United States certified mail or personal delivery. If such delivery methods cannot reasonably be made, then service may be made by posting the notice in a conspicuous place upon the premises where the nuisance exists.

50.05 NOTICE TO ABATE - CONTENTS. The notice to abate shall contain the following information:

1. An order to abate the nuisance or request a hearing, as provided by Section 50.09, within a stated time which shall be reasonable under the circumstances, but the maximum time for the abatement of the nuisance shall not exceed thirty (30) days.
2. Location of the nuisance.
3. Description of what constitutes the nuisance.
4. Statement of the act or acts necessary to abate the nuisance.
5. Statement that, if the nuisance is not abated as directed and no request for a hearing is made within the time prescribed, the City will abate it and assess the cost against such person.

50.06 FAILURE TO COMPLY. Upon failure to comply with such notice, the City may either abate the nuisance, with costs certified to the City Council, paid by the City, and certified by the Warren County Treasurer for property assessment and collection as taxes, and/or the City may file a municipal infraction nuisance charge against the property owner, owner's agent, or occupant in accordance with Chapter 4 of this Code of Ordinances.

50.07 COLLECTION OF ABATEMENT COSTS. The City Clerk shall mail a statement of the total cost to the person or persons failing to abide by the notice to abate, and, if the amount shown by the statement has not been paid within thirty (30) days, the City Clerk shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

50.08 PENALTY. Any person violating any of the provisions of this chapter or failing to comply with any order given hereunder shall, upon conviction, be subject to penalties set forth in Chapter 4, and more specifically 4.01 and 4.03(1), of this Code of Ordinances. Any person who commits the same offense within the same calendar year after the initial notification and abatement may be charged with a municipal infraction, without notice, and the violation may be abated without further notice.

50.09 HEARING - APPEAL.

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

2. At the conclusion of such hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If said official finds that a nuisance exists, said official must order it abated within an additional time which must be reasonable under the circumstances, but not to exceed thirty (30) days. An appeal from this decision may be had by immediately filing a written notice with the hearing official. This appeal will be heard before the City Council at a time and place fixed by said Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances but not to exceed thirty (30) days.

50.10 EMERGENCY ABATEMENT BY CITY. When there is actual or immediate danger to the public health and welfare caused by the existence of a nuisance or nuisances, the official charged with enforcement of the nuisance code is authorized to abate such nuisance(s) without prior notice or posting.

50.11 LIABILITY. The owners, agents, contract buyers, tenants, or lessees of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this chapter is found shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any damages or costs incurred and awarded under this chapter.

50.12 POWERS OF COMMUNITY DEVELOPMENT DEPARTMENT. The Community Development Department may enter onto and into open unobstructed property and structures to investigate, locate, and identify nuisances enumerated in this chapter that occur on real estate in the City. Employees of the Community Development Department shall have full authority to declare a condition to be a public nuisance and issue appropriate notices provided for by this chapter. Thereafter, the Community Development Department shall take action as required and permitted by this chapter. Community Development Department employees shall have all powers and authority necessary to cause the abatement of the nuisance under this chapter.

50.13 SEARCH WARRANT. If entry onto real estate for the purposes described in Section 50.12 of this chapter is refused, the Community Development Department may obtain an administrative search warrant as provided by law to gain entry onto the real estate for purpose of inspection.

50.14 INTERFERENCE PROHIBITED. Interference with the lawful removal of a nuisance by the City is prohibited.

(Ch. 50 – Ord. 08-11 – Mar. 09 Supp.)

[The next page is 261]

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

51.06 Imminent Danger

51.07 Outdoor Storage of Motor Vehicles

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

1. “Conceal” means to obscure or hide an object so that the object cannot be observed from any street or adjacent or other property or residence.
2. “Enclosed structure” means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
3. “Inoperable” means not capable of being used or operated.
4. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
5. “Junk vehicle” means any vehicle, trailer or semi-trailer, whether currently licensed or not, which has any one of the following characteristics:
 - A. Any vehicle not capable of being driven from the place of its location under its own power without additional parts or repairs thereon.
 - B. Any vehicle, trailer, or semi-trailer which is rendered inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver’s seat, trunk, fuel tank, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part.
 - C. Any vehicle, trailer, or semi-trailer which lacks current registration.
 - D. Any vehicle, trailer, or semi-trailer not equipped with the number of inflated tires necessary for its operation.
 - E. Any vehicle, trailer, or semi-trailer which has become the habitat of rats, mice, snakes or any other vermin or insects.
 - F. Any vehicle, trailer, or semi-trailer which contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.
 - G. Any vehicle, trailer, or semi-trailer used for storage purposes or for the harborage, cage or dwelling for animals of any kind.

- H. Any vehicle, trailer, or semi-trailer which contains gasoline or any flammable fuel and is not operative.
- I. Any vehicle, trailer, or semi-trailer which because of its defective or obsolete condition in any other way constitutes a threat to the public safety of the citizens of Norwalk, Iowa.
- J. Any vehicle, trailer, or semi-trailer which by reason of its condition, can no longer be used for the purposes for which it was designed and is unfit for legal use upon a public highway.
6. “Restoration vehicle” means an antique or classic vehicle actively being restored or being kept for the purpose of restoring for a period not to exceed 24 months.
7. “Semi-trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
8. “Trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
9. “Vehicle” means an automobile, truck, motorcycle, or other trackless self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private or public property within the corporate limits of the City any junk or junk vehicle for more than forty-eight (48) hours.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private or public property for more than forty-eight (48) hours, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private or public property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to:

1. Any junk or junk vehicle stored within a garage or other enclosed structure;
2. Any junk or junk vehicle stored within areas of the City zoned and classified for outside storage, provided that the area in question meets all requirements of City ordinances pertaining to said classification;
3. Restoration vehicles, which would otherwise constitute a junk vehicle, which are kept concealed and enclosed behind an opaque wall at least six (6) feet in height.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private or public property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

51.06 IMMINENT DANGER. If, in the opinion of the Police Department, a condition exists, as described in this chapter, which constitutes imminent danger to the public, immediate action may be taken to correct the condition, including entry upon premises, modification of any vehicle or machinery, immediate removal of the same, or any other steps necessary to alleviate the existing danger.

51.07 OUTDOOR STORAGE OF MOTOR VEHICLES. Inasmuch as it is found that the outdoor storage of motor vehicles which are not deemed to be junk can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. No person shall keep, store or display one or more motor vehicles outdoors on property zoned for residential use, or permit the parking outdoors of a motor vehicle on residentially zoned property under such person's ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle.
2. No person shall store or display one or more motor vehicles outdoors on property zoned for commercial use, or permit the parking outdoors of a motor vehicle on commercial zoned property under such person's ownership, possession or control for more than one year without movement and use of said vehicle as an operating motor vehicle.
3. The provisions of subsection 2 notwithstanding, the keeping, parking or storage, outdoors, of any wrecked or demolished motor vehicle, or motor vehicle stripped for parts, at the same commercial zoned property for more than one hundred eighty (180) days is prohibited.
4. The following are exempt from the regulations of this section:
 - A. Vehicles kept in a garage or other enclosed structure or which are kept concealed and enclosed behind an opaque wall at least six feet in height;
 - B. Vehicles kept in commercial automobile salvage yards;
 - C. A "motor home," pickup truck with camper top, converted bus or van, or similar recreational vehicle, which is currently licensed for operation and operable on the public highway;
 - D. A motor vehicle currently licensed for operation on the public highway and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this City, is out of the City for more then fifteen (15) days but not more than one hundred eighty (180) days;
 - E. Vehicles which are immobilized pursuant to an immobilization order of the District Court;
 - F. Vehicles completely concealed under a form-fitting commercially made cloth vehicle cover.

[The next page is 267]

CHAPTER 52

WEEDS AND GRASS

52.01 Weed and Grass Control
52.02 Nuisance Violation

52.03 Notice to Abate Nuisance
52.04 Failure to Comply

52.01 WEED AND GRASS CONTROL. The provisions of this chapter apply to all noxious weeds (as defined by the State of Iowa Department of Agriculture) and all grass, weeds, brush, vines, and other dense and rank growth upon public or private property to the centerline of streets and alleys adjacent thereto with the exception of agriculture and undeveloped ground as provided herein.

52.02 NUISANCE VIOLATION. A weed and grass control nuisance violation is created when:

1. All grass, weeds, brush, vines or other rank growth in excess of eight (8) inches exists on public or private property to the centerline of streets and alleys.
2. All grass, weeds, brush, vines or other rank growth in excess of eighteen (18) inches exists on property that is platted as a lawful subdivision and/or is part of a planned development that has received approval from the City.
3. All grass, weeds, brush, vines or other rank growth in excess of eighteen (18) inches exists within twenty (20) feet of the exterior perimeter of property that is zoned for agricultural purposes and is used for the raising of crops, livestock, or other use as allowed by this Code of Ordinances.

52.03 NOTICE TO ABATE NUISANCE. Whenever a weed and grass control nuisance exists upon any property, a City official may serve notice upon the owner, owner's agent, or occupant of the property to abate the nuisance within forty-eight (48) hours or within a stated longer period if the City official determines it necessary to avoid undue hardship. Such notice shall be made by one of the following methods: posting the notice in a conspicuous place upon the premises where the nuisance exists, U.S. certified mail, or regular U.S. mail service.

52.04 FAILURE TO COMPLY. Upon failure to comply with such notice, the City may either abate the nuisance, with costs certified to the City Council, paid by the City, and certified to the County Treasurer for property assessment and collection as taxes; and/or the City may file a municipal infraction charge against the property owner, owner's agent, or occupant in accordance with Chapter 4 of this Code of Ordinances. Any person who commits the same offense within the same calendar year after the initial notification and abatement may be charged with a municipal infraction, without notice, and the violation may be abated without further notice.

[The next page is 279]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Sanitation
55.02 Animal Neglect	55.10 Rabies Vaccination
55.03 Livestock Neglect	55.11 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.12 Confinement
55.05 Livestock	55.13 At Large: Impoundment
55.06 At Large Prohibited	55.14 Disposition of Animals
55.07 Damage or Interference	55.15 Penalties
55.08 Annoyance or Disturbance	55.16 Pet Awards

55.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the animal control including Chapters 55, 56, 57 and 58.

(Ord. 11-01 – May 11 Supp.)

1. “Advertise” means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. “Animal” means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. “At large” means an animal not housed, restrained or controlled in one of the following methods:
 - A. An animal on the premises of the owner or a person given charge of the animal by the owner and either:
 - (1) Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow the animal to go beyond the owner’s real property line; or
 - (2) At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the animal by the owner.
 - B. An animal off the premises of the owner and either:
 - (1) On a leash, cord, chain or other similar restraint not more than six feet in length and under the control of a person competent to retrain and control the animal; or
 - (2) Properly restrained within a motor vehicle.
 - C. An animal properly housed in a veterinary hospital or registered kennel.
 - D. The owner and the animal are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.
 - E. The owner and animal are actively engaged in a generally recognized animal obedience training program or training for a generally recognized kennel club event, provided:

- (1) The animal is in the actual physical presence of the owner or trainer at all times;
- (2) The owner or trainer is at no time more than 50 feet from the animal;
- (3) The animal is immediately obedient to the commands of the owner or trainer; and
- (4) The owner or trainer has, at all times, on his or her possession a leash of sufficient strength to restrain the animal.

Notwithstanding any other provisions of this subsection, an animal shall be deemed to be at large if it is not properly licensed or at any time when attacking persons, domestic animals, destroying property, or on a public school ground except when under restraint as set out in Subsection B of this section.

4. “Business” means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. “Fair” means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.
7. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
(Code of Iowa, Sec. 717.1)
8. “Owner” means any person owning, keeping, sheltering, caring for, or harboring an animal. In the event an animal has been previously licensed or determined, through previous offenses, to be owned by an individual, the individual shall conclusively be presumed to be the owner of the animal for purposes of enforcement of animal control ordinances. This presumption of ownership may be rebutted if ownership of the animal has been transferred to another individual and the animal has been licensed in the other individual’s name, or, in the event the animal is not required to be licensed, written notification has been provided to the City.
(Ord. 11-01 – May 11 Supp.)
9. “Pet” means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, non-venomous and non-constrictive snake, turtle, gecko or iguana.
(Ord. 13-05 – Mar. 13 Supp.)

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

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

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

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

55.09 SANITATION. It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another person.

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

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and

veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, the owner will be contacted as soon as practical, if the owner's name, phone number and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal, the animal may be taken to a regional facility. Impounded animals may be temporarily held at a city facility.

(Ord. 13-05 – Mar. 13 Supp.)

55.15 PENALTIES. Violations of this chapter are simple misdemeanors and may also be punishable as municipal infractions. The penalties that apply for any violation of a section under this chapter can be found in Chapter 177. Please note that the initial penalty for a dog running at large may be waived in circumstances when the owner is readily available to retrieve a dog from impound and the dog was properly licensed.

(Ord. 13-05 – Mar. 13 Supp.)

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

[The next page is 289]

CHAPTER 56

DANGEROUS ANIMALS

56.01 Definitions

56.02 Keeping of Dangerous Animals Prohibited

56.03 Dangerous Animal Permits

56.04 Seizure, Impoundment and Disposition of
Dangerous Animals

56.05 Penalties

56.06 Appeal

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

1. "Dangerous animal" means
 - A. Badgers, wolverines, weasels, skunks and mink of the family *Mustelidae*, within the order *Carnivora*;
 - B. Raccoons of the family *Procyonidae*, within the order *Carnivora*;
 - C. Bats (*Chiroptera*);
 - D. "Black widow" and "brown recluse" spiders of the families *Theridiidae* and *Loxoscelidae*, respectively, and scorpions of the order *Scorpiones*;
 - E. Red and black "fire ants" and other stinging ants, native the Central or South America, of the family *Formicidae* in the order *Hymenoptera*;
 - F. Africanized strains of the honey bee, of the genus/species *Apis Mellifera*, in the family *Apidae*;
 - G. Snakes that are venomous or constrictors;
 - H. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
 - I. Wolves, coyotes and foxes;
 - J. Bears;
 - K. Monkeys and chimpanzees;
 - L. Alligators and crocodiles;
 - M. Elephants;
 - N. Gila monsters;
 - O. Apes, baboons and macaques;
 - P. Opossums;
 - Q. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition and which is capable of killing, inflicting serious injury upon, or causing disease among, human being or domestic animals and having known tendencies as a species to do so;
 - R. Any other animal deemed dangerous under Iowa Code section 717.F.
(*Ord. 13-05 – Mar. 13 Supp.*)
2. "Director" means the officer or employee of the City whose job it is to enforce this chapter.

3. “Reproduction” means the controlled mating of a threatened or endangered species for the purpose of propagating the species.

56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall own, keep, shelter or harbor a dangerous animal within the City except pursuant to the issuance of a dangerous animal permit in accordance with this chapter.

56.03 DANGEROUS ANIMAL PERMITS. Dangerous animal permits may be issued but only under the following circumstances:

1. For 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;
2. For dangerous animals in an exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required federal or state licenses;
3. For dangerous animals in a bona fide, licensed veterinary hospital for treatment;
4. For dangerous animals being kept by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission; and
5. For any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to chapters 109 and 109 A of the Iowa Code.

(Ord. 13-05 – Mar. 13 Supp.)

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, and is thereby creating a hazard to persons or property, the Director is authorized to:
 - A. Seize the animal and release it to the wild;
 - B. Seize the animal and release it to a person or entity authorized under the Code of Iowa to own, keep, shelter or harbor a dangerous animal; or
 - C. Euthanize the animal.

The choice of which option, as set out in subsections A, B or C, to pursue is left to the discretion of the Director. The Director shall be under no duty to attempt the seizure of an at-large dangerous animal prior to euthanizing such animal, nor does the Director have a duty to notify the owner of such animal prior to pursuing any of the above-mentioned options. When an animal is seized or euthanized without prior notice to the owner, the Director shall, within seven (7) days thereafter, deliver to the animal’s owner, either in person or by certified mail (return receipt requested), a written notice of the action taken and the reasons therefor.

2. The Director, on the Director’s own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering or harboring a dangerous animal on premises in the City, shall investigate the matter and if after investigation,

the facts indicate that the person owns, is keeping, sheltering or harboring a dangerous animal, the Director shall order the owner to secure the animal in a structure or fixed enclosure at all times and do one of the following:

- A. Apply for a permit pursuant to Section 56.03 of this chapter within three (3) days of receipt of the order;
- B. Within seven (7) days of receipt of the order, permanently place the animal with a person, organization or governmental entity authorized under the Code of Iowa to own, keep, shelter or harbor dangerous animals; or
- C. Within seven days of receipt of the order, euthanize the animal.

If the owner unsuccessfully pursues the option set out in subsection A of this section, the owner shall perform the requirements of the options set out in subsection B or C of this section within seven days of receipt of the final decision (original or appeal decision) denying the application for a permit. The order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the owner of the dangerous animal, and shall be personally served upon the owner. Said notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious injury or death to any person, in which case the Director shall cause the animal to be immediately euthanized.

3. If the notice to remove issued by the Director is not complied with within the allotted period of time, and is not appealed, the Director is authorized to seize the animal, and:

- A. Release the animal to the wild;
- B. Release the animal to a person or entity authorized under the Code of Iowa to own, keep, shelter or harbor a dangerous animal; or
- C. Euthanize the animal.

The choice of which option to pursue is left to the discretion of the Director.

4. Costs incurred by the City for the care, maintenance, transportation and euthanizing of a dangerous animal owned, kept, sheltered or harbored in violation hereof shall be reimbursed to the City by the owner.

56.05 PENALTIES. Any person who fails to perform an act required by the provisions of this chapter or who commits an act prohibited by the provisions of this chapter shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by the Iowa Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by Section 4.03. In addition, there shall be charged the actual cost of board, medication, licensing and care of an animal.

(Ord. 11-01 – May 11 Supp.)

56.06 APPEAL. Any adverse decisions under this chapter may be appealed to the Warren County District Court within seven (7) days of the adverse decision.

(Ord. 13-05 – Mar. 13 Supp.)

[The next page is 295]

CHAPTER 57

DOG LICENSE REQUIRED

57.01 Annual License Required
57.02 License Fees
57.03 Delinquency
57.04 License Tags
57.05 License Records

57.06 Immunization
57.07 Exemptions
57.08 Transfer of Ownership
57.09 Public Service Dog Permits
57.10 Penalties

57.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog six (6) months of age or older shall procure a dog license from the Clerk on an annual (calendar year) basis. Renewal licenses may be purchased beginning December 1st for the following year. Renewal licenses purchased after March 31st of each year will be subject to a delinquent charge.
2. Such license may be procured at any time after the end of March for a dog which has come into the possession or ownership of the applicant or which has reached the age of six (6) months after said date without any delinquency charge.
3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the City. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog and the address and phone number of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, and the date the dog shall be revaccinated.
4. All licenses shall expire on January 1 of the year following the date of issuance.

(Ord. 13-05 – Mar. 13 Supp.)

57.02 LICENSE FEES. The annual license fee for each dog shall be as established in Chapter 177 of this Code of Ordinances. If an owner of a dog acquires possession of said animal less than six (6) months prior to the expiration date of a license, the license fee shall be reduced fifty percent (50%). A certificate certified by a licensed veterinarian must accompany all applications claiming an animal is spayed or neutered.

57.03 DELINQUENCY. All license fees shall become delinquent on April 1 of the year in which they are due and a delinquent penalty of ten dollars (\$10.00) shall be added to each unpaid license on and after said date.

(Ord. 13-05 – Mar. 13 Supp.)

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

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

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

(Ord. 13-05 – Mar. 13 Supp.)

57.06 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated against rabies. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog.

(Ord. 13-05 – Mar. 13 Supp.)

57.07 EXEMPTIONS. The license requirement shall not apply to the following:

1. If the dog is in transit through the City only.
2. During the first thirty (30) days of the dog's residency in the City.
3. If the dog is housed in a veterinary hospital.
4. If the dog is housed temporarily in an animal grooming shop.
5. If the dog is housed in an established licensed kennel.
6. If the dog is housed in an accredited institution for research purposes only.

57.08 TRANSFER OF OWNERSHIP. When the permanent ownership of a dog is transferred, the license may be transferred by the Clerk, upon notification, by notation on the license record, giving name and address of the new owner.

57.09 PUBLIC SERVICE DOG PERMITS. Individuals housing professionally trained dogs may apply to the Council for a one-year permit to designate a dog as a public service dog. The Council shall have the discretion to issue such a permit when there is a showing that the dog in question is used for drug search, search and rescue, or other governmental or public purpose, including, but not limited to, dogs employed by a police department, fire department or EMS department. The Council shall also have the discretion to issue permits upon a showing that the dog in question is a seeing eye dog or professionally trained dog who assists an individual with a disability.

57.10 PENALTIES. Violations of this chapter are simple misdemeanors and may also be punishable as municipal infractions. The penalties that apply for any violation of a section under this chapter can be found in Chapter 177.

(Ord. 13-05 – Mar. 13 Supp.)

CHAPTER 58

VICIOUS ANIMALS

58.01 Definitions

58.02 Confinement of Vicious Animals

58.03 Vicious Animals Not Properly Confined/Leashed

58.04 Unlicensed Vicious Dogs

58.05 Seizure, Impoundment and Disposition of Vicious Animals

58.06 Penalties

58.01 DEFINITIONS. For use in this chapter the following additional terms are defined.

1. “Unprovoked” means an attack or bite this is not the result of behavior, on the victim’s part, intended to irritate the animal.
2. “Vicious animal” means:
 - A. Any animal which has attacked a human being one or more times, without provocation;
 - B. Any animal with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings which may be evidenced by its habitual or repeated chasing, snapping, or biting at human beings so as to potentially cause injury or to otherwise endanger the safety of said human beings;
 - C. Any animal that snaps, bites, or manifests a disposition to snap or bite at a human being;
 - D. Any animal that has, unprovoked, attacked a domestic animal on two separate occasions within a twelve-month period;
 - E. Any animal that has been trained for animal fighting or animal baiting or is owned or kept for such purposes;
 - F. Any animal trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States.

58.02 CONFINEMENT OF VICIOUS ANIMALS.

1. All vicious animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.
2. All pens or other structures designed, constructed or used to confine vicious animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined animal.

3. All structures erected to house vicious animals must comply with all City zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition.

4. No person shall permit a vicious animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length. No person shall permit a vicious animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the animal and the leash are under the actual physical control of a person 18 years of age or older.

5. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

58.03 VICIOUS ANIMALS NOT PROPERLY CONFINED/LEASHED. A vicious animal which is found more than twice not to be confined or leashed as required by this chapter shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this section shall be destroyed.

58.04 UNLICENSED VICIOUS DOGS. All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the City; if, however, the animal is again found unlicensed in the City or if the person holding or keeping the animal chooses not to remove it from the City, the dog shall be destroyed. This section shall not apply to:

1. A dog which has been properly licensed and confined, upon initial notice to its owner; or
2. A dog for which a hearing has been requested, under this chapter to determine if it is vicious, prior to a final decision at said hearing.

Further, this section shall not apply to a dog found vicious at hearing, pursuant to this chapter, if the owner properly licenses and confines the dog.

58.05 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The Police Chief, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined in this chapter, may declare such animal a vicious animal by delivering a written notice of declaration to the owner. The notice shall include a description of the animal and the basis for the declaration of viciousness. The notice shall also set forth that the owner shall be required to license and confine the animal as required by this chapter. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

2. The person owning, keeping, sheltering, or harboring the animal in question may contest the declaration of viciousness by filing a written request with the City Clerk within three business days of the receipt of the Police Chief declaration. If at this time the owner agrees to confine the animal pursuant to Section 58.02, the animal shall not be impounded pending appeal. Failure to file a request for hearing shall constitute a waiver of any right to contest the declaration of the Police Chief, and the Police Chief shall be authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment

period, the owner has not licensed and shown ability to confine the animal as required by this chapter or has not declared an intent to remove the animal from the City, the Police Chief shall cause the animal to be destroyed.

3. The person owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours' written notice of the time and place of the hearing. The notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that, if the determination of the Police Chief is upheld, the owner shall be required to license and confine the animal as required by this chapter. The notice shall be served in the same manner as the declaration notice.

4. If, after hearing, the Police Chief upholds the initial determination of the Police Chief that the animal is a vicious animal or is a vicious animal held in violation of this chapter, as set out in the notice of hearing, the Police Chief shall order the person owning, sheltering, harboring or keeping the animal to permanently license and confine the animal as required by this chapter or remove it from the City. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the Police Chief was issued has not appealed such order to the City Council or has not complied with the order, the Police Chief shall cause the animal to be destroyed.

5. The order to license and confine or remove a vicious animal from the City issued by the Police Chief may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Police Chief.

6. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the City Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the Police Chief, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the Police Chief and any other information the City Council deems necessary.

7. If the City Council affirms the action of the Police Chief, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal shall license and confine the animal as required by this chapter or remove such animal from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection 1 of this section. If the original order of the Police Chief is not appealed and is not complied with within three days or the order of the City Council after appeal is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the decision and order of

the Police Chief or the City Council was issued has not petitioned the county district court for a review of the order or has not complied with the order, the Police Chief shall cause the animal to be destroyed in a humane manner.

8. Failure to comply with an order of the Police Chief issued pursuant to this section and not appealed or of the City Council after appeal is a misdemeanor.

9. Any animal that is alleged to be vicious and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, the owner shall only pay those costs attributable to initial confinement prior to notice or costs of any required quarantine.

10. All vicious animals shall have an identification microchip implant placed under the animal's skin prior to the release of a vicious animal from the animal shelter. The owner shall pay the actual fee charged by the shelter or the licensed veterinarian who performed the microchip identification procedure.

11. The notice required by subsection 1 shall not be required where such vicious animal has previously caused serious injury or death to any person, in which case the Police Chief shall cause the animal to be immediately euthanized. In the event a vicious animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Police Chief, be seized and impounded, or euthanized if such seizure and impoundment is not possible or would expose any person to the risk of serious injury. The Police Chief shall be under no duty to attempt the seizure of a vicious animal at large, prior to euthanizing it, nor shall the Police Chief have the duty to notify the owner of such animal prior to euthanizing it, or seizing and impounding it.

58.06 PENALTIES. Any person who fails to perform an act required by the provisions of this chapter or who commits an act prohibited by the provisions of this chapter shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by the Iowa Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by Section 4.03. In addition, there shall be charged the actual cost of board, medication, licensing and care of an animal.

(Ord. 11-01 – May 11 Supp.)

[The next page is 325]

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.06 Peace Officer's Authority
60.02 Definitions	60.07 Obedience to Peace Officers
60.03 Administration and Enforcement	60.08 Parades Regulated
60.04 Power to Direct Traffic	60.09 Blocking Streets
60.05 Traffic Accidents: Reports	

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Norwalk Traffic Code."

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.
8. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. "Suburban district" means all other parts of the City not included in the business, school or residence districts.

10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street.

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

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

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

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Police Chief. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the

permittee to participate therein. No fee shall be required for such permit. In the event an application for a permit is denied by the Police Chief, the applicant for the permit may appeal the decision of the Police Chief to the City Council within seven (7) days of such denial.

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.

60.09 BLOCKING STREETS.

1. No person shall place or store any bins, containers, construction materials, non-motorized vehicles or other obstructions or objects on the traveled portion of a road or public sidewalk. For purposes of this section "traveled portion of a road" shall include all public roads from curb to curb including public parking areas thereon.

2. In the event a person desires to place or store items on the traveled portion of the road or public sidewalk which would otherwise be prohibited herein, such person may request a permit from the Police Chief to temporarily be allowed to place or store such items on the traveled portion of the road or public sidewalk. In the event the Police Chief denies an application of a permit, the applicant for the permit may appeal the decision of the Police Chief to the City Council within seven (7) days of such denial.

o o o o o o o o o

CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

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

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The City Council shall, by resolution, designate and the City shall maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

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

61.03 TRAFFIC LANES. The City may mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such 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 any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

o o o o o o o o o o

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Vehicles on Sidewalks
62.03 Clinging to Vehicle
62.04 Tampering with Vehicle

62.05 Open Containers in Motor Vehicles
62.06 Obstructing View at Intersections
62.07 Reckless Driving
62.08 Careless Driving

62.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the Code of Iowa are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.
8. Section 321.99 – Fraudulent use of registration.
9. Section 321.174 – Operators licensed.
10. Section 321.174A – Operation of motor vehicles with expired license.
11. Section 321.180 – Instruction permits.
12. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
13. Section 321.193 – Restricted licenses.
14. Section 321.194 – Special minor’s licenses.
15. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
16. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
17. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 – Permitting unauthorized minor to drive.
19. Section 321.220 – Permitting unauthorized person to drive.
20. Section 321.221 – Employing unlicensed chauffeur.
21. Section 321.222 – Renting motor vehicle to another.

22. Section 321.223 – License inspected.
23. Section 321.224 – Record kept.
24. Section 321.232 – Radar jamming devices; penalty.
25. Section 321.234A – All-terrain vehicles.
26. Section 321.235A – Electric personal assistive mobility devices.
27. Section 321.247 – Golf cart operation on City streets.
28. Section 321.257 – Official traffic control signal.
29. Section 321.259 – Unauthorized signs, signals or markings.
30. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
31. Section 321.262 – Damage to vehicle.
32. Section 321.263 – Information and aid.
33. Section 321.264 – Striking unattended vehicle.
34. Section 321.265 – Striking fixtures upon a highway.
35. Section 321.275 – Operation of motorcycles and motorized bicycles.
36. Section 321.278 – Drag racing prohibited.
37. Section 321.288 – Control of vehicle; reduced speed.
38. Section 321.295 – Limitation on bridge or elevated structures.
39. Section 321.297 – Driving on right-hand side of roadways; exceptions.
40. Section 321.298 – Meeting and turning to right.
41. Section 321.299 – Overtaking a vehicle.
42. Section 321.302 – Overtaking and otherwise.
43. Section 321.303 – Limitations on overtaking on the left.
44. Section 321.304 – Prohibited passing.
45. Section 321.306 – Roadways laned for traffic.
46. Section 321.307 – Following too closely.
47. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
48. Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.
50. Section 321.312 – Turning on curve or crest of grade.
51. Section 321.313 – Starting parked vehicle.
52. Section 321.314 – When signal required.
53. Section 321.315 – Signal continuous.
54. Section 321.316 – Stopping.
55. Section 321.317 – Signals by hand and arm or signal device.

56. Section 321.319 – Entering intersections from different highways.
57. Section 321.320 – Left turns; yielding.
58. Section 321.321 – Entering through highways.
59. Section 321.322 – Vehicles entering stop or yield intersection.
60. Section 321.323 – Moving vehicle backward on highway.
61. Section 321.323A – Approaching certain stationary vehicles.
62. Section 321.324 – Operation on approach of emergency vehicles.
63. Section 321.324A – Funeral processions.
64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
65. Section 321.330 – Use of crosswalks.
66. Section 321.332 – White canes restricted to blind persons.
67. Section 321.333 – Duty of drivers.
68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.
70. Section 321.342 – Stop at certain railroad crossings; posting warning.
71. Section 321.343 – Certain vehicles must stop.
72. Section 321.344 – Heavy equipment at crossing.
73. Section 321.344B – Immediate safety threat; penalty.
74. Section 321.354 – Stopping on traveled way.
75. Section 321.359 – Moving other vehicle.
76. Section 321.362 – Unattended motor vehicle.
77. Section 321.363 – Obstruction to driver’s view.
78. Section 321.364 – Preventing contamination of food by hazardous material.
79. Section 321.365 – Coasting prohibited.
80. Section 321.367 – Following fire apparatus.
81. Section 321.368 – Crossing fire hose.
82. Section 321.369 – Putting debris on highway.
83. Section 321.370 – Removing injurious material.
84. Section 321.371 – Clearing up wrecks.
85. Section 321.372 – School buses.
86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
87. Section 321.381A – Operation of low-speed vehicles.
88. Section 321.382 – Upgrade pulls; minimum speed.
89. Section 321.383 – Exceptions; slow vehicles identified.

90. Section 321.384 – When lighted lamps required.
91. Section 321.385 – Head lamps on motor vehicles.
92. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
93. Section 321.387 – Rear lamps.
94. Section 321.388 – Illuminating plates.
95. Section 321.389 – Reflector requirement.
96. Section 321.390 – Reflector requirements.
97. Section 321.392 – Clearance and identification lights.
98. Section 321.393 – Color and mounting.
99. Section 321.394 – Lamp or flag on projecting load.
100. Section 321.395 – Lamps on parked vehicles.
101. Section 321.398 – Lamps on other vehicles and equipment.
102. Section 321.402 – Spot lamps.
103. Section 321.403 – Auxiliary driving lamps.
104. Section 321.404 – Signal lamps and signal devices.
105. Section 321.404A – Light-restricting devices prohibited.
106. Section 321.405 – Self-illumination.
107. Section 321.406 – Cowl lamps.
108. Section 321.408 – Back-up lamps.
109. Section 321.409 – Mandatory lighting equipment.
110. Section 321.415 – Required usage of lighting devices.
111. Section 321.417 – Single-beam road-lighting equipment.
112. Section 321.418 – Alternate road-lighting equipment.
113. Section 321.419 – Number of driving lamps required or permitted.
114. Section 321.420 – Number of lamps lighted.
115. Section 321.421 – Special restrictions on lamps.
116. Section 321.422 – Red light in front.
117. Section 321.423 – Flashing lights.
118. Section 321.430 – Brake, hitch and control requirements.
119. Section 321.431 – Performance ability.
120. Section 321.432 – Horns and warning devices.
121. Section 321.433 – Sirens, whistles and bells prohibited.
122. Section 321.434 – Bicycle sirens or whistles.
123. Section 321.436 – Mufflers, prevention of noise.
124. Section 321.437 – Mirrors.

125. Section 321.438 – Windshields and windows.
126. Section 321.439 – Windshield wipers.
127. Section 321.440 – Restrictions as to tire equipment.
128. Section 321.441 – Metal tires prohibited.
129. Section 321.442 – Projections on wheels.
130. Section 321.444 – Safety glass.
131. Section 321.445 – Safety belts and safety harnesses; use required.
132. Section 321.446 – Child restraint devices.
133. Section 321.449 – Motor carrier safety regulations.
134. Section 321.450 – Hazardous materials transportation.
135. Section 321.454 – Width of vehicles.
136. Section 321.455 – Projecting loads on passenger vehicles.
137. Section 321.456 – Height of vehicles; permits.
138. Section 321.457 – Maximum length.
139. Section 321.458 – Loading beyond front.
140. Section 321.460 – Spilling loads on highways.
141. Section 321.461 – Trailers and towed vehicles.
142. Section 321.462 – Drawbars and safety chains.
143. Section 321.463 – Maximum gross weight.
144. Section 321.465 – Weighing vehicles and removal of excess.
145. Section 321.466 – Increased loading capacity; reregistration.

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

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

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

62.05 OPEN CONTAINERS IN MOTOR VEHICLES.

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

(Code of Iowa, Sec. 321.284)

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

(Code of Iowa, Sec. 321.284A)

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

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

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

(Code of Iowa, Sec. 321.277)

62.08 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

[The next page is 345]

CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.
4. Rural Roads – Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour.

63.03 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of ten (10) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

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

(Code of Iowa, Sec. 321.290)

1. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Beardsley Street from Highway 28 going west to the 45 MPH zone. Between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Friday, the speed limit within the school district located on Beardsley Street, as marked, is twenty-five (25) miles per hour.
 - B. On North Avenue from Highway 28 westerly four thousand two hundred and twenty-two (4222) feet.

C. On North Avenue from approximately 1,500 feet east of the intersection of R-57 (27th Street) westbound.

D. On Beardsley Street from Sunset Dr. (Hwy 28) to 80th Street (E-27 Street) eastbound and westbound.

(Ord. 13-17 – Jan. 14 Supp.)

2. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Beardsley Street from approximately 300 feet west of Clearwater Drive to the west City limits.

B. On Beardsley Street from Highway 28 to the east City limits.

C. On North Avenue from approximately 2,640 feet east of the intersection of R-57 (27th Street) westbound.

D. On North Avenue from approximately 1,500 feet east of the intersection of R-57 eastbound.

(Ord. 13-17 – Jan. 14 Supp.)

3. Special 50 MPH Speed Zones. A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On County Line Road from Highway 28 to the east City limits.

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

(Code of Iowa, Sec. 321.294)

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections

64.03 Left Turn for Parking

64.02 U-turns

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

(Code of Iowa, Sec. 321.311)

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

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

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

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

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

o o o o o o o o o o

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Northbound Traffic
65.02 Southbound Traffic
65.03 Eastbound Traffic
65.04 Westbound Traffic
65.05 School Stops

65.06 Stop Before Crossing Sidewalk
65.07 Stop When Traffic Is Obstructed
65.08 Yield to Pedestrians in Crosswalks
65.09 Official Traffic Controls

65.01 NORTHBOUND TRAFFIC. Every driver of a northbound vehicle shall stop or yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Northbound traffic on Lane Avenue shall stop before entering or crossing North Avenue.
2. Northbound traffic on Jackson Street shall stop before entering or crossing North Avenue.
3. Northbound traffic on Main Street shall stop before entering or crossing North Avenue.
4. Northbound traffic on Center Street shall stop before entering or crossing North Avenue.
5. Northbound traffic on Cherry Street shall stop before entering or crossing North Avenue.
6. Northbound traffic on Skylane Drive shall stop before entering or crossing High Road.
7. Northbound traffic on Meadow Drive shall stop before entering or crossing High Road.
8. Northbound traffic on Main Street shall stop before entering or crossing High Road.
9. Northbound traffic on Redwood Drive shall stop before entering or crossing Knoll Drive.
10. Northbound traffic on Linden Street shall stop before entering or crossing Knoll Drive.
11. Northbound traffic on Edgemont Place shall stop before entering or crossing Richard George Drive.
12. Northbound traffic on Holly Drive shall stop before entering or crossing Shady Lane Drive.
13. Northbound traffic on Meadow Drive shall stop before entering or crossing Shady Lane Drive.
14. Northbound traffic on Skylane Drive shall stop before entering or crossing Shady Lane Drive.

15. Northbound traffic on Norwood Drive shall stop before entering or crossing Parkhill Drive.
16. Northbound traffic on Snyder Avenue shall stop before entering or crossing Elm Avenue.
17. Northbound traffic on Lane Avenue shall stop before entering or crossing Elm Avenue.
18. Northbound traffic on Cedar Street shall stop before entering or crossing Gordon Avenue.
19. Northbound traffic on Birch Street shall stop before entering or crossing Ashwood Drive.
20. Northbound traffic on Kitterman Circle shall stop before entering or crossing West North Avenue.
21. Northbound traffic on Aspen Drive shall stop before entering or crossing West North Avenue.
22. Northbound traffic on Main Street shall stop before entering or crossing Shady Lane Drive.
23. Northbound traffic on East Seventeenth Street shall stop before entering or crossing Merle Huff Avenue.
24. Northbound traffic on Columbine Circle shall stop before entering or crossing Columbine Drive.
25. Northbound traffic on Old Orchard Drive shall stop before entering or crossing Wakonda Drive.
26. Northbound traffic on Happy Hollow Drive shall stop before entering or crossing Wakonda Drive.
27. Northbound traffic on Lakewood Circle shall stop before entering or crossing Wakonda Drive.
28. Northbound traffic on Ponderosa Drive shall stop before entering or crossing Candlewick Drive.
29. Northbound traffic on Old Orchard Drive shall stop before entering or crossing Lakewood Drive.
30. Northbound traffic on Maplecrest Drive shall stop before entering or crossing Lakewood Drive.
31. Northbound traffic on Waveland Drive shall stop before entering or crossing Wakonda Drive.
32. Northbound traffic on Waveland Drive shall stop before entering or crossing Hyperion Drive.
33. Northbound traffic on Oakwood Drive shall stop before entering or crossing Lakewood Drive.
34. Northbound traffic on Oakwood Drive shall stop before entering or crossing Wakonda Drive.

35. Northbound traffic on Woodmayr Drive shall stop before entering or crossing Lakewood Drive.
36. Northbound traffic on Golden Valley Drive shall stop before entering or crossing Lakewood Drive.
37. Northbound traffic on Golden Valley Drive shall stop before entering or crossing Wakonda Drive.
38. Northbound traffic on Elmcrest Drive shall stop before entering or crossing Wakonda Drive.
39. Northbound traffic on Echo Drive shall stop before entering or crossing County Line Road.
40. Northbound traffic on Elm Avenue shall stop before entering or crossing Aspen Drive.
41. Northbound traffic on Orchard Hills Drive shall stop before entering or crossing North Avenue.
42. Northbound traffic on Georgetown Avenue shall stop before entering or crossing Hawthorne Drive.
43. Northbound traffic on Lexington Drive shall stop before entering or crossing Beardsley Street.
44. Northbound traffic on Windsor Drive shall stop before entering or crossing Beardsley Street.
45. Northbound traffic on Berkshire Drive shall stop before entering or crossing Beardsley Street.
46. Northbound traffic on Praire Sage Drive shall stop before entering or crossing Bluestem Road.
47. Northbound traffic on East 20th Street shall stop before entering or crossing Merle Huff Avenue.
48. Northbound traffic on Rolling Hills Court shall stop before entering or crossing Shady Lane Drive.
49. Northbound traffic on Green Hills Drive shall stop before entering or crossing Shady Lane Drive.
50. Northbound traffic on Dakota Circle shall stop before entering or crossing Silverado Drive.
51. Northbound traffic on 40th Avenue shall stop before entering or crossing G14 Highway.
52. Northbound traffic on Cherry Street shall stop before entering or crossing South Avenue.
(Ord. 11-04 – Jan. 12 Supp.)
53. Northbound traffic on Foxtail Circle shall stop before entering Prairie Rose Drive.
54. Northbound traffic on Switchgrass Trail shall stop before entering Prairie Rose Drive.

55. Northbound traffic on Braeburn Drive shall stop before entering West Pine Avenue.

56. Northbound traffic on Orchard Trail shall stop before entering Sycamore Drive.

(Ord. 13-18 – Jan. 14 Supp.)

65.02 SOUTHBOUND TRAFFIC. Every driver of a southbound vehicle shall stop or yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Southbound traffic on Redwood Drive shall stop before entering or crossing West North Avenue.

2. Southbound traffic on Linden Drive shall stop before entering or crossing West North Avenue.

3. Southbound traffic on Main Street shall stop before entering or crossing North Avenue.

4. Southbound traffic on Cherry Parkway shall stop before entering or crossing North Avenue.

5. Southbound traffic on Casady Drive shall stop before entering or crossing North Avenue.

6. Southbound traffic on Hunter Drive shall stop before entering or crossing North Avenue.

7. Southbound traffic on East Twentieth Street shall stop before entering or crossing Casady Drive.

8. Southbound traffic on Holly Drive shall stop before entering or crossing High Road.

9. Southbound traffic on Linden Drive shall stop before entering or crossing Knoll Drive.

10. Southbound traffic on Meadow Drive shall stop before entering or crossing Knoll Drive.

11. Southbound traffic on Cassandra Court shall stop before entering or crossing Richard George Drive.

12. Southbound traffic on Skylane Drive shall stop before entering or crossing Knoll Drive.

13. Southbound traffic on Holly Drive shall stop before entering or crossing Shady Lane Drive.

14. Southbound traffic on Meadow Drive shall stop before entering or crossing Shady Lane Drive.

15. Southbound traffic on Center Street shall stop before entering or crossing Wright Road.

16. Southbound traffic on Center Street Place shall stop before entering or crossing Lewis Avenue.

17. Southbound traffic on Main Street shall stop before entering or crossing Wright Road.
18. Southbound traffic on Lane Avenue shall stop before entering or crossing Lewis Avenue.
19. Southbound traffic on Snyder Avenue shall stop before entering or crossing Elm Avenue.
20. Southbound traffic on Lane Avenue shall stop before entering or crossing Elm Avenue
21. Southbound traffic on Redwood Drive shall stop before entering or crossing Knoll Drive.
22. Southbound traffic on Skylane Drive shall stop before entering or crossing Shady Lane Drive.
23. Southbound traffic on Jackson Street shall stop before entering or crossing School Avenue.
24. Southbound traffic on Hunter Drive shall stop before entering or crossing Windflower Drive.
25. Southbound traffic on Cherry Street shall stop before entering or crossing Wright Road.
26. Southbound traffic on Holly Drive shall stop before entering or crossing Knoll Drive.
27. Southbound traffic on Holly Drive shall stop before entering or crossing Sunset Drive (Highway 28).
28. Southbound traffic on Cedar Street shall stop before entering or crossing Gordon Avenue.
29. Southbound traffic on Main Street shall stop before entering or crossing Shady Lane Drive.
30. Southbound traffic on East Thirteenth Street shall stop before entering or crossing Richard George Avenue.
31. Southbound traffic on East Fourteenth Street shall stop before entering or crossing Parkhill Drive.
32. Southbound traffic on Edgemont Place shall stop before entering or crossing Parkhill Drive.
33. Southbound traffic on East Seventeenth Street shall stop before entering or crossing Merle Huff Avenue.
34. Southbound traffic on East Eighteenth Street shall stop before entering or crossing North Avenue.
35. Southbound traffic on East Seventeenth Street shall stop before entering or crossing North Avenue.
36. Southbound traffic on Masteller Road shall stop before entering or crossing Beardsley Street.

37. Southbound traffic on Pinehurst Lane shall stop before entering or crossing Pinehurst Drive.
38. Southbound traffic on Old Orchard Drive shall stop before entering or crossing Lakewood Pointe Drive.
39. Southbound traffic on Lakewood Pointe Drive shall stop before entering or crossing Beardsley Street.
40. Southbound traffic on Ponderosa Drive shall stop before entering or crossing Wakonda Drive.
41. Southbound traffic on Waveland Drive shall stop before entering or crossing Hyperion Drive.
42. Southbound traffic on Lakewood Circle shall stop before entering or crossing Wakonda Drive.
43. Southbound traffic on Wakonda Drive shall stop before entering or crossing Beardsley Street.
44. Southbound traffic on Clearwater Drive shall stop before entering or crossing Beardsley Street.
45. Southbound traffic on Augusta Circle shall stop before entering or crossing Candlewick Drive.
46. Southbound traffic on Old Orchard Drive shall stop before entering or crossing Candlewick Drive.
47. Southbound traffic on Oakwood Drive shall stop before entering or crossing Wakonda Drive.
48. Southbound traffic on Maplecrest Drive shall stop before entering or crossing Wakonda Drive.
49. Southbound traffic on Woodmayr Circle shall stop before entering or crossing Lakewood Drive.
50. Southbound traffic on Woodmayr Drive shall stop before entering or crossing Lakewood Drive.
51. Southbound traffic on Golden Valley Drive shall stop before entering or crossing Wakonda Drive.
52. Southbound traffic on Woodmayr Drive shall stop before entering or crossing Wakonda Drive.
53. Southbound traffic on Elmcrest Drive shall stop before entering or crossing Oakcreek Drive.
54. Southbound traffic on Golden Valley Drive shall stop before entering or crossing Oakcreek Drive.
55. Southbound traffic on Happy Hollow Drive shall stop before entering or crossing Beardsley Street.
56. Southbound traffic on Pine Avenue shall stop before entering or crossing Elm Avenue.

57. Southbound traffic on Elm Avenue shall stop before entering or crossing Aspen Drive.
58. Southbound traffic on Tangelo Circle shall stop before entering or crossing West Pine Avenue.
59. Southbound traffic on Echo Ridge Terrace shall stop before entering or crossing Beardsley Street.
60. Southbound traffic on Misty Lane shall stop before entering or crossing Silverado Drive.
61. Southbound traffic on Green Hills Drive shall stop before entering or crossing Shady Lane Drive.
62. Southbound traffic on East 20th Street shall stop before entering or crossing Merle Huff Avenue.
63. Southbound traffic on Cherry Street shall stop before entering or crossing South Avenue.
(Ord. 11-04 – Jan. 12 Supp.)
64. Southbound traffic on Switchgrass Trail shall stop before entering Beardsley Street.
(Ord. 13-18 – Jan. 14 Supp.)

65.03 EASTBOUND TRAFFIC. Every driver of a eastbound vehicle shall stop or yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Eastbound traffic on High Road shall stop before entering or crossing Cherry Parkway.
2. Eastbound traffic on Holly Drive shall stop before entering or crossing Sunset Drive (Highway 28).
3. Eastbound traffic on Richard George Drive shall stop before entering or crossing Cherry Parkway.
4. Eastbound traffic on Parkhill Drive shall stop before entering or crossing Cherry Parkway.
5. Eastbound traffic on Norwood Drive shall stop before entering or crossing Cherry Parkway.
6. Eastbound traffic on South Avenue shall stop before entering or crossing Cherry Street.
7. Eastbound traffic on Gordon Avenue shall stop before entering or crossing Holly Drive.
8. Eastbound traffic on Elm Avenue shall stop before entering or crossing Main Street.
9. Eastbound traffic on Pine Avenue shall stop before entering or crossing Main Street.
10. Eastbound traffic on Marie Avenue shall stop before entering or crossing Main Street.

11. Eastbound traffic on Lewis Avenue shall stop before entering or crossing Main Street.
12. Eastbound traffic on Wright Road shall stop before entering or crossing Sunset Drive (Highway 28).
13. Eastbound traffic on South Avenue shall stop before entering or crossing Center Street.
14. Eastbound traffic on Center Street Place shall stop before entering or crossing Center Street.
15. Eastbound traffic on School Avenue shall stop before entering or crossing Center Street.
16. Eastbound traffic on Pine Avenue shall stop before entering or crossing Center Street.
17. Eastbound traffic on Elm Avenue shall stop before entering or crossing Center Street.
18. Eastbound traffic on Lewis Avenue shall stop before entering or crossing Center Street.
19. Eastbound traffic on Snyder Avenue shall stop before entering or crossing Lane Avenue.
20. Eastbound traffic on Marie Avenue shall stop before entering or crossing Lane Avenue.
21. Eastbound traffic on Gordon Avenue shall stop before entering or crossing Sunset Drive (Highway 28).
22. Eastbound traffic on Shady Lane Drive shall stop before entering or crossing Sunset Drive (Highway 28).
23. Eastbound traffic on High Road shall stop before entering or crossing Sunset Drive (Highway 28).
24. Eastbound traffic on North Avenue shall stop before entering or crossing Main Street.
25. Eastbound traffic on Maple Street shall stop before entering or crossing Cherry Street.
26. Eastbound traffic on Elm Street shall stop before entering or crossing Cherry Street.
27. Eastbound traffic on School Avenue shall stop before entering or crossing Main Street.
28. Eastbound traffic on North Avenue shall stop before entering or crossing Cherry Street.
29. Eastbound traffic on Victoria Circle shall stop before entering or crossing East Fourteenth Street.
30. Eastbound traffic on Parkhill Drive shall stop before entering or crossing East Seventeenth Street.

31. Eastbound traffic on Merle Huff Drive shall stop before entering or crossing East Seventeenth Street.
32. Eastbound traffic on Parkhill Drive shall stop before entering or crossing East Eighteenth Street.
33. Eastbound traffic on Swan Drive shall stop before entering or crossing Hunter Drive.
34. Eastbound traffic on Swan Court shall stop before entering or crossing East Twentieth Street.
35. Eastbound traffic on Avery Avenue shall stop before entering or crossing Hunter Drive.
36. Eastbound traffic on Shady Lane Drive shall stop before entering or crossing Hunter Drive.
37. Eastbound traffic on Parkhill Drive shall stop before entering or crossing Hunter Drive.
38. Eastbound traffic on Norwood Drive shall stop before entering or crossing Hunter Drive.
39. Eastbound traffic on Beardsley Street shall stop before entering or crossing Highway 28.
40. Eastbound traffic on Wakonda Drive shall stop before entering or crossing Lakewood Circle.
41. Eastbound traffic on Clearwater Drive shall stop before entering or crossing Wakonda Drive.
42. Eastbound traffic on Lakewood Drive shall stop before entering or crossing Candlewick Drive.
43. Eastbound traffic on Devlin Drive shall stop before entering or crossing Maplecrest Drive.
44. Eastbound traffic on Candlewick shall stop before entering or crossing Maplecrest Drive.
45. Eastbound traffic on Lakewood Drive shall stop before entering or crossing Highway 28.
46. Eastbound traffic on Medina Drive shall stop before entering or crossing Woodmayr Drive.
47. Eastbound traffic on Oxford Drive shall stop before entering or crossing Woodmayr Drive.
48. Eastbound traffic on Wakonda Drive shall stop before entering or crossing Highway 28.
49. Eastbound traffic on Shady Lane Drive shall stop before entering or crossing East 27th Street.
50. Eastbound traffic on Merle Huff Avenue shall stop before entering or crossing East 20th Street.

51. Eastbound traffic on West Pine Avenue shall stop before entering or crossing Sycamore Drive.
52. Eastbound traffic on Turnberry Drive shall stop before entering or crossing Lexington Drive.
53. Eastbound traffic on Thornhill Road shall stop before entering or crossing Turnberry Drive.
54. Eastbound traffic on North Avenue shall stop before entering or crossing East 17th Street.
55. Eastbound traffic on Beardsley Street shall stop before entering or crossing the entrance of Lakewood Elementary School.

(Ord. 11-04 – Jan. 12 Supp.)

65.04 WESTBOUND TRAFFIC. Every driver of a westbound vehicle shall stop or yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Westbound traffic on North Avenue shall stop before entering or crossing Main Street.
2. Westbound traffic on Mafred Street shall stop before entering or crossing Sunset Drive (Highway 28).
3. Westbound traffic on Elm Avenue shall stop before entering or crossing Sunset Drive (Highway 28).
4. Westbound traffic on Wright Road shall stop before entering or crossing Sunset Drive (Highway 28).
5. Westbound traffic on Ashwood Avenue shall stop before entering or crossing Holly Drive.
6. Westbound traffic on School Avenue shall stop before entering or crossing Main Street.
7. Westbound traffic on Pine Avenue shall stop before entering or crossing Main Street.
8. Westbound traffic on Elm Avenue shall stop before entering or crossing Main Street.
9. Westbound traffic on South Avenue shall stop before entering or crossing Main Street.
10. Westbound traffic on Lewis Avenue shall stop before entering or crossing Main Street.
11. Westbound traffic on South Avenue shall stop before entering or crossing Center Street.
12. Westbound traffic on Elm Avenue shall stop before entering or crossing Center Street.
13. Westbound traffic on Maple Avenue shall stop before entering or crossing Center Street.

14. Westbound traffic on School Street shall stop before entering or crossing Lane Avenue.
15. Westbound traffic on Richard George Drive shall stop before entering or crossing Cherry Parkway.
16. Westbound traffic on Marie Avenue shall stop before entering or crossing Lane Avenue.
17. Westbound traffic on High Road shall stop before entering or crossing Sunset Drive (Highway 28).
18. Westbound traffic on Richard George Drive shall stop before entering or crossing Sunset Drive (Highway 28).
19. Westbound traffic on Marie Avenue shall stop before entering or crossing Snyder Avenue.
20. Westbound traffic on North Avenue shall stop before entering or crossing Cherry Parkway.
21. Westbound traffic on Parkhill Drive shall stop before entering or crossing Cherry Parkway.
22. Westbound traffic on Trevor Court shall stop before entering or crossing Aspen Drive.
23. Westbound traffic on Avery Court shall stop before entering or crossing East Fourteenth Street.
24. Westbound traffic on Justin Court shall stop before entering or crossing East Fourteenth Street.
25. Westbound traffic on Merle Huff Avenue shall stop before entering or crossing East Fourteenth Street.
26. Westbound traffic on Parkhill Drive shall stop before entering or crossing East Seventeenth Street.
27. Westbound traffic on Merle Huff Avenue shall stop before entering or crossing East Seventeenth Street.
28. Westbound traffic on Windflower Drive shall stop before entering or crossing Casady Drive.
29. Westbound traffic on Norwood Drive shall stop before entering or crossing Casady Drive.
30. Westbound traffic on Parkhill Drive shall stop before entering or crossing Casady Drive.
31. Westbound traffic on Shady Lane Drive shall stop before entering or crossing Casady Drive.
32. Westbound traffic on Shady Lane Drive shall stop before entering or crossing Hunter Drive.
33. Westbound traffic on Avery Avenue shall stop before entering or crossing Casady Drive.

34. Westbound traffic on Swan Avenue shall stop before entering or crossing East Twentieth Street.
35. Westbound traffic on Beardsley Street shall stop before entering or crossing Highway 28.
36. Westbound traffic on Masteller Road shall stop before entering or crossing Highway 28.
37. Westbound traffic on Pinehurst Drive shall stop before entering or crossing Highway 28.
38. Westbound traffic on Columbine Drive shall stop before entering or crossing Highway 28.
39. Westbound traffic on Hyperion Drive shall stop before entering or crossing Old Orchard Drive.
40. Westbound traffic on Wakonda Drive shall stop before entering or crossing Lakewood Circle.
41. Westbound traffic on Oakcreek Drive shall stop before entering or crossing Wakonda Drive.
42. Westbound traffic on Lakewood Drive shall stop before entering or crossing Candlewick Drive.
43. Westbound traffic on Candlewick Drive shall stop before entering or crossing Lakewood Drive.
44. Westbound traffic on Devlin Drive shall stop before entering or crossing Old Orchard Drive.
45. Westbound traffic on Medina Drive shall stop before entering or crossing Golden Valley Drive.
46. Westbound traffic on Oxford shall stop before entering or crossing Golden Valley Drive.
47. Westbound traffic on Grandview Drive shall stop before entering or crossing Elmcrest Drive.
48. Westbound traffic on Marie Avenue shall stop before entering or crossing Aspen Drive.
49. Westbound traffic on Pine Avenue shall stop before entering or crossing Aspen Drive.
50. Westbound traffic on Michael Drive shall stop before entering or crossing Sycamore Drive.
51. Westbound traffic on Elm Avenue shall stop before entering or crossing Sycamore Drive.
52. Westbound traffic on West Pine Avenue shall stop before entering or crossing Orchard Hills Drive.
53. Westbound traffic on Bay Hill Avenue shall stop before entering or crossing Lexington Drive.

54. Westbound traffic on Kingston Avenue shall stop before entering or crossing Lexington Drive.
55. Westbound traffic on Crescent Lane shall stop before entering or crossing Georgetown Avenue.
56. Westbound traffic on Crescent Lane shall stop before entering or crossing Windsor Drive.
57. Westbound traffic on Praire Sage Drive shall stop before entering or crossing Bluestem Road.
58. Westbound traffic on Merle Huff Avenue shall stop before entering or crossing East 20th Street.
59. Westbound traffic on Shady Lane Drive shall stop before entering or crossing Hunter Drive.
60. Westbound traffic on Vista Court shall stop before entering or crossing Green Hills Drive.
61. Westbound traffic on Sundance Court shall stop before entering or crossing Silverado Drive.
62. Westbound traffic on North Avenue shall stop before entering or crossing East 17th Street.
63. Westbound traffic on Beardsley Street shall stop before entering or crossing the entrance of Lakewood Elementary School.
(Ord. 11-04 – Jan. 12 Supp.)
64. Westbound traffic on Prairie Rose Dr. shall stop before entering Echo Ridge Trail.
65. Westbound traffic on Valencia Court shall stop before entering Orchard Trail.
(Ord. 13-18 – Jan. 14 Supp.)

65.05 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)

1. Intersection of Main Street and School Avenue.
2. Intersection of South Avenue and Cherry Street.
3. Intersection of East Seventeenth Street and North Avenue.
4. Intersection of Wakonda Drive and Happy Hollow Drive.
5. Intersection of Wakonda Drive and Ponderosa Drive.
6. Intersection of Lane Street and School Street.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do

so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

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

65.08 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)

65.09 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. Intersection of Cherry Parkway and Sunset Drive (Hwy. 28);
2. Intersection of Main Street and Sunset Drive (Hwy. 28);
3. Intersection of North Avenue and Sunset Drive (Hwy. 28).
4. Intersection of Beardsley Street and Sunset Drive (Hwy. 28).
5. Intersection of Colonial Parkway and Sunset Drive (Hwy. 28).

(Ord. 11-04 – Jan. 12 Supp.)

[The next page is 375]

CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets
66.04 Truck Routes

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

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application and good cause being shown 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 the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice of any load limit, no person shall operate any vehicle on any street in violation of the amounts specified on such signs.

(Code of Iowa, Sec. 321.473 & 475)

66.04 TRUCK ROUTES. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle with a licensed gross vehicle weight greater than five (5) tons having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

- A. Sunset Drive (Highway 28) from the north City limits to the south City limits;
- B. North Avenue (County Highway R57) from the east City limits to the west City limits;
- C. Cherry Parkway.
- D. Highway R45.
- E. 50th Avenue
- F. Beardsley Street from Sunset Drive (Highway 28) west to 50th Avenue.

2. Deliveries off Truck Route. Any motor vehicle with a licensed gross vehicle weight greater than five (5) tons having a fixed terminal or making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its

scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

4. Exceptions. The provisions of this section do not apply to the following:

- A. The operation of emergency vehicles;
- B. The operation of such vehicles owned or operated by the City;
- C. The operation of such vehicles owned or operated by a public utility while engaged in utility repair, maintenance or construction;
- D. The operation of such vehicles upon any street which is an officially established truck route detour.

CHAPTER 67
PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

o o o o o o o o o

CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

(Code of Iowa, Sec. 321.236[4])

- NONE -

o o o o o o o o o o

CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.08 No Parking Zones
69.02 Park Adjacent to Curb - One-way Street	69.09 Truck Parking Limited
69.03 Angle Parking	69.10 Snow Removal
69.04 Angle Parking - Manner	69.11 Snow Routes
69.05 Parking for Certain Purposes Illegal	69.12 Private Property
69.06 Parking Prohibited	69.13 Special Parking Restrictions for Public Events
69.07 Persons With Disabilities Parking	

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARK ADJACENT TO CURB - ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. North Avenue, on the north side from Main Street to a point 80 feet east of Main Street.

69.04 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)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours, or as otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

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

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 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.
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street.
(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. 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])
10. 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])
11. 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])
12. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow or red color and/or erect an official sign. (Ord. 12-10 – Mar. 13 Supp.)
(Code of Iowa, Sec. 321.358[13])
13. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab

stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

14. 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])

15. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

16. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

17. Fire Lane. No person shall stop, stand or park a vehicle in a fire lane as provided herein.

A. Fire Lanes Established. The Fire Chief may designate fire lanes on any private road, parking area or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.

B. Signs and Markings. Wherever a fire lane has been designated, the Police Chief shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this section. Appropriate signs and markings may include painted yellow or red curbs and/or the erection of an official sign.

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

(Ord. 12-10 – Mar. 13 Supp.)

18. At any place where official signs prohibit stopping or parking.

(Ord. 12-10 – Mar. 13 Supp.)

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

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

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

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

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

- B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;
 - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
- A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A (1) of the Code of Iowa when utilizing a wheelchair parking cone.
 - B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A (1) of the Code of Iowa.

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

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

1. On the north or east side of any street within the City except for the following areas:
 - A. The business districts.
 - B. The north side of Hyperion Drive from Old Orchard Drive east to Oakwood;
 - C. The north side of Swan Drive from East 20th Street to Hunter Street.
 - D. The east side of Skylane Drive from High Road south to Knoll Drive.
2. Hyperion Drive, on the south side, from Old Orchard Drive east to Oakwood;
3. Iowa Highway 28 (Sunset Drive), on both sides, from the south City limits to the north City limits;
4. Swan Drive, on the south side, from East 20th Street to Hunter Street.
5. On both sides of Colonial Parkway.
6. Skylane Drive, on the west side, from High Road south to Knoll Drive.
7. Lexington Drive, on both sides, from Beardsley Street to a point 184 feet south.
8. Marie Avenue, on the south side, from Snyder Avenue to Main Street.
9. On the north side of School Avenue from Main Street to Lane Avenue between the hours of 7:30 A.M. and 4:30 P.M. Monday through Friday.

(Ord. 13-02 – Mar. 13 Supp.)

69.09 TRUCK PARKING LIMITED. No person shall park a semi-tractor, semi-trailer, passenger bus used for commercial or school purposes, any vehicle in excess of five (5) tons,

or other motor vehicle with trailer attached with total weight in excess of five (5) tons in violation of the following regulations.

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

1. Streets. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle, on any street within the City except for designated parking areas on the City truck routes. 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.
2. Noise. No such vehicle shall be left standing or parked upon any street, public or private parking lot, or drive of any service station between the hours of ten o'clock (10:00) 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 or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency. When predictions or occurrences indicate the need, the Public Works Director shall initiate a snow emergency and inform the news media to publicize the snow emergency. The snow emergency shall remain in effect until the Public Works Director declares it over.

(Ord. 09-05 – Feb. 10 Supp.)

69.11 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.12 PRIVATE PROPERTY. No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or in an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the privately owned property or facility, the vehicle may be given a notice under the provisions of Chapter 70 of this Code of Ordinances or may be removed from the property in accordance with law. However, no vehicle shall be deemed illegally parked under this section on land zoned commercial or industrial unless the owner, lessee or person in charge of such privately owned property or facility shall first post, in a conspicuous location, a sign or signs designating the specific use of the off-street parking facility.

69.13 SPECIAL PARKING RESTRICTIONS FOR PUBLIC EVENTS. No one shall stop, stand or park a vehicle in area that has been designated as a special restricted parking area and that has been marked accordingly with an official no parking sign. The following street shall contain a special restricted parking area:

1. The West side of Cherry Street between North Avenue and Elm Avenue.

(Ord. 12-10 – Mar. 13 Supp.)

[The next page is 395]

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 & 321.485)

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

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

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of thirty-five dollars (\$35.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

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

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

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

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

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

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time.

(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])

[The next page is 405]

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

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

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

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

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

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

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

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

4. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks or treads.

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

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the

Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or

property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

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

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving ATVs.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

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

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

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

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

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

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

o o o o o o o o o

CHAPTER 76

BICYCLE REGULATIONS

76.01 Definitions	76.12 Bicycle Lanes
76.02 Alteration of Serial Frame Number	76.13 Emerging from Alley or Driveway
76.03 Sirens and Whistles Prohibited	76.14 Operation on Sidewalk
76.04 Lamps and Reflectors	76.15 Clinging to Other Vehicles
76.05 Stopping	76.16 Following Emergency Vehicles
76.06 Applicability of Motor Vehicle Laws	76.17 Parking
76.07 Obedience to Signals	76.18 Reckless Operation
76.08 Improper Riding	76.19 Violations
76.09 Carrying Packages	76.20 Mobility Devices
76.10 Control With Hands on Handlebars	76.21 Other Power Driven Mobility Device Use
76.11 Place of Riding	

76.01 DEFINITIONS.

1. "Bicycle" means either of the following:
 - A. A device having up to four wheels and having at least one (1) saddle or seat for the use of a rider which is propelled by human power.
 - B. A device having up to four (4) wheels with fully operable pedals and an electric motor of one (1) horsepower or less.
2. "Multi-use trail" means a way or place, the use of which is controlled by the City as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the City Council, and no multi-use trail shall be considered as a street or highway.
3. "Other power driven mobility device" means any of a large range of devices powered by batteries, fuel, or other engines-whether or not designed solely for use by individuals with mobility impairments-that are used by individuals with mobility impairments for the purpose of locomotion, including golf carts, bicycles, electronic personal assistance mobility devices, or any mobility aid designed to operate in areas without defined pedestrian routes.
4. "Wheelchair" means a device designed solely for use by an individual with a mobility impairment for the primary purpose of locomotion in typical indoor and outdoor pedestrian areas. A wheelchair may be manually operated or power-driven.

76.02 ALTERATION OF SERIAL FRAME NUMBER. It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number of any bicycle.

76.03 SIRENS AND WHISTLES PROHIBITED. A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

76.04 LAMPS AND REFLECTORS.

1. Every bicycle ridden at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of three

hundred (300) feet ahead shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least three hundred (300) feet to the front.

2. Every bicycle shall be equipped with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear; except that a red reflector may be used in lieu of a rear light.

3. Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.

4. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

76.05 STOPPING. Every bicycle used upon the City streets, sidewalks, highways, park roads or multi-use trails shall be able to come to a complete stop within a safe distance.

76.06 APPLICABILITY OF MOTOR VEHICLE LAWS. Every person operating a bicycle upon the City streets, highways, park roads, or multi-use trails shall be subject to this chapter and other City traffic ordinances and the state statutes applicable to the drivers of motor vehicles, except as to those provisions of ordinances and statutes which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

76.07 OBEDIENCE TO SIGNALS. Every person operating a bicycle shall obey the directions of official traffic signals, signs and other control devices applicable to other vehicles, unless otherwise directed by a police officer, and shall obey direction signs relative to turns permitted, unless such person dismounts from the bicycle, when he or she shall then obey the regulations applicable to pedestrians.

76.08 IMPROPER RIDING.

1. A person propelling a bicycle on any street, sidewalk, highway, park road or multi-use recreational trail, shall not ride other than upon or astride a permanent and regular seat attached to the bicycle and shall not use a bicycle to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.

2. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

76.09 CARRYING PACKAGES. No person operating a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

76.10 CONTROL WITH HANDS ON HANDLEBARS. The operator of a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall keep the bicycle under control at all times and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.

76.11 PLACE OF RIDING.

1. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride as close as practicable

to the right-hand curb or edge of the roadway except under any of the following situations:

- A. When overtaking and passing another bicycle vehicle proceeding in the same direction.
 - B. When preparing for a left turn at an intersection or into a private road or driveway.
 - C. When reasonably necessary to avoid conditions, including but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
 - D. A facility that would allow bicycle traffic on the left side of the roadway.
2. Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.
 3. When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.
 4. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

76.12 BICYCLE LANES.

1. Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway moving in the same direction may ride within the bicycle lane.
2. Any person operating a bicycle within a bicycle lane may move out of the lane when overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
3. No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.
4. No person shall drive a motor vehicle in a bicycle lane established on a roadway except as follows:
 - A. To park where parking is permitted.
 - B. To enter or leave the roadway.
 - C. To prepare for a turn within a distance of 200 feet from the intersection.

76.13 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 or driveway, yield the right-of-way to all vehicles approaching on the roadway.

76.14 OPERATION ON SIDEWALK. Bicycles may be operated upon the public sidewalks in a careful and prudent manner and except where signs are erected prohibiting riding on the sidewalk. Every person lawfully operating a bicycle upon a public sidewalk, shall yield the right-of-way when approaching a pedestrian and shall give an audible signal before overtaking and passing.

76.15 CLINGING TO OTHER VEHICLES. No person riding upon any bicycle on a street, sidewalk, highway, park road or multi-use trail shall attach the bicycle or himself or herself to any moving vehicle by tow rope, hand grip or otherwise.

76.16 FOLLOWING EMERGENCY VEHICLES. No person riding a bicycle shall follow closer than 500 feet of an emergency vehicle as defined by Iowa Code Section 321.1 which has emergency lights and/or siren activated, and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.

76.17 PARKING. No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic. Local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

76.18 RECKLESS OPERATION. No person shall operate a bicycle with willful or wanton disregard for the safety of persons or property.

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

76.20 MOBILITY DEVICES.

1. Use of wheelchairs, scooters, and manually powered mobility aids shall be permitted for the use of individuals with mobility impairments on any areas open to pedestrian uses.
2. The City shall have the authority by ordinance, resolution or policy, to permit or not permit the use of other power-driven mobility devices by individuals with disabilities on any or all publicly managed lands based off the defined assessment criteria stated in Section 76.21 of this chapter.

76.21 OTHER POWER DRIVEN MOBILITY DEVICE USE.

1. The use of Other Power Driven Mobility Devices (OPDMD's) on City managed lands will be assessed by location using the following criteria as identified by the United States Department of Justice:
 - A. Size, weight, dimensions, and speed of the device.
 - B. The facility's volume of pedestrian traffic.
 - C. The facilities design and operational characteristics.
 - D. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility or land.

- E. The potential for serious harm to environmental, natural and cultural resources.
 2. Based on the assessment of trails managed by the City of Norwalk, OPDMD devices may be used by a person with a mobility disability on City managed areas and trails as set forth below:
 - A. Paved and Aggregate Surfaced Trails. Electric powered assistive mobility devices that are designed to transport a single individual with a disability as a substitute for walking may be used by a person with a mobility disability on all paved and aggregate surfaced trails, sidewalks and picnic shelters. They shall be operated in a safe and prudent manner. The speed of these devices shall be five (5) miles per hour or less when in the presence of other park or trail users and at no time shall they exceed ten (10) miles per hour. This restriction is designed to ensure safety on City managed lands and trails.
 - B. Natural Areas, Natural-Surfaced Trails, and Open Parkland. OPDMD's are not allowed on unsurfaced or natural surfaces within City managed lands. These areas are not designed nor maintained for OPDMD's. This restriction is to ensure safety of the trail users and to prevent damage to natural and cultural resources.
3. Only persons with mobility disabilities are allowed to use an OPDMD on City managed lands. To be eligible to use an OPDMD, where that device would not be allowed under existing law, an individual must possess a permit issued by the City of Norwalk to identify the specific OPDMD and operator. A permit may be obtained in the office of the City Clerk at Norwalk City Hall. A valid handicapped parking permit or letter from a medical professional stating that the individual requesting the permit should be accommodated must be presented when the permit is applied for. The permit must be affixed to the OPDMD in a clearly visible manner. This restriction is to ensure the safety of all trail users. The use of motorized vehicles is permitted for City of Norwalk sanctioned maintenance and staff vehicles and emergency vehicles. The City of Norwalk reserves the right to periodically inspect and assess all publicly managed facilities to determine the suitability of the use of OPDMD's.

(Ch. 76 – Ord. 11-16 – Jan. 12 Supp.)

[The next page is 421]

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity which is a garage keeper (any operator of a parking

place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles) to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

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

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

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

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

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

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

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

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

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

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

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

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

[The next page is 441]

CHAPTER 90

WATER SERVICE SYSTEM

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

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

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

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

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

90.03 MANDATORY CONNECTIONS. The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official

notice to do so, provided that said public water main is located within one hundred (100) feet of the property line of such owner.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 APPLICATION FOR SERVICE. Before any person makes a connection with the public water system, an application for service must be made to the City. The application for service shall include the address 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. The property owner shall complete installation and connection of the service line to the public water system within one hundred (100) days after the application for service, except that when such time period is inequitable or unfair due to conditions beyond the control of the property owner, an extension of time within which to complete the work may be granted.

90.06 CONNECTION CHARGE. The person who makes the application for service shall pay to the Clerk a connection charge in accordance with Chapter 93 (Water Capital Charges).
(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *International Plumbing Code*.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber licensed by the City and a plumber's license may be suspended or revoked for violation of any of the provisions of this chapter.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:
(Code of Iowa, Sec. 372.13[4])

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains 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 in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE. There shall be installed, ten (10) inches inside the property line, a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be

turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

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

90.20 RIGHT OF ENTRY FOR INSPECTION. Every customer shall permit the Community Services Director, the City Clerk, or any authorized agent of the City to come on his or her premises at any reasonable hour to examine the pipes and fixtures in connection with the water supply.

CHAPTER 91

WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems- Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Costs

91.07 Meter Repairs

91.08 Right of Entry

91.09 Secondary Water Meter

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by a contractor or the City.

91.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection with backflow prevention without meters under the direct supervision of the Superintendent. The connection shall be prior to the domestic water supply. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

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

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on both sides of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent. Upon application the City may issue a written permit to allow the use of pit meters incorporating remote water meters with read out capabilities. Written application shall be made to the City for the use of a pit meter incorporating a remote reader. Such application shall set forth the name of the customer seeking such metering device, and shall indicate the owner or owners of the premises to be served. Said application shall further indicate, by sketch, the proposed location of the metering device and, although such sketch need not be to scale, it shall accurately indicate not only the location of the metering device, but all water lines proposed to lead to and from said metering device, indicating the location of buildings to be served and the length of said lines, pipes or mains incident thereto, as set forth in feet and inches. If the location of the proposed pit meter is not satisfactory to the City, the application may be refused or amended to require the meter in an accessible place as determined by the City.

91.06 METER COSTS. The full cost of the water meter and remote reader shall be paid to the City by the property owner or customer prior to the installation of any such meter, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

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

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 SECONDARY WATER METER. A secondary water meter may be installed by a property owner for the purpose of providing a supply of water for which the sewer service charges shall not be charged. The use of water supplied through the secondary water meter shall be limited to uses which do not cause an increase or impact on sewer usage (i.e. lawn irrigation). The secondary water meter shall be installed by a licensed plumber and shall be obtained from the City upon payment of the secondary water meter application fee and secondary meter charge. The City shall reserve ownership of all secondary water meters.

1. Application. Application for a secondary water meter shall be made in writing to the City and shall contain the following information:
 - A. The name of the applicant;
 - B. The name of the owner of the premises;
 - C. The address and location of the premises to be served, and phone number of applicant or agent;
 - D. The location of the meter to be located upon said premises;
 - E. The location of the remote read-out for said meter as determined and approved by the City.
2. Application Fee. Along with the application, the applicant shall submit a fee as established in Chapter 177 of this Code of Ordinances to reimburse the City for expenses relating to the provision of, inspection and installation of the remote reader. Upon receipt of the fee and submission of the application, a permit shall be issued.
3. Meter Protection. There shall be no back flow of hot water or damaging materials to said meter. In the event the meter is installed independent of any building, there shall be an appropriate pit installation made, all subject to the inspection and approval of the City as provided in Section 91.05. The applicant shall be responsible for the repair, maintenance, and upkeep of said meter, and said meter shall be installed so as to prevent freezing or breakage. The City, at its option, may require a back flow device. No device shall be allowed to avoid the metering of water into the premises, either through the secondary meter or the primary meter.
3. Remote Reader. All secondary meters shall have a remote reader installed at a location designated by the City.
4. Separate Billing. Water usage relative to the secondary meter shall be billed as a separate item on the monthly water bill at the same rate for the primary meter; however, no sewer charge will be applicable, and a minimum monthly water usage fee relative to the secondary meter shall be charged as established in Chapter 177 of this Code of Ordinances.

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Rates Outside the City
92.04 Billing for Water Service
92.05 Service Discontinued
92.06 Lien for Nonpayment

92.07 Lien Exemption
92.08 Lien Notice
92.09 Customer Deposits
92.10 Temporary Vacancy
92.11 Adjustment to Charges

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

(Code of Iowa, Sec. 384.84)

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

(Code of Iowa, Sec. 384.84)

1. Usage Charge. \$4.22 for each 1,000 gallons used per month. Effective April 1, 2013, the usage charge shall increase to \$4.65 for each 1,000 gallons used per month. Effective April 1, 2014, the usage charge shall increase to \$5.11 for each 1,000 gallons used per month. *(Ord. 12-03 – Mar. 13 Supp.)*

2. User Fee. A user fee as established in Chapter 177 of this Code of Ordinances. After a certificate of occupancy is issued for a newly constructed apartment complex, user fees for units within said complex shall be calculated upon actual occupancy of the units within said complex. This calculation shall remain in effect until the complex is 75% filled. Once occupancy reaches 75%, said apartment complex shall lose its status as a newly constructed apartment complex and shall be billed at 100% occupancy. It is the responsibility of the apartment complex management to provide proof of occupancy of said complex, on a quarterly basis or as otherwise requested by the City. In the event such proof is not provided by the apartment complex management, 100% occupancy will be presumed, and the complex shall be billed accordingly.

3. Commercial Irrigation Water Rates. The water rate for commercial irrigation purposes is a flat rate as established in Chapter 177 of this Code of Ordinances for water consumption in the amount of five hundred fifty thousand (550,000) gallons per monthly billing cycle up to one million (1,000,000) gallons per monthly billing cycle. All consumption over one million gallons shall be billed at a rate as established in Chapter 177 of this Code of Ordinances. In order to qualify for commercial irrigation rates, the user must consume a minimum of 550,000 gallons per monthly billing cycle for commercial irrigation. Commercial irrigation water is subject to availability at the sole discretion of the City. The City may interrupt the supply of water to such commercial irrigation when deemed necessary by the City. “Commercial irrigation,” as used in this subsection, is defined as the supplying of water by artificial means for the purpose of furnishing water necessary to sustain vegetation or plant growth for a commercial purpose within the corporate limits of the City.

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates two hundred percent (200%) of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

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

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts each month. Bills shall be deemed issued as of the date indicated on the bill.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk within twenty days of the date of issue.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A fee, as established in Chapter 177 of this Code of Ordinances, shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a deposit, as established in Chapter 177 of this Code of Ordinances, to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a fee, as established in Chapter 177 of this Code of Ordinances, for shutting the water off at the curb valve and for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.11 ADJUSTMENT TO CHARGES. In the event that excessive water usage occurs by reason of malfunction, accident or circumstances deemed to warrant reduction or adjustment of charges, the Community Services Director, upon written application, may make such adjustment to the combined service account as deemed fair and equitable. For new construction, the Community Services Director has the authority to adjust the charge to the contractor for water and minimum sewer charges.

[The next page is 457]

CHAPTER 93

WATER CAPITAL CHARGES

93.01 Purpose

93.02 Water District Created

93.03 Payment of Capital Charges

93.04 Water Capital Charges

93.05 Water Capital Charge Table

93.01 PURPOSE. The City has and will incur certain capital expenses relating to the provision of water services to the citizens of the City. A portion of these expenses is being incurred for the purpose of accommodating future growth of the City. The purpose of this chapter is to establish capital charges to be paid by developers and builders representing a proportional, equitable share of the expenses incurred by the City for expanding its water services to accommodate growth. These capital charges are not intended to recover the cost for distribution system needs.

93.02 WATER DISTRICT CREATED. One water district is hereby created which includes all land within the corporate limits of the City of Norwalk, Warren County, Iowa.

93.03 PAYMENT OF CAPITAL CHARGES. Every developer, prior to final plat approval, shall be required to pay a capital fee for the water utilities as described herein. This fee shall be in addition to all other fees and/or charges arising out of connecting to the City's water utility, except for any other such fees adopted pursuant to Section 384.38(3) of the Code of Iowa. Additionally, every builder, upon application for a building permit, shall be required to pay a capital fee as described herein.

93.04 WATER CAPITAL CHARGES. The City's water capital charges shall be as follows;

1. For a single family residential development in a newly platted area, where the final plat is filed after the effective date of the ordinance codified in this chapter, the effective capital charge shall be based on a per-unit flat fee as shown in Section 93.05. Forty-three percent (43%) of the fee shall be paid prior to the approval of the final plat by the City, with the remainder due at the time an application for building permit is made.
2. For a single family residential unit, where the final plat was approved by the City prior to the effective date of the ordinance codified in this chapter, a fee as established in Chapter 177 of this Code of Ordinances, shall be paid at the time an application for building permit is made.
3. For a non-single family residential unit a per-unit fee, as reflected in Section 93.05, shall be paid at the time an application for building permit is made.
4. For nonresidential development, a minimum charge, or alternatively, a per-fixture unit charge, whichever is greater, shown in Section 93.05, shall be paid at the time an application for building permit is made. (See Fixture Units Table in the Appendix to this Code of Ordinances for determining fixture units.)

93.05 WATER CAPITAL CHARGE TABLE. See Chapter 177 of this Code of Ordinances.

[The next page is 465]

CHAPTER 94

BENEFITED WATER DISTRICTS

94.01 Purpose

94.02 Intent

94.03 Procedure

94.04 Northwest Service Area Benefited District

94.01 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 water main 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 costs for design and construction of such major water main facilities from property owners who connect to such facilities subsequent to their construction.

94.02 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 water main 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 water main facilities during their expected useful life, then those properties shall bear, in the aggregate, up to 100 percent of the cost for design and construction of such facilities, including legal, administrative, and interest expenses associated therewith.

94.03 PROCEDURE.

1. In the event the Council determines the necessity for construction of a major water main 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 hereinafter 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 water main facility or facilities under consideration for construction, as well as the estimated cost or costs for the design and construction of same;

B. Identify by general description the proposed benefited district to be served by the major water main facility or facilities; and

C. Set forth the proposed 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 or such other method as the City shall determine to be equitable for the benefited district.

The notice shall also state that the proposed connection fee ordinance is on file, along with a plat 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 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 calculation of the area benefited by the proposed major water main facilities;
- C. The estimated cost of the proposed facilities; and
- D. The proposed connection fee.

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 water main 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.

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 water main 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 water main facility upon approval of their application for connection, payment of the connection fee for the parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City; and

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 water main facility upon approval of their application for connection, division of said parcel into a residence parcel and a remainder parcel, payment of the connection fee for the residence parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City. The connection fee for the remainder parcel shall be payable at such time as the remainder parcel shall be connected to the major water main facility. For purposes of this chapter, a parcel may be divided once. For purposes of this section, division of the property into a residence parcel and a remainder parcel may be accomplished by submitting a drawing showing a graphical depiction of the two parcels including dimensions accurate to within a distance of one-foot, a legal description of the entire parcel and a legal description of the residence parcel with such accuracy as to allow the City to determine a reasonable description of the remainder parcel. For purposes of this section, the division of property does not require a subdivision of the property or a plat of survey.

The connection fee ordinance may also provide, at the Council's discretion, that water service can be provided to recreational and park facilities and to commercial and industrial parcels and 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 water main facility upon approval of an application for connection by the owner thereof, as hereinafter provided, and payment of the connection fee for such property, provided such property has been appropriately subdivided for development, and, where applicable, all water main improvements necessary to serve said property have been constructed, at the owner's expense, and accepted by the City.

5. After adoption, publication and recording by the Clerk of 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 water main facility, shall make application to the City for such connection. The submittal of construction plans to the City for water main improvements on property being subdivided for development shall constitute an application to the City for purposes of this chapter. The water connection fee shall be due and payable at the time application is made to the City for connection to the major water main facility. No connection shall be made to a major water main facility until such application has been approved and until the required connection fee has been paid. The water connection fee shall be paid before the City will approve the final plat of property subject to the connection fee.

6. The water connection fee shall be in an amount equal to the maximum acre area of contiguous property, or fraction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per-acre connection fee or such other fee basis as determined for the benefited district 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 for their property. The rate of interest applicable to 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 was established for that district by enactment of a connection fee ordinance.

7. Property outside of the benefited district would be eligible for connection to a major water main facility only upon the approval of an application for connection by the owner thereof, a determination by the City that sufficient capacity exists in the major water main facility to serve such area outside of the boundaries of the benefited district and following payment of a fee calculated on the same basis as if the property were located within the benefited district. Without approval of the City and payment of the applicable fee, no property outside of the benefited district may connect to the major water main facility constructed to serve the benefited district. The City may waive the requirement for payment of the applicable fee.

8. The water connection fee required by this chapter shall be due and payable to the City 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.

9. In the event any property owner connects his or her property within a benefited district or property outside of a benefited district to a major water main 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 water 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.

94.04 NORTHWEST SERVICE AREA BENEFITED DISTRICT.

1. District Established. The Northwest Service Area Water Main Connection Fee District is hereby established consisting of a tract of land in Sections 1, 2, 3, 10, 11, 12, 14, and 15, Township 77 North, Range 25 West of the 5th Principal Meridian, Warren County, Iowa, and more particularly described as follows:

Commencing at the Northwest Corner of Section 3, Township 77 North, Range 25 West of the 5th Principal Meridian; thence east along the north line of said Section 3 to the Northeast Corner of said Section 3; thence east along the north line of Section 2, Township 77 North, Range 25 West to the Northeast Corner of said Section 2; thence east along the north line of Section 1, Township 77 North, Range 25 West to the centerline of Iowa Highway 28; thence southeasterly and southerly along the centerline of Iowa Highway 28 to the center of Middle Creek; thence northwesterly and westerly along the center of Middle Creek to the north water line of Lake Colchester; thence westerly along the northerly water line of Lake Colchester to the west line of said Section 1; thence westerly along the northerly water line of Lake Colchester in Section 2, Township 77 North, Range 25 West to the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2; thence south along the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2 to the Southeast Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2; thence east along the north line of Section 11, Township 77 North, Range 25 West to the Northeast Corner of said Section 11; thence east along the north line of Section 12, Township 77 North, Range 25 West to the Northeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence south along the east line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the Southeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence west along the south line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the West Quarter (W 1/4) Corner of said Section 12; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 11, Township 77 North, Range 25 West to the Center of said Section 11; thence south along the east line of the Southwest Quarter (SW 1/4) of said Section 11 to the South Quarter (S 1/4) Corner of said Section 11; thence west along the south line of the Southwest Quarter (SW 1/4) of said Section 11 to the Southwest Corner of said Section 11; thence south along the west line of the Northwest Quarter (NW 1/4) of Section 14, Township 77 North, Range 25 West to the centerline of County Road G-14; thence southerly along the centerline of County

Road G-14 to the center of the intersection of County Road G-14 and 50th Avenue; thence southwesterly along 50th Avenue to the West Quarter (W 1/4) Corner of said Section 14; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 15, Township 77 North, Range 25 West to the center of said Section 15; thence west along the south line of the Northwest Quarter (NW 1/4) of said Section 15 to the West Quarter (W 1/4) Corner of said Section 15; thence north along the west line of the Northwest Quarter (NW 1/4) of said Section 15 to the Northwest Corner of said Section 15; thence north along the west line of Section 10, Township 77 North, Range 25 West to the Northwest Corner of said Section 10; thence north along the west line of Section 3, Township 77 North, Range 25 West to the Northwest Corner of said Section 3, said corner being the point of beginning.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Northwest Service Area Water Main Connection Fee District at the time of application to connect properties to said water main facilities as follows:

A. The per-acre connection fee shall be annually adjusted as of July 1 of each year according to the schedule established in Chapter 177 of this Code of Ordinances.

B. The above established connection fee schedule shall also apply to any properties outside of the Northwest Service Area Water Main Connection Fee District which uses or derives benefit from any of the water main facilities constructed to serve the Northwest Service Area Water Main Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The above established connection fee schedule shall not apply to any properties within the Northwest Service Area Water Main Connection Fee District which does not use or derive any benefit from the water main facilities constructed for the Northwest Service Area Water Main Connection Fee District.

D. The determination that a property is to be connected to the water main facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recordation, issuance of a building permit or issuance of a plumbing permit, whichever occurs first.

E. The per-acre connection fee shall be imposed on the gross area of any final plat and shall not exclude areas set aside for streets, public right-of-way or for any other purpose.

F. Any single family residence existing or under construction upon the effective date of Ordinance No. 06-14 located upon a parcel in excess of one acre, may apply for connection upon payment of a single one-acre connection fee. Payment of a single one-acre connection fee shall be applicable only to the single residence. Any future development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection fee. At the discretion of the City this provision may be extended to any single family residence constructed after the effective date of Ordinance No. 06-14.

G. The City shall be responsible for the design and construction of the primary water main to serve the Northwest Service Area Water Main Connection Fee District. Other water mains required to provide water service to individual properties within the connection fee district, including smaller water mains, shall not be the responsibility of the City to design or construct under the provisions of the Northwest Service Area Water Main Connection Fee District.

[The next page is 501]

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (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 building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

18. “Sewer” means a pipe or conduit for carrying sewage.

19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Community Services Director of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

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

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

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

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

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

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

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 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 of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

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

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Application for Service
96.02 Connection Charge
96.03 Plumber Required
96.04 Connection Requirements
96.05 Sump Pump Requirement

96.06 Sewer Tap
96.07 Excavations
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations

96.01 APPLICATION FOR SERVICE. No unauthorized person shall make any connection to the public sewer system without first making an application for service to the City. The application for service shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The property owner shall complete construction and connection of the building sewer to the public sewer within one hundred (100) days after the application for service, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted.

96.02 CONNECTION CHARGE. The person who makes the application for service shall pay to the Clerk a connection charge in accordance with Chapter 100 (Sewer Capital Charges).

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber licensed by the City, and a plumber's license may be suspended or revoked for violation of any of the provisions of these Sanitary Sewer chapters.

96.04 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *International Plumbing Code*, the laws of the State, and other applicable rules and regulations of the City.

96.05 SUMP PUMP REQUIREMENT. All new buildings having a floor level below ground level shall be serviced by a sump pump and footing drains which shall be discharged to a City-approved storm water drainage course. In all new construction, plans for the installation of said sump pump and footing drains shall be submitted with and included in the building plan. The plans and construction shall comply with City, State and Federal statutes, ordinances and regulations in disposing of all waters or fluids of any kind, as well as any sewage or waste. All sump pumps in the City shall be operated in a manner so as to cause the discharge to flow outside the City's Sanitary Sewer System and the discharge from sump pumps will be directed in a manner not to be drained upon any sidewalks, and shall be drained along a course designated by the City when a City property or thoroughfare is utilized.

96.06 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a

manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.07 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.08 INSPECTION REQUIRED. No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the *International Plumbing Code*.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

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

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Surface Waters Exception

97.03 Prohibited Discharges

97.04 Restricted Discharges

97.05 Restricted Discharges - Powers

97.06 Special Facilities

97.07 Control Manholes

97.08 Testing of Wastes

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

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

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two

percent (2%) 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 (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (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, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

CHAPTER 98
ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

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

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

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

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

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

(IAC, 567-69.1[3])

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

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

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

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Special Rates
99.04 Private Water Systems

99.05 Payment of Bills
99.06 Lien for Nonpayment
99.07 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. Usage Charge. \$6.87 for each 1,000 gallons used per month. Effective April 1, 2013, the usage charge shall increase to \$7.56 for each 1,000 gallons used per month. Effective April 1, 2014, the usage charge shall increase to \$8.32 for each 1,000 gallons used per month. *(Ord. 12-03 – Mar. 13 Supp.)*

2. User Fee. A user fee as established in Chapter 177 of this Code of Ordinances.. After a certificate of occupancy is issued for a newly constructed apartment complex, user fees for units within said complex shall be calculated upon actual occupancy of the units within said complex. This calculation shall remain in effect until the complex is 75% filled. Once occupancy reaches 75%, said apartment complex shall lose its status as a newly constructed apartment complex and shall be billed at 100% occupancy. It is the responsibility of the apartment complex management to provide proof of occupancy of said complex, on a quarterly basis or as otherwise requested by the City. In the event such proof is not provided by the apartment complex management, 100% occupancy will be presumed, and the complex shall be billed accordingly.

Sewer service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates two hundred percent (200%) of the rates provided herein. No such customer, however, will be served unless the customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to sewer service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

99.03 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.04 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the

customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

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

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

(Code of Iowa, Sec. 384.84)

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

CHAPTER 100

SEWER CAPITAL CHARGES

100.01 Purpose

100.02 Sewer District Created

100.03 Payment of Capital Charges

100.04 Sewer Capital Charges

100.05 Sewer Capital Charge Table

100.01 PURPOSE. The City has and will incur certain capital expenses relating to the provision of sanitary sewer services to the citizens of the City. A portion of these expenses is being incurred for the purpose of accommodating future growth of the City. The purpose of this chapter is to establish capital charges to be paid by developers and builders representing a proportional equitable share of the expenses incurred by the City for expanding its sewer services to accommodate growth. These capital charges are not intended to recover the cost for distribution system needs.

100.02 SEWER DISTRICT CREATED. One sewer district is hereby created which includes all land within the corporate limits of the City of Norwalk, Warren County, Iowa.

100.03 PAYMENT OF CAPITAL CHARGES. Every developer, prior to final plat approval, shall be required to pay a capital fee for the sanitary sewer utilities as described herein. This fee shall be in addition to all other fees and/or charges arising out of connecting to the City's sewer utility except for any other such fees adopted pursuant to Section 384.38(3) of the Code of Iowa. Additionally, every builder, upon application for a building permit, shall be required to pay a capital fee as described herein.

100.04 SEWER CAPITAL CHARGES. The City's sewer capital charges shall be as follows:

1. For a single family residential development in a newly platted area where the final plat is filed after the effective date of the ordinance codified in this chapter, the effective capital charge shall be based on a per unit flat fee as shown in Section 100.05. Fifty percent (50%) of the fee shall be paid prior to the approval of the final plat by the City, with the remainder due at the time an application for building permit is made.
2. For a single family residential unit, where the final plat was approved by the City prior to the effective date of the ordinance codified in this chapter, a fee as established in Chapter 177 of this Code of Ordinances, shall be paid at the time an application for building permit is made.
3. For a non-single family residential unit, a per unit fee, as reflected in Section 100.05, shall be paid at the time an application for building permit is made.
4. For nonresidential development, a minimum charge, or alternatively, a per-fixture unit charge, whichever is greater, as shown in Section 100.05, shall be paid at the time an application for building permit is made. (See Fixture Units Table in the Appendix to this Code of Ordinances for determining fixture units.)

100.05 SEWER CAPITAL CHARGE TABLE. See Chapter 177 of this Code of Ordinances.

[The next page is 521]

CHAPTER 101

STORM WATER DRAINAGE UTILITY

101.01 Definitions	101.06 Rates
101.02 Storm Water Utility Established	101.07 Billing
101.03 Charges and Fees in General	101.08 Delinquency, Collection, Interest and Penalties
101.04 Storm Water Utility User Charge	101.09 Request for Use Reclassification
101.05 Calculation of Equivalent Service Units and Amount of Charge	101.10 Adoption of Rules
	101.11 Appeals

101.01 DEFINITIONS. The following words have the following definitions when used in this chapter, and in any resolution and order adopted pursuant hereto, unless the context requires otherwise or unless such word is expressly defined otherwise:

1. “Connection” means the physical act or process of directing or allowing the flow of storm and surface waters to the storm sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of an impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.
2. “Date of imposition” or “imposition date” means July 1 of each fiscal year or such other date designated by the Council at which time a charge is imposed and becomes the legal obligation of the user. The obligation may include the cost of services to be provided during the billing period or for services previously provided to the same person under this chapter.
3. “Days” means calendar days unless otherwise specified.
4. “Equivalent Service Unit” or “ESU” means a measurement unit based on the impervious surface area of an average improved single family dwelling lot or parcel within the City (as determined by a statistical sampling performed by the City). Except as provided in Section 101.04, one equivalent service unit shall be deemed to be 3,000 square feet of impervious surface. See subsection 101.05(1), “Flat Rate Uses” for further clarification.
5. “Impervious surface area” means all land area that has been altered from its natural state such that it does not allow the infiltration and retention of water equivalent to that of undisturbed soil. This includes, but is not limited to: pavement, buildings, decks, parking areas, and compacted gravel areas. Impervious surface does not include improved streets, roads and sidewalks within the public right-of-way; bike paths; railroad beds; or quarry excavation areas and temporary service roads in the excavation areas. Rather, such facilities are deemed to be part of the public surface water drainage conveyance system or to constitute non-impervious surfaces.
6. “Improved single dwelling parcel” means a lot or parcel on which a single family dwelling or duplex exists at any time during the same years as the imposition of the charge.

7. "Occupant" means the person residing or doing business on the property. In a family or household situation, the occupants responsible for the obligations herein imposed are the adult heads of the household, jointly and severally. In a dwelling or office sharing situation, the adult occupant legally responsible for the management or condition of the property is responsible.
8. "Owner" means the legal owner of record as shown on the tax rolls of Warren County, or where there is a recorded land sale contract, the purchaser thereunder.
9. "Person" means any individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, or any other legal entity whatsoever.
10. "Rule" means any written standard, directive, interpretation, policy, regulation, procedure or other provision adopted by the Council as a resolution and order to carry out the provisions of this chapter.
11. "Storm and Surface Water Drainage System" means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water within the City, to which sanitary sewage flows are not intentionally admitted.
12. "User" means any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for surface water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it is deemed the user.

101.02 STORM WATER UTILITY ESTABLISHED. Pursuant to the authority of Section 384.84 of the Code of Iowa, the Council hereby establishes a storm water utility in the City. The entire City, as increased from time to time, shall constitute a single Storm and Surface Water Drainage System District.

101.03 CHARGES AND FEES IN GENERAL. The Council may adopt, by ordinance, charges, rates, and fees for the use of the City's Storm and Surface Water System, and for services provided by the City relating to that system. Charges may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. Except as specifically provided by ordinance, all charges and service fees shall be due and payable in advance of provision of service. All billing and collection procedures shall be the same as for water and sanitary sewer usage and may be billed on the same bill.

101.04 STORM WATER UTILITY USER CHARGE.

1. There hereby is established a Storm Water Utility System User Charge. This charge is imposed on every user within the City of the Storm and Surface Water Drainage System on the imposition date. The charge may be required to be paid in advance of the provision of service for the billing period. The charge due for the billing period shall be the obligation of the user of the public storm system on the imposition date, notwithstanding whether the user is the addressee of the bill.

2. The charge shall be the personal obligation of the user on the imposition date, regardless of whether that person has any ownership interest in the property. This charge shall constitute a debt due the City as of the date of imposition.
3. Any person who has paid the full amount due in advance of receiving service shall be entitled to a refund if the person ceases to be the user. The refund shall be effective on the date the property is vacated or sold and based on the number of days remaining in the billing period. The refund is waived unless a written request for refund is filed within thirty (30) days of vacating or selling the property. The request shall include documentation reasonably deemed adequate by the City. Notwithstanding any other provision, the new user shall be responsible for the remaining balance of the service charge, which may be billed immediately or added to the bill for the next period.
4. There shall be a rebuttable presumption that the owner of the real property, as shown in the records of the County Assessor, is the occupant.
5. The Storm Water Utility User Charge shall be imposed upon any person who uses or discharges to the public storm and surface water drainage system by:
 - A. Maintaining impervious surface connected to (directly or indirectly) and capable of discharge to the public surface water management systems; or
 - B. Actually discharging storm or surface water into the system; or
 - C. For which a specific request for storm and surface water management service has been made.

Said charge shall be charged for all users of properties within the boundaries of the City. A property, whether unimproved or containing impervious surface, is presumed to discharge storm water to the Storm and Surface Water Drainage System, and to generate a demand for storm and surface water drainage services, unless that property has an on-site disposal system which meets the standard of Section 101.09 and any rules adopted thereunder.

101.05 CALCULATION OF EQUIVALENT SERVICE UNITS AND AMOUNT OF CHARGE. This section shall be used to determine the number of Equivalent Service Units (ESUs) for a property for purposes of determining the amount of Storm Water Utility (SWU) service charges and the water quantity component of the SWU. There are two types of uses: flat rate uses and measured uses. These are defined as follows:

1. Flat Rate Uses. Improved properties that qualify under this section as flat rate uses shall be charged at the rate of one (1) ESU per dwelling unit. The following uses shall be defined as “flat rate” uses:
 - A. A “Flat Rate Use Residence” is a residential structure not attached to another residential structure on one or more parcels of land, providing there are not more than two residential structures on one parcel. Flat Rate Use Residences shall have impervious surfaces totaling no more than 6,000 square feet in area. This definition also includes trailers, mobile homes, and manufactured homes, if on separate parcels. Two separate dwelling units on a single parcel shall be charged one (1) ESU per dwelling unit. Three or more residential dwelling units on one parcel, whether attached or unattached, shall be considered a multiple family residential use, and shall be a measured use, as defined below.

B. A “Duplex” is two dwelling units joined to each other with a common wall, or one above the other, on one or two parcels. The units may be under one ownership, or owned separately. Each dwelling unit of the duplex shall be charged one (1) ESU.

C. “Trailer Parks and Mobile Home Parks” includes trailers and mobile homes on a single tax lot (even if there are more than two per tax lot) under one ownership, where spaces are leased or rented for a mobile home or trailer to be placed. Each space in a trailer park or mobile home park shall be charged one (1) ESU whether or not there is a trailer or mobile home on the space. Other impervious areas contained within the boundaries of the trailer park or mobile home park shall not be measured. The owner of a taxed lot shall be deemed the user.

D. An “Unimproved Parcel” is defined as parcel of land less than 7.5 acres with no impervious surfaces or a parcel of land larger than 7.5 acres with less than 10 percent of impervious surface. Unimproved parcels shall be charged 0.137 ESUs per acre.

2. Measured Uses. Properties that are not Flat Rate Uses are Measured Uses. For such uses, the impervious surfaces of the property, as defined by rule, shall be estimated by the City. The area shall be estimated using one or more of the following: aerial photographs, assessment records, building permits, construction plans, site visits, ad valorem property tax records, storm and surface water system connection permits, field surveys or other sources deemed reliable by the City. This area shall then be divided by 3,000 square feet, the area on one (1) Equivalent Service Unit within the City, and then rounded to the nearest whole number. The minimum value shall be ESU. The ESUs for all of the uses in this subsection shall be determined by measuring the impervious area. All estimates made by the City are subject to appeal pursuant to Section 101.11. If an appeal is not properly made, then the estimation of the City shall be deemed correct.

A. The total charge for a “Multi-Family Residential Use” is calculated for the entire complex by estimation of the total impervious surface area, including the garages and common areas. The total ESUs shall be divided equally among all units if the units have separate water billings. If the complex is billed under one water billing, the recipient of that bill shall be deemed the user and receive the total ESU charge for the complex.

B. “Commercial, Industrial, Institutional” categories include the entire range of office, manufacturing service, sales restaurant, day care, nursery, warehouse, churches, schools, utilities, public service buildings, parks, hospital, nursing home, rest home, retirement home and other similar uses.

C. A “Measured Use Residence” is a residential property with impervious surfaces totaling more than 6,000 square feet.

3. General Policies.

A. Condominiums. The total charge for a condominium shall be calculated for the entire complex by measurement of the total impervious surface area, including the garages and common areas. The total ESUs shall be divided equally among all units. “Units” are living units and do not include supporting uses, such as garages, even though they may be on separate parcels.

B. No Limit on Charge for a Measured Use. Flat Rate Use residences and duplexes are not individually estimated. All other uses are individually estimated. If a use is an estimated use, its charge shall not be limited to one ESU, even if it is residential.

C. Community Facilities. The flat rate category includes typical residential uses within a parcel or single ownership, as defined above. If a community or neighborhood recreation center or similar facility exists within a subdivision, even if associated with the single family or duplex properties, that property shall be measured and charged separately.

D. Seasonal Impervious Area. Properties which have areas that are impervious for only a portion of the year shall constitute seasonal impervious area. For example, a greenhouse that is covered six months and open with a pervious floor for six months. If an impervious area is in place for more than one month per year, it shall be included in the impervious area measurement, unless exempted under the policy for “Spreading of Runoff to Pervious Surfaces” (paragraph 4(D) of this section).

E. Miscellaneous.

(1) No credits, exemptions, or reductions shall be given for impervious surfaces that are submerged for a portion of the year.

(2) A Flat Rate Use residence (or duplex unit) and garage, under one ownership, shall be charged one ESU even if on two adjacent parcels.

(3) Swimming pools (not including the impervious deck around the swimming pool) are exempted from SWU fees providing the filter drains are connected to the sanitary sewer system.

(4) No waiver shall be given for small impervious areas on a large pervious property.

4. Exclusion From Impervious Surface Measurement

A. Roads. Public roads shall not be included in the measurement of impervious surface areas. All private roads are to be included in the measurement of impervious surface areas, except private roads that serve flat rate uses (single family, duplex and trailer park properties). “Private roads” are defined as all roads and driveways which have not been dedicated to the public and accepted for public use, and which are defined as an impervious surface under other City rules.

B. Determination of Impervious Surfaces – Roadways. All roadways, whether dirt, gravel, or paved, are considered impervious, and unless a part of an exempted category of road, or a part of a flat rate use, shall be included in the impervious area measurement. A “roadway” is defined as an area intended for the purpose of providing access for motor vehicles. Motor vehicles include automobiles. Roadways include such things as roads, streets and driveways.

C. Determination of Impervious Surfaces - Parking and Storage Areas.

(1) All parking and storage areas, whether dirt, gravel or paved, are deemed impervious. A “parking area” is defined as an area where

motor vehicles are parked temporarily. This includes such areas as public and private parking lots (regardless of frequency of use) and storage areas.

(2) A dirt or gravel area that is not accessed by motor vehicles, or is not otherwise highly compacted, is considered pervious. This includes such uses as landscaping, and gravel or dirt areas accessed only by foot traffic, or small vehicles, as defined above.

(3) A user may submit information for City review showing that the conditions of paragraph (2) above are valid. The City shall review such information and may perform a site inspection. If, based upon objective, verifiable information presented, or upon the site inspection performed, the City may modify the ESUs for the property to conform to the actual impervious surface. Failure to permit the City to perform a site inspection of the property shall be grounds to deny an application for review under this subsection.

D. Spreading of Runoff to Pervious Surfaces. Impervious areas shall be excluded from measurement and charge if the runoff is spread to a pervious area that does not otherwise receive rainfall. For properties which meet the criteria of this paragraph, all or part of the impervious area may be excluded from measurement and charge, as appropriate. For such property, the following criteria shall apply:

(1) It shall be the responsibility of the property owner to provide documentation as required by the City to demonstrate that the criteria are met.

(2) The area of impervious area that can be exempted is limited to the area of the pervious area where the runoff is effectively spread.

(3) To qualify, the runoff from an impervious area must not be concentrated but must remain as "sheet flow," or be spread so it is in sheet flow; the runoff must pass through the pervious area before it is collected in a drain or channel system and carried away; and there cannot be any barriers such as a concrete foundation preventing the sheet flow runoff from passing through the impervious area.

5. Exemption From SWU Service Charges.

A. Users of properties for which all storm water is disposed of on-site, as defined by City standards, may request an exemption from SWU service charges. No partial exemptions for disposal of only a portion of the storm and surface waters on-site, shall be allowed. In order to qualify for service charge exemption, the user must design, construct and maintain an on-site facility that keeps all storm and surface water for the full range of storms during the year. This applicant for exemption must pay an initial inspection/review fee. For the purpose of this subsection, the term "property" means a parcel of land, or a group of adjacent parcels working in cooperation. The term "on-site disposal" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the exemption.

B. In order to qualify for the exemption, the on-site system must encompass the entire property (except for incidental impervious areas as

defined below), must be completely separated from the public system, and must provide adequate on-site disposal. Incidental area such as sidewalks, decks, and driveway aprons, shall not exceed ten percent (10%) of the total impervious area. On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation/evaporation capacity, and retention basins with capacity large enough to accommodate the total of all storms through the year. Many of these may have a possible adverse effect on groundwater, and some techniques may require approval of State, Federal and local agencies.

C. To qualify, an applicant must submit a request to the City for a waiver of monthly service charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the City, that shows the system is separate and will dispose of the full range and volume of storm water through the year on-site. The applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner. An inspection/review fee shall be paid at the time of application. If the application is denied, the inspection/review fee will be credited to the service charges due. If the request for the waiver is made as part of the construction plans, this fee shall be waived. A decision denying an exemption may be appealed following the procedures in Section 101.11. If approved, the waiver will be effective for the next billing cycle.

D. The City retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found to not be effective, the exemption shall cease.

6. Credits For Water Quantity Portion of the SWU. New developments that provide on-site retention, disposal, or detention, or provide off-site conveyance system enlargements are entitled to a credit in SWU fees. To be eligible, new development, or portions of new development, must include design and construction of a facility that meets one of the following standards:

A. Retention facility sized to accommodate the full volume of storm water through the year with no overflow or release into the SWU system. Eligible facilities shall be exempt from SWU fees.

B. A disposal facility which keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms during the year, including the winter, through on-site disposal (dry wells, injection wells, percolation/evaporation basins). Eligible facilities shall be exempt from SWU fees

C. A detention facility which meets or exceeds the standards defined in City rules for on-site storm water detention facilities. Eligible facilities shall be entitled to a reduction of one-half of the actual number of ESUs calculated.

D. Upsizing of the downstream conveyance system. Credit shall be determined by the City on case by case basis.

The term “on-site” means on the parcel, or on another parcel in the near vicinity of that for which the credit or reduction is requested. To be eligible for a credit (reduction) of SWU fees, the request must be submitted prior to, or a part of, the development process, but in all cases the request must be made prior to the payment

of the SWU fees. To be eligible for a credit, the request can be made at any time in writing to the City. The request shall demonstrate the property meets one of the above conditions. For on-site facilities, the City reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SWU fees that were waived will become due and payable.

101.06 RATES. The monthly rates for the service charge per ESU shall be established pursuant to ordinance and shall be based upon those factors outlined in Section 101.04. The storm water service charge is as established in Chapter 177 of this Code of Ordinances. All ESU records for all properties within the City shall be kept on file in the City Clerk's office and shall be available during normal office hours for examination.

101.07 BILLING.

1. The City shall send a bill for the amount due by regular mail to every user in the City. Mailing to the owner of record as shown in the assessor records shall satisfy this requirement. The billing period shall be the same as for water usage.
2. The recipient has twenty (20) days from the billing date to file a notice of non-occupancy. The notice shall indicate the relationship of the recipient to the property (e.g., owner, lessor, mortgagee), whether on the imposition date the property was occupied, and if so, by whom.
3. Upon receipt of the notice, the City shall determine who is obligated for payment. Based on this determination, the City shall:
 - A. Issue a new bill to the occupant if the property was occupied by someone other than the original recipient;
 - B. Reissue the bill to the recipient if it is found that the person was the occupant;
 - C. Issue a bill to the owner as the user, if the property was not occupied.

The City may take into account any reasonably reliable information available to it, including utility or water district records.

4. Failure to file the notice so that it is actually received by the City within the 20 days of the mailing date of the bill shall conclusively establish that the original addressee was the user on the imposition date.
5. Notwithstanding any other provision of this chapter, any person may agree in writing to be responsible for payment of the charge. Upon filing of such a writing with the City, subsequent bills shall be sent to that person, and that person shall be deemed to be the user.
6. It is a violation of this chapter to knowingly provide false information to the City regarding any fact related to billing of a storm water utility service charge or other charge of the City.

101.08 DELINQUENCY, COLLECTION, INTEREST AND PENALTIES.

1. Charges imposed under this chapter are deemed delinquent when not paid in full by the due date provided in a billing for the charge.
2. It is unlawful and a violation of this chapter for any person to discharge wastewater into the City's Storm Water Utility System. It is also unlawful and a

violation of this chapter to maintain a connection to or use the City's Storm Water Utility System without paying the appropriate charges and fees established in this chapter or any rule adopted pursuant hereto. Even if no billing is received, such charges shall be due and owing and the user is obligated to pay any charges in a timely fashion.

3. Delinquent charges may be collected pursuant to the same procedure as with delinquent water bills by the City without further action or authorization by the Council.

4. In addition to remedies provided for collection of a debt, the City may seek a temporary or permanent injunction prohibiting continued occupancy of premises, requiring disconnection of the premises from the public storm water utility system, and termination of water and sewer service to the user's premises.

5. In a collection action under this chapter, the City shall be entitled to its costs and reasonable attorney fees, including at trial and on appeal, if it is the prevailing party.

6. In addition to the right of the City to bring a civil action to collect any delinquent charges or enforce any provision of this chapter, the City may take any of the following actions to secure payment:

A. The City may refuse to issue any permit to any person who is delinquent in any payment due under this chapter.

B. The City may terminate sanitary sewer service to premises used by the user.

C. The City may terminate water service to the premises used by the user.

If the City terminates service as provided in this section, the cost of such disconnection shall be added to the amount of any other delinquent charges and shall be recoverable in the same manner as are such charges.

7. Where a lien against the property can be imposed when the owner is liable, it shall exist from the date the bill was last brought current in the same manner as with a lien for water service.

101.09 REQUEST FOR USE RECLASSIFICATION.

1. Any user of the public storm water utility system may disconnect property served by the system from service and terminate further user charges by utilizing the procedure in this section.

2. Any user of the public storm water utility may remove all or part of the impervious surface on the property served by the system and apply for use reclassification by utilizing the procedure in this section.

3. A person desiring to disconnect property from the system shall make application on a form provided by the City and pay the fee, if any, established therefor. The application shall be signed by the owner of the property, shall provide evidence of demolition or removal of any impervious surface on the property, or of installation of an approved on-site storm and surface water retention or infiltration system serving the property. Such on-site system shall be designed and operated to retain or dispose of on-site all storm and surface waters generated by the property,

through the full range of storm events prescribed by City rule. The Council may adopt additional criteria and administrative procedures to provide for disconnection from storm water utility service, and suspension or termination of user charges.

4. Upon receipt of a complete application for disconnection or reclassification, and verification of information thereon, and installation of the on-site system or demolition of impervious area as provided in this section, the City shall issue a permit for disconnection or reclassification. Whether performed by the City or other person, the City shall inspect the disconnection.

5. The City may inspect the on-site system at any time. If at any time the system fails to perform to the standard specified above, the City shall notify the owner to correct the system. If the system is not corrected to meet on-site retention or infiltration standards within thirty (30) days of such notice, the City may treat such deficiency as a reconnection to the storm water utility system and as a specific request for storm water utility service. Service fees shall then relate back to the earliest date on which the system failed to meet applicable performance standards for on-site retention or disposal.

6. If at any time after reclassification an impervious surface is added to the property, the City shall consider such an addition as a reconnection to the storm water utility and as a specific request for storm water utility service.

101.10 ADOPTION OF RULES. The Council may, by resolution, promulgate rules pertaining to matters within the scope of this chapter. Any resolution adopted pursuant to this section shall require a public hearing. Not less than four (4) or more than twenty (20) days before such hearing, public notice of such hearing shall be given by publication in a newspaper of general circulation within the City. Such notice shall include the place, time, and purpose of the hearing and the location at which copies of the full text of the proposed rules may be obtained. At the public hearing, the Council shall hear testimony concerning the proposed rules. At the conclusion of the public hearing, the Council shall either adopt the proposal, modify or reject it. All rules shall be effective upon adoption by the Council. Notwithstanding any other provisions of this section, a resolution may be adopted without prior notice upon a finding that failure of the Council to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specified reasons for such prejudice. Any rule adopted pursuant to this section shall be effective for a period of not longer than 180 days.

101.11 APPEALS.

1. The following may be appealed to the Community Services Director:
 - A. A determination that the person is obligated to pay the service charge imposed herein.
 - B. A dispute as to the proper calculation of the amount due from the person. This does not include, however, an objection to the overall establishment of the storm water utility charge or the amount per ESU established by the Council pursuant to Section 101.06 or the establishment of classes of impervious surface area pursuant to Section 101.05.
 - C. A discretionary decision implementing a rule adopted by the Council if an appeal is provided in the Order adopting the rule.

2. The appeal shall be filed in writing and must be actually received by the City no later than the thirtieth day after the action appealed. The 30 days shall be calculated from the due date of the original or reissued bill in response to a notice of non-occupancy, whichever is later.
3. The appeal shall be heard by the Community Services Director in an informal proceeding. The appellant shall be provided a reasonable opportunity to submit written and oral support for the appellant's position. The Community Services Director shall issue a written decision within ten (10) days of the proceeding. The written decision of the Community Services Director may be appealed to the Council by writ of review. Failure to properly exhaust the administrative remedy provided for herein shall constitute a bar to judicial relief.
4. After appeal is made to the Community Services Director, the final decision of the Community Services Director can be appealed to the City Council. The appeal from the decisions of the Community Services Director must be received within twenty (20) days of the issuance of the decision of the Community Services Director.
5. The appeal of the decision of the Community Services Director shall be heard by the Council in an informal proceeding. The appellant shall be provided a reasonable opportunity to submit written and oral support for the appellant's position. The Council shall issue a written decision within thirty (30) days of the proceeding. The written decision of the Council may be appealed to the Circuit Court of Warren County by writ of review. Failure to properly exhaust the administrative remedy provided for herein shall constitute a bar to judicial relief.

[The next page is 545]

CHAPTER 102

ILLICIT DISCHARGE TO STORM SEWER SYSTEM

102.01 Purpose

102.02 Definitions

102.03 Allowable Non-Storm Water

102.04 Illicit Discharges and Illegal Connections Prohibited

102.05 Industrial Discharges

102.06 Watercourse Protection

102.07 Illicit Discharge or Illegal Connection Detection, Reporting and Inspection

102.08 Abatement of Illicit Discharge or Illegal Connection

102.09 Violations

102.01 PURPOSE. The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Norwalk through the regulation of non-storm water discharges to the City of Norwalk separate storm sewer system to the maximum extent practicable, as required by Federal law. This chapter establishes methods for controlling the introduction of pollutants into the City's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

102.02 DEFINITIONS. The following terms are defined for use in this chapter, unless the context specifically indicates otherwise:

1. "Accidental discharge" means a discharge prohibited by this chapter, which occurs by chance and without planning or consideration prior to occurrence.
2. "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) and any subsequent amendments thereto.
3. "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
4. "Illegal connection" means either of the following: (a) any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or (b) any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
5. "Illicit discharge" means any direct or indirect non-storm water discharge to the City's separate storm sewer system, except as exempted in Section 102.03 of this chapter.
6. "Industrial activity" means discharges subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

7. “Municipal Separate Storm Sewer System (MS4)” means any facility designed or used for collecting and/or conveying storm water, including inlets, catch basins, piped storm drains, pumping facilities, structural storm water controls, or other drainage structures which are owned or maintained by the City.
8. “National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit” means a permit issued by the Iowa Department of Natural Resources (IDNR) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
9. “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.
10. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects or accumulations, so that same may cause or contribute to pollution; floatables; hazardous substances and wastes; sewage; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
11. “Pollution” means the contamination or other alteration of any water’s physical, chemical or biological properties, including change in color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare.
12. “Premises” mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
13. “Responsible party” for purposes of this chapter, is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this chapter, “property” includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.
14. “Storm water runoff” or “storm water” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
15. “Structural storm water control” means a structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

102.03 ALLOWABLE NON-STORM WATER. Discharges from fire fighting activities, fire hydrant flushing, potable water sources, waterline flushing, uncontaminated groundwater, foundation or footing drains, springs, riparian habitats, wetlands, irrigation water, air conditioning condensate, exterior building wash water when no detergents or other surfactants are used and pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and when no detergents or other surfactants are used.

102.04 ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS PROHIBITED.

1. Any discharge into the City's storm sewer system prohibited by the City's NPDES permit, the terms of which are hereby incorporated by reference, shall be deemed an illicit discharge in violation of this chapter.
2. The construction, use, maintenance or continued existence of any illegal connection shall constitute a violation of this chapter. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

102.05 INDUSTRIAL DISCHARGES. Any responsible party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.

102.06 WATERCOURSE PROTECTION. Every responsible party owning property through which a watercourse passes, or such responsible party's lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100-year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

102.07 ILLICIT DISCHARGE OR ILLEGAL CONNECTION DETECTION, REPORTING AND INSPECTION.

1. All detection activities permitted under this chapter shall be conducted by the Community Services Director, hereinafter referred to as the "Inspector."
2. The City shall not be responsible for any direct or indirect consequences affecting responsible party or property as a result of an illicit discharge, or circumstances which may cause an illicit discharge, whether detected or undetected by the City.
3. Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the City any illicit discharges, which the responsible party knows or should have known to occur. Failure to comply with any provision of this chapter is a violation of this chapter.
4. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party's sole cost.
5. If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.
6. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

7. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the Inspector immediately, but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the Inspector within twenty-four (24) hours of the personal or phone notice.

8. Any responsible party shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.

9. Upon receiving a report pursuant to the previous subsections or otherwise coming into possession of information indicating an actual or imminent illicit discharge or an illegal connection, the Inspector shall conduct an inspection of the site as soon as reasonably possible and, if an illicit discharge or illegal connection is found, the Inspector shall thereafter provide to the responsible party(s) owning, controlling or in possession of the property where the illicit discharge or illegal connection occurred a written notice to abate conditions which have already caused or may cause an illicit discharge or the presence of an illegal connection. The responsible parties shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within the time frame specified within the abatement notice.

10. The Inspector shall be permitted to enter and inspect any property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party owning, controlling or possessing a property has security measures that require identification and clearance before entry to its property, such responsible party shall make the necessary arrangements to allow access by the Inspector. By way of specification but not limitation:

A. A responsible party shall allow the Inspector ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by State and Federal law.

B. The Inspector shall have the right to set up on any property such devices as are necessary in the opinion of the Inspector to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.

C. The Inspector shall have the right to require any responsible party, at the responsible party's sole expense, to install monitoring equipment and deliver monitoring data or reports to the Inspector as the Inspector directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at the responsible party's sole expense. All devices shall be calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction that obstructs the safe and easy access to property to be inspected and/or sampled shall be promptly removed by the responsible party at the written or oral order of the Inspector and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

E. An unreasonable delay in allowing the Inspector access to a property is a violation of this chapter.

F. If the Inspector has been refused access to any part of the property from which an illegal connection and/or illicit discharge is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter, or to protect the overall public health, safety, and welfare of the community, then the Inspector may seek issuance of a search warrant from any court of competent jurisdiction.

102.08 ABATEMENT OF ILLICIT DISCHARGE OR ILLEGAL CONNECTION.

1. Contents. The notice to abate shall contain:
 - A. Description of Illicit Discharge or Illegal Connection. A description of what constitutes the illicit discharge or illegal connection.
 - B. Location of Illicit Discharge or Illegal Connection. The location of the illicit discharge or illegal connection.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the illicit discharge or illegal connection.
 - D. Reasonable Time. A reasonable time within which to complete the abatement.
 - E. Assessment of City Costs. A statement that if the illicit discharge or illegal connection 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 to such responsible party.
2. Method of Service of Notice to Abate. The notice shall be sent by certified mail to the property owner or may be served personally.
3. Request for Hearing. Any responsible party ordered to abate an illicit discharge or illegal connection may have a hearing with the Council as to whether an illicit discharge or illegal connection exists. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that an illicit discharge or illegal connection exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if an illicit discharge or illegal connection is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Failure to Abate. Any responsible party causing or maintaining an illicit discharge or illegal connection who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.
5. Abatement by City. If the responsible party notified to abate an illicit discharge or illegal connection neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.
6. Collection of Costs. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement

of this chapter shall be recovered from the responsible party, including but not limited to, attorney fees and court costs. The Inspector shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the City for the enforcement activities undertaken. Failure to pay charges invoiced under this chapter within thirty (30) days of billing shall constitute a violation of this chapter.

7. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the illicit discharge or illegal connection, the City may perform any action which may be required under this chapter without prior notice. The City shall bill the costs as provided in subsection 6.

102.09 VIOLATIONS. Any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be guilty of a municipal infraction and subject to a civil penalty as set forth in Chapter 4 of this Code of Ordinances. In addition, offenders shall be charged for all costs incurred by the City as provided for herein.

[The next page is 565]

CHAPTER 103

**REGULATION OF INDUSTRIAL WASTEWATER,
COMMERCIAL WASTEWATER AND HAULED WASTE**

EDITOR'S NOTE

The Regulation of Industrial Wastewater, Commercial Wastewater and Hauled Waste, adopted July 6, 2006, by Ordinance No. 06-09, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

o o o o o o o o o o

CHAPTER 104

BENEFITED SEWER DISTRICTS

104.01 Purpose
104.02 Intent
104.03 Procedure

104.04 Middle Creek Benefited District
104.05 Northwest Service Area Benefited District

104.01 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 costs for design and construction of such major sanitary sewer facilities from property owners who connect to such facilities subsequent to their construction.

104.02 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 for design and construction of such facilities, including legal, administrative, and interest expenses associated therewith.

104.03 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 hereinafter 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 consideration for construction, as well as the estimated cost or costs for 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 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 or such other method as the City shall determine to be equitable for the benefited district.

The notice shall also state that the proposed connection fee ordinance is on file, along with a plat 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 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 calculation of the area benefited by the proposed major sanitary sewer facilities;
- C. The estimated cost of the proposed facilities; and
- D. The proposed connection fee.

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.

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 owner's expense, of appropriate connection structures, as determined necessary by the City; and
- 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, division of said parcel into a residence parcel and a remainder parcel, payment of the connection fee for the residence parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City. The connection fee for the remainder parcel shall be payable at such time as the remainder parcel shall be connected to the major sanitary sewer facility. For purposes of this chapter, a parcel may be divided once. For purposes of this section, division of the property into a residence parcel and a remainder parcel may be accomplished by submitting a drawing showing a graphical depiction of the two parcels including dimensions accurate to within a distance of one foot, a legal description of the entire parcel and a legal description of the residence parcel with such accuracy as to allow the City to determine a reasonable description of the remainder parcel. For purposes of

this section, the division of property does not require a subdivision of the property or a plat of survey.

The connection fee ordinance may also provide, at the Council's discretion, that sanitary sewer service can be provided to recreational and park facilities and to commercial and industrial parcels and 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, provided 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 owner's expense, and accepted by the City.

5. After adoption, publication and recording by the Clerk of 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 submittal 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 connection fee.

6. The sewer connection fee shall be in an amount equal to the maximum acre area of contiguous property, or fraction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per-acre connection fee or such other fee basis as determined for the benefited district 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 for their property. The rate of interest applicable to 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 was established for that district by enactment of a connection fee ordinance.

7. Property outside of the benefited district would be eligible for connection to a major sanitary sewer facility only upon the approval of an application for connection by the owner thereof, a determination by the City that sufficient capacity exists in the major sanitary sewer facility to serve such area outside of the boundaries of the benefited district and following payment of a fee calculated on the same basis as if the property were located within the benefited district. Without approval of the City and payment of the applicable fee, no property outside of the benefited district may connect to the major sanitary sewer facility constructed to serve the benefited district. The City may waive the requirement for payment of the applicable fee.

8. The sewer connection fee required by this chapter shall be due and payable to the City 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.

9. In the event any property owner connects his or her property within a benefited district or property outside of 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.

104.04 MIDDLE CREEK BENEFITED DISTRICT.

1. District Established. The Middle Creek Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 1, 2, 3, 10, 11, 12, 14, and 15, Township 77 North, Range 25 West of the 5th Principal Meridian, Warren County, Iowa, and more particularly described as follows:

Commencing at the Northwest Corner of Section 3, Township 77 North, Range 25 West of the 5th Principal Meridian; thence east along the north line of said Section 3 to the Northeast Corner of said Section 3; thence east along the north line of Section 2, Township 77 North, Range 25 West to the Northeast Corner of said Section 2; thence east along the north line of Section 1, Township 77 North, Range 25 West to the centerline of Iowa Highway 28; thence southeasterly and southerly along the centerline of Iowa Highway 28 to the center of Middle Creek; thence northwesterly and westerly along the center of Middle Creek to the north water line of Lake Colchester; thence westerly along the northerly water line of Lake Colchester to the west line of said Section 1; thence westerly along the northerly water line of Lake Colchester in Section 2, Township 77 North, Range 25 West to the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2; thence south along the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2 to the Southeast Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2; thence east along the north line of Section 11, Township 77 North, Range 25 West to the Northeast Corner of said Section 11; thence east along the north line of Section 12, Township 77 North, Range 25 West to the Northeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence south along the east line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the Southeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence west along the south line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the West Quarter (W 1/4) Corner of said Section 12; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 11, Township 77 North, Range 25 West to the Center of said Section 11; thence south along the east line of the Southwest Quarter (SW 1/4) of said Section 11 to the South Quarter (S 1/4) Corner of said Section 11; thence west along the south line of the Southwest Quarter

(SW 1/4) of said Section 11 to the Southwest Corner of said Section 11; thence south along the west line of the Northwest Quarter (NW 1/4) of Section 14, Township 77 North, Range 25 West to the centerline of County Road G-14; thence southerly along the centerline of County Road G-14 to the center of the intersection of County Road G-14 and 50th Avenue; thence southwesterly along 50th Avenue to the West Quarter (W 1/4) Corner of said Section 14; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 15, Township 77 North, Range 25 West to the center of said Section 15; thence west along the south line of the Northwest Quarter (NW 1/4) of said Section 15 to the West Quarter (W 1/4) Corner of said Section 15; thence north along the west line of the Northwest Quarter (NW 1/4) of said Section 15 to the Northwest Corner of said Section 15; thence north along the west line of Section 10, Township 77 North, Range 25 West to the Northwest Corner of said Section 10; thence north along the west line of Section 3, Township 77 North, Range 25 West to the Northwest Corner of said Section 3, said corner being the point of beginning.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Middle Creek Sanitary Sewer Connection Fee District at the time of application to connect properties to said sanitary sewer facilities as follows:

A. The per-acre connection fee shall be annually adjusted as of July 1 of each year according to the schedule established in Chapter 177 of this Code of Ordinances.

B. The above established connection fee schedule shall also apply to any properties outside of the Middle Creek Sanitary Sewer Connection Fee District which uses or derives benefit from any of the sewer facilities constructed to serve the Middle Creek 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. The above established connection fee schedule shall not apply to any properties within the Middle Creek Sanitary Sewer Connection Fee District which does not use or derive any benefit from the sewer facilities constructed for the Middle Creek Sanitary Sewer Connection Fee District.

D. 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 recordation, issuance of a building permit or issuance of a plumbing permit, whichever occurs first.

E. The per-acre connection fee shall be imposed on the gross area of any final plat and shall not exclude areas set aside for streets, public right-of-way or for any other purpose.

F. Any single family residence existing or under construction upon the effective date of Ordinance No. 06-12 located upon a parcel in excess of one acre, may apply for connection upon payment of a single one-acre connection fee. Payment of a single one-acre connection fee shall be applicable only to the single residence. Any future development of said parcel shall necessitate a revised application for connection and payment of the appropriate

connection fee. At the discretion of the City this provision may be extended to any single family residence constructed after the effective date of Ordinance No. 06-12.

G. The City shall be responsible for the design and construction of the primary trunk sewers to serve the Middle Creek Sanitary Sewer Connection Fee District. Other sewers required to provide sewer service to individual properties within the connection fee district, including smaller trunk sewers, shall not be the responsibility of the City to design or construct under the provisions of the Middle Creek Sanitary Sewer Connection Fee District.

104.05 NORTHWEST SERVICE AREA BENEFITED DISTRICT.

1. District Established. The Northwest Service Area Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 2, 3, 10, 11, 12, 14, and 15, Township 77 North, Range 25 West of the 5th Principal Meridian, Warren County, Iowa, and more particularly described as follows:

Commencing at the Northwest Corner of Section 3, Township 77 North, Range 25 West of the 5th Principal Meridian; thence east along the north line of said Section 3 to the Northeast Corner of said Section 3; thence east along the north line of Section 2, Township 77 North, Range 25 West to the Northeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of Section 2, Township 77 North, Range 25 West; thence south along the east line of the West One-Half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 2 to the Southeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 2; thence south along the east line of the West One-half of the Southwest Quarter (W 1/2 SW 1/4) of said Section 2 to the Southeast Corner of the West One-half of the Southwest Quarter (W 1/2 SW 1/4) of said Section 2; thence east along the north line of Section 11, Township 77 North, Range 25 West to the Northeast Corner of said Section 11; thence east along the north line of Section 12, Township 77 North, Range 25 West to the Northeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence south along the east line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the Southeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence west along the south line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the West Quarter (W 1/4) Corner of said Section 12; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 11, Township 77 North, Range 25 West to the Center of said Section 11; thence south along the east line of the Southwest Quarter (SW 1/4) of said Section 11 to the South Quarter (S 1/4) Corner of said Section 11; thence west along the south line of the Southwest Quarter (SW 1/4) of said Section 11 to the Southwest Corner of said Section 11; thence south along the west line of the Northwest Quarter (NW 1/4) of Section 14, Township 77 North, Range 25 West to the centerline of County Road G-14; thence southerly along the centerline of County Road G-14 to the center of the intersection of County Road G-14 and 50th Avenue; thence southwesterly along 50th Avenue to the West Quarter (W 1/4)

Corner of said Section 14; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 15, Township 77 North, Range 25 West to the center of said Section 15; thence west along the south line of the Northwest Quarter (NW 1/4) of said Section 15 to the West Quarter (W 1/4) Corner of said Section 15; thence north along the west line of the Northwest Quarter (NW 1/4) of said Section 15 to the Northwest Corner of said Section 15; thence north along the west line of Section 10, Township 77 North, Range 25 West to the Northwest Corner of said Section 10; thence north along the west line of Section 3, Township 77 North, Range 25 West to the Northwest Corner of said Section 3, said corner being the point of beginning.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Northwest Service Area Sanitary Sewer Connection Fee District at the time of application to connect properties to said sanitary sewer facilities as follows:

A. The per-acre connection fee shall be annually adjusted as of July 1 of each year according to the schedule established in Chapter 177 of this Code of Ordinances.

B. The above established connection fee schedule shall also apply to any properties outside of the Northwest Service Area Sanitary Sewer Connection Fee District which uses or derives benefit from any of the sewer facilities constructed to serve the Northwest Service Area 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. The above established connection fee schedule shall not apply to any properties within the Northwest Service Area Sanitary Sewer Connection Fee District which does not use or derive any benefit from the sewer facilities constructed for the Northwest Service Area Sanitary Sewer Connection Fee District.

D. 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 recordation, issuance of a building permit or issuance of a plumbing permit, whichever occurs first.

E. The per-acre connection fee shall be imposed on the gross area of any final plat and shall not exclude areas set aside for streets, public right-of-way or for any other purpose.

F. Any single family residence existing or under construction upon the effective date of Ordinance No. 06-13 located upon a parcel in excess of one acre, may apply for connection upon payment of a single one-acre connection fee. Payment of a single one-acre connection fee shall be applicable only to the single residence. Any future development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection fee. At the discretion of the City this provision may be extended to any single family residence constructed after the effective date of Ordinance No. 06-13.

G. The City shall be responsible for the design and construction of the primary trunk sewers to serve the Northwest Service Area Sanitary Sewer

Connection Fee District. Other sewers required to provide sewer service to individual properties within the connection fee district, including smaller trunk sewers, shall not be the responsibility of the City to design or construct under the provisions of the Northwest Service Area Sanitary Sewer Connection Fee District.

[The next page is 625]

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Open Dumping Prohibited
105.03 Sanitary Disposal Required	105.09 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.10 Waste Storage Containers
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Separation of Yard Waste Required	105.12 Sanitary Disposal Project Designated
	105.13 Recycling Program

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

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

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
(IAC, 567-20.2[455B])
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.
(IAC, 567-100.2)
9. “Residential premises” means a single-family dwelling.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

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

(IAC, 567-100.2)

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

(IAC, 567-100.2)

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

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

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

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

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the Code of Iowa, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

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

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except in accordance with the *International Fire Code*.

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

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in acceptable containers and set out for collection. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

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

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

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. As used in this section, “rubble” means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. “Rubble” includes asphalt waste only as long as it is not used in contact with water in a floodplain. For purposes of this section, “rubble” does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

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

(IAC, 567-100.2)

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

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

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

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Metro Waste Authority are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

105.13 RECYCLING PROGRAM. The collection of recyclable materials from residential premises shall be provided in accordance with an agreement entered into with the Metro Waste Authority and in accordance with the rules and regulations of the recycling program as

established by the Metro Waste Authority. Recyclables shall be separated by the owner or occupant from all other solid waste, shall be prepared in accordance with said rules and regulations and placed in recycling containers and set out for collection.

o o o o o o o o o o

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

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

(IAC, 567-104.9[455B])

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

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

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

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

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEE. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected a fee therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fees. The fees for solid waste and recyclables collection and disposal service, used or available, for each residential premises are in accordance with the schedule established in Chapter 177 of this Code of Ordinances. All solid waste collection fees will be billed regardless of whether the other utilities are on or off.
2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees 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)

[The next page is 651]

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise

110.02 State Code Restrictions and Limitations

110.03 Excavations

110.04 Relocation of Property

110.05 Restoration of Property

110.06 Indemnification

110.07 Extension of System

110.08 Standards of Operation

110.09 Franchise Fee

110.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City a gas distribution system, to furnish natural gas along, under and upon the streets, avenues and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company. This franchise shall remain in effect for a period of fifteen (15) years from the effective date of the ordinance codified herein[†] and for an additional ten (10) years thereafter unless the City provides written notice to the Company terminating the franchise at least one hundred eighty (180) days prior to the expiration of the initial term.

110.02 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa.

110.03 EXCAVATIONS. The Company shall have the right to excavate in any public street for the purpose of laying, re-laying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes, drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

110.04 RELOCATION OF PROPERTY. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or any public improvement of, in or about any such street or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee’s or facility user’s equipment and facilities, and said other franchisee’s or user’s cost of relocation is less than the Company’s cost of relocation, the City shall consider the route that requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

[†] **EDITOR’S NOTE:** Ordinance No. 01-14, adopting a natural gas franchise for the City, was passed and adopted on October 4, 2001.

110.05 RESTORATION OF PROPERTY. In making excavations in any streets, avenues and public places for the installation of gas pipes, conduits or apparatus, the Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

110.06 INDEMNIFICATION. Company shall indemnify and save harmless City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the gas utilities authorized by the franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

110.07 EXTENSION OF SYSTEM. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

110.08 STANDARDS OF OPERATION. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent with applicable Iowa laws and regulations.

110.09 FRANCHISE FEE. In consideration of the right and franchise granted to MidAmerican Energy Company (the "Company"), a franchise fee is hereby imposed effective September 1, 2012, equal to five percent (5%) of the gross receipts minus uncollectable amounts derived by the Company in the City of Norwalk for the delivery and sale of natural gas.

1. The amount of franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit collected franchise fees to the City on a quarterly basis, within thirty (30) days after the last day of the last revenue month of each quarter of the calendar year (i.e. remitted by April 30, July 31, October 31 and January 31). The City shall not modify the level of the franchise fee more frequently than once in any twenty-four (24) month period.
2. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such franchise fees for purposes allowed by Iowa law and as set forth in the Revenue Purpose Statement previously adopted by the City.
3. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapters 362.2(f) and 423B.5, except for the City's bills which shall be exempt from the franchise fee.
4. Upon receipt of a final and unappealable order or approval authorizing annexation or changes in the corporate boundaries of the City, the City Clerk shall provide written notification to the Company of such annexation or change in the corporate boundaries of the City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate boundaries of the City, commencing no more than ninety (90) days after receipt of the written notice and City's verification of the area added to the City.
5. To fulfill the purpose and intent of this section, the City and the Company may enter into an agreement addressing the implementation of the collection of the franchise fee, which agreement shall be approved by resolution of the City.

6. The obligation to collect and remit the fee imposed by this section is modified or repealed if:

A. Any other person is authorized to sell electricity or natural gas at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this section, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;

B. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity or natural gas at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity or natural gas within the City; or

C. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final nonappealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within a reasonable time of final franchise fee action, the City and Company shall meet to determine whether this section can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee section, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

(Ord. 12-04 – Mar. 13 Supp.)

[The next page is 661]

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Grant of Franchise

111.02 Competitive Electric Services

111.03 State Code Restrictions and Limitations

111.04 Excavations; Trimming Trees

111.05 Relocation of Property

111.06 Restoration of Property

111.07 Indemnification

111.08 Maintenance of Facilities

111.09 Standards of Operation

111.10 Franchise Fee

111.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues and public places to serve customers within and without the City and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise the Company is granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company. This franchise shall remain in effect for a period of fifteen (15) years from the effective date of the ordinance codified herein[†] and for an additional ten (10) years thereafter unless the City provides written notice to the Company terminating the franchise at least one hundred eighty (180) days prior to the expiration of the initial term.

111.02 COMPETITIVE ELECTRIC SERVICES. Nothing in this agreement shall be construed or interpreted to limit or prohibit the City, residents or businesses of the City from participating in or enjoying any benefits and protections of a restructured electric utility industry to the extent that such opportunities, benefits and protections are made available to consumers of competitive electric services under State and Federal rules, regulations and laws.

111.03 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa.

111.04 EXCAVATIONS; TRIMMING TREES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories, as well as to excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to prune or remove at Company expense any trees extending into any street or public ground to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning of trees shall be done to current nationally accepted safety and utility industry standards.

[†] **EDITOR’S NOTE:** Ordinance No. 01-13, adopting an electric franchise for the City, was passed and adopted on October 4, 2001.

111.05 RELOCATION OF PROPERTY. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or any public improvement of, in or about any such street or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's cost of relocation, the City shall consider the route that requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.06 RESTORATION OF PROPERTY. In making excavations in any streets, avenues and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

111.07 INDEMNIFICATION. Company shall indemnify and save harmless City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by the franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

111.08 MAINTENANCE OF FACILITIES. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

111.09 STANDARDS OF OPERATION. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

111.10 FRANCHISE FEE. In consideration of the right and franchise granted to MidAmerican Energy Company (the "Company"), a franchise fee is hereby imposed effective September 1, 2012, equal to five percent (5%) of the gross receipts minus uncollectable amounts derived by the Company in the City of Norwalk for the delivery and sale of electricity.

1. The amount of franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit collected franchise fees to the City on a quarterly basis, within thirty (30) days after the last day of the last revenue month of each quarter of the calendar year (i.e. remitted by April 30, July 31, October 31 and January 31). The City shall not modify the level of the franchise fee more frequently than once in any twelve (12) month period.
2. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such franchise fees for purposes allowed

by Iowa law and as set forth in the Revenue Purpose Statement previously adopted by the City.

3. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapters 362.2(f) and 423B.5, except for the City's bills which shall be exempt from the franchise fee.

4. Upon receipt of a final and unappealable order or approval authorizing annexation or changes in the corporate boundaries of the City, the City Clerk shall provide written notification to the Company of such annexation or change in the corporate boundaries of the City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate boundaries of the City, commencing no more than ninety (90) days after receipt of the written notice and City's verification of the area added to the City.

5. To fulfill the purpose and intent of this section, the City and the Company may enter into an agreement addressing the implementation of the collection of the franchise fee, which agreement shall be approved by resolution of the City.

6. The obligation to collect and remit the fee imposed by this section is modified or repealed if:

A. Any other person is authorized to sell electricity or natural gas at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this section, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;

B. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity or natural gas at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity or natural gas within the City; or

C. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final nonappealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within a reasonable time of final franchise fee action, the City and Company shall meet to determine whether this section can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee section, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

(Ord. 12-04 – Mar. 13 Supp.)

o o o o o o o o o

CHAPTER 112
CABLE TELEVISION FRANCHISE AND
REGULATIONS

112.01 Definitions	112.15 Service to Public Buildings
112.02 Grant	112.16 Franchise Fee
112.03 Term	112.17 Rates and Charges
112.04 Equal Protection	112.18 Renewal of Franchise
112.05 Conditions of Street Occupancy	112.19 Transfer of Franchise
112.06 Restoration of Public Ways	112.20 Testing for Compliance
112.07 Relocation at Request of City	112.21 Books and Records
112.08 Relocation at Request of Third Party	112.22 Periodic Reviews
112.09 Trimming of Trees and Shrubbery	112.23 Insurance Requirements
112.10 Use of Grantee's Equipment by City	112.24 Indemnification
112.11 Safety Requirements	112.25 Enforcement and Termination
112.12 Aerial and Underground Construction	112.26 Documents Incorporated
112.13 Required Extensions of Service	112.27 Preemption
112.14 Subscriber Charges for Extensions of Service	112.28 Actions by City

112.01 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. "Affiliate" means an entity which owns or controls, is owned or controlled by or is under common ownership with the Grantee.
2. "Basic cable service" means the tier of service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.
3. "Basic revenues" means the monthly cable service revenues received by the Grantee from subscribers for basic cable service on an annual basis.
4. "Cable Act" means the Cable Communications Policy Act of 1984, as amended.
5. "Cable service" means (i) the one-way transmission to subscribers of video programming or other programming service and (ii) subscriber interaction, if any, which is required for the selection of such video programming or any other lawful communications service.
6. "Cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment or other communications equipment that is designed to provide cable service and other service to subscribers.
7. "FCC" means Federal Communications Commission or successor governmental entity thereto.
8. "Franchise" means the initial authorization or renewal thereof issued by the City whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction and operation of the cable system for the purpose of offering cable service or other service to subscribers.
9. "Grantee" means Heritage Cablevision, Inc., d/b/a TCI of Central Iowa, or the lawful successor, transferee or assignee thereof.

10. “Gross revenues” means the monthly cable service revenues received by Grantee from subscribers of the cable system; provided, however, such phrase does not include: (i) revenues received from national advertising carried on the cable system; (ii) any taxes on cable service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.

11. “Person” means an individual, partnership, association, joint stock company, trust corporation or governmental entity.

12. “Public way” means the surface of, and the space above and below any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the service area which shall entitle the City and the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system. “Public way” also means any easement now or hereafter held by the City within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and includes other easements or rights-of-way as shall within their proper use and meaning entitle the City and the Grantee to the use thereof for the purpose of installing of transmitting Grantee’s cable service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the cable system.

13. “Service area” means the present municipal boundaries of the City and includes any additions thereto by annexation or other legal means.

14. “Service tier” means a category of cable service or other services provided by Grantee and for which a separate charge is made by the Grantee.

15. “Subscriber” means a person or user of the cable system who lawfully receives cable services or other service therefrom with the Grantee’s express permission.

16. “Video programming” means programming provided by or generally considered comparable to programming provided by a television broadcast station.

112.02 GRANT. The City hereby grants to the Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system and offer cable service and other services in, along, among, upon, across, above, over, under or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments and other related property or equipment as may be necessary or appurtenant to the cable system.

112.03 TERM. The franchise granted pursuant to the ordinance codified in this chapter shall be for an initial term of fifteen (15) years from the effective date of the franchise, unless otherwise lawfully terminated in accordance with the terms of this chapter.[†]

112.04 EQUAL PROTECTION. In the event the City enters into a franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than the Grantee to enter into the City's streets and public ways for the purpose of constructing or operating a cable system or providing cable service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.

112.05 CONDITIONS OF STREET OCCUPANCY. All transmissions and distribution structures, poles, lines and equipment installed or erected by the Grantee pursuant to the terms hereof shall be so located as to cause minimum interference with the proper use of public ways, and with the rights and reasonable convenience of property owners who own property which adjoins any of said public ways.

112.06 RESTORATION OF PUBLIC WAYS. If during the course of Grantee's construction, operation or maintenance of the cable system there occurs a disturbance of any public way by the Grantee, the Grantee shall, at its own expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

112.07 RELOCATION AT REQUEST OF CITY. Upon its receipt of reasonable advance notice, not to be less than five (5) business days, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way or remove from the public way any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes or any other type of structures or improvements by the City; but the Grantee shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street, easement or right-of-way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee, provided that such funds are made available by the City.

112.08 RELOCATION AT REQUEST OF THIRD PARTY. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings, provided: (a) the expense of such temporary raising or lowering of the wires is paid by the person requesting the same, including, if required by the Grantee, making such payment in advance; and (b) the Grantee is given not less than ten (10) business days' advance notice to arrange for such temporary wire changes.

112.09 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees and other natural growth overhanging any of its cable system in the service area so as to prevent the branches of the trees from coming in contact with the

[†] **EDITOR'S NOTE:** Ordinance No. 94-03, adopting a cable television franchise for the City, was passed and adopted on July 7, 1994. The Grantee accepted the franchise on September 1, 1994.

Grantee's wires, cables and other equipment. The Grantee shall be permitted to charge persons who own or are responsible for such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities or the City for tree trimming. The Grantee shall reasonably compensate the City or property owner for any damages caused by such trimming or shall, in its sole discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the cable system undertaken by the Grantee. Such replacement shall satisfy any and all obligations the Grantee may have to the City or property owner pursuant to the terms of this section.

112.10 USE OF GRANTEE'S EQUIPMENT BY CITY. Subject to any applicable State or Federal regulations or tariffs, the City shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any public way; provided that (a) such use by the City does not interfere with a current or future use by the Grantee; (b) the City holds the Grantee harmless against and from all claims, demands, costs or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits, including but not limited to reasonable attorney's fees and costs; and (c) at Grantee's sole discretion, the City may be required either to pay a reasonable rental fee or otherwise reasonably compensate Grantee for the use of such poles, conduits or equipment; provided, however, Grantee agrees that such compensation or charge shall not exceed those paid by it to public utilities pursuant to the applicable pole attachment agreement or other authorization relating to the service area.

112.11 SAFETY REQUIREMENTS. Construction, installation and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other Federal, State and local regulations. The cable system shall not unreasonably endanger or interfere with the safety of persons or property in the City.

112.12 AERIAL AND UNDERGROUND CONSTRUCTION. In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Grantee's cable and other equipment without technical degradation of the cable system's signal quality. In those areas of the service area where the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are both aerial and underground, the Grantee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities or any part thereof aerially or underground. All construction practices shall be in accordance with all applicable sections of the *National Electric Code*.

112.13 REQUIRED EXTENSIONS OF SERVICE. The Grantee is hereby authorized to extend the cable system as necessary, as desirable or as required pursuant to the terms hereof within the service area. Whenever the Grantee receives a request for service from at least fifteen (15) subscribers within 1,320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to said subscribers for system extension, other than the usual connection fees for all subscribers, provided that such extension is technically feasible, and will not adversely affect the operation, financial condition or market development of the cable system, or as provided for under Section 112.14 of this chapter.

112.14 SUBSCRIBER CHARGES FOR EXTENSIONS OF SERVICE. No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate the cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscribers or a density of less than fifteen (15) subscribers per 1,320 cable-bearing strand feet of trunk or distribution cable, cable service or other service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by the Grantee and subscribers in the area in which cable service may be expanded, the Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the actual number of potential subscribers per 1,320 cable-bearing strand feet of its trunk or distribution cable and whose denominator equals fifteen (15) subscribers. Potential subscribers will bear the remainder of the construction and other costs on a pro rata basis. The Grantee may require that the payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance.

112.15 SERVICE TO PUBLIC BUILDINGS. The Grantee shall provide without charge one outlet of basic service to the City's office building(s), fire station(s), police station(s) and public school building(s) that are passed by its cable system. The outlets of basic cable service shall not be used to distribute or sell cable services in or throughout such buildings, nor shall such outlets be located in common or public areas open to the public. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to those arising from copyright liability. Notwithstanding anything to the contrary set forth in this section, the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said buildings or premises exceeds one hundred fifty (150) cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition or market development of the cable system to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of basic cable service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials. Upon request of the Grantee, the building owner may also be required to pay the service fees associated with the provision of basic cable service and the additional outlets relating thereto.

112.16 FRANCHISE FEE. The Grantee shall pay to the City a franchise fee equal to one percent (1%) of basic revenues (as defined in Section 112.01 of this chapter) received by the Grantee from the operation of the cable system on an annual basis. The franchise fee payment shall be due and payable ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report from a representative of the Grantee showing the basis for the computation. The City may request an adjustment of the franchise fee not more than once per calendar year, provided, however, that such request shall be made in writing and received by the Grantee no later than July 31 of each calendar year. In the event that written notice is received by the Grantee on or before July 31, then the franchise fee adjustment shall commence January 1 of the following year. In no event shall the franchise fee payments required to be paid by Grantee exceed five percent (5%) of subscribers' gross revenues received by Grantee in any 12-month period. The period of limitation for recovery of any franchise fee payable hereunder shall be ten (10) years from the date on which payment by the Grantee is due. Unless within ten (10) years from and after said payment due date the City initiates a lawsuit for recovery of such franchise fee in a court of competent jurisdiction,

such recovery shall be barred, and the City shall be stopped from asserting any claims whatsoever against the Grantee relating to any such alleged deficiencies.

112.17 RATES AND CHARGES. The City may not regulate the rates for the provision of cable service and other services, including but not limited to ancillary charges relating thereto, except as expressly provided herein and except as authorized pursuant to Federal and State law including but not limited to the Cable Act and FCC Rules and Regulations relating thereto. From time to time, and at any time, Grantee has the right to modify its rates and charges including but not limited to the implementation of additional charges and rates; provided, however, the Grantee shall give notice to the City of any such modifications or additional charges thirty (30) days prior to the effective date thereof. The Grantee shall not provide cable service in metropolitan Des Moines, Iowa, at a charge or rate less than the charge or rate provided in the service area. The cable service provided in the service area will be comparable to that provided other service areas in metropolitan Des Moines. In the event that basic cable service rate increases are subject to approval of the City, the Grantee may, at its discretion and without consent of the City, increase rates relating to the provision of basic cable service by an amount which is at least equal to five percent (5%) per year.

112.18 RENEWAL OF FRANCHISE. The City and the Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Grantee's franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act. In addition to the procedures set forth in said Section 626, the City agrees to notify the Grantee of its preliminary assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current franchise term. The City further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four-month period referred to in Subsection (c) of Section 626 is considered to begin. Notwithstanding anything to the contrary set forth in this section, the Grantee and the City agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment, the City and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current franchise and the City may grant a renewal thereof.

112.19 TRANSFER OF FRANCHISE. The Grantee's right, title or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an affiliate, without the prior consent of the City, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the Grantee in the franchise or cable system in order to secure indebtedness.

112.20 TESTING FOR COMPLIANCE. The City may perform technical tests of the cable system during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the Grantee or the cable system in order to determine whether or not the Grantee is in compliance with the terms hereof and applicable State or Federal laws. Except in emergency circumstances, such tests may be undertaken only after giving the Grantee reasonable notice thereof, not to be less than two (2) business days, and providing a representative of the Grantee an opportunity to be present during such tests. In the event that such testing demonstrates that the Grantee has substantially failed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by the Grantee. In the event that such testing demonstrates that Grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the City. Except in emergency circumstances, the City agrees that such testing shall be undertaken no more than

two (2) times per year in the aggregate, and that the results thereof shall be made available to the Grantee upon the Grantee's request.

112.21 BOOKS AND RECORDS. The Grantee agrees that the City may review such of its books and records, during normal business hours and on a non-disruptive basis, as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by the Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The City agrees to treat any information disclosed by the Grantee to it as confidential and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof.

112.22 PERIODIC REVIEWS. The Council may require a review for the specific purpose of determining the community need of an educational and governmental channel. The Grantee shall fully cooperate with the City and shall provide such non-confidential information and documents the City may need to make its determination. In the event the City deems an educational and governmental channel is needed in the community, the City shall provide notice to the Grantee of this need. The City understands the Grantee will need eighteen (18) months to budget for the necessary technical enhancements needed to carry the channel on the cable system.

112.23 INSURANCE REQUIREMENTS. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Comprehensive General Liability Insurance in the amount of \$1,000,000 combined single limit for bodily injury and property damage. Said insurance shall designate the City as an additional insured. Such insurance shall be non-cancelable except upon thirty (30) days' prior written notice to the City.

112.24 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless and defend the City, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of the Grantee's construction, operation or maintenance of its cable system, including, but not limited to, reasonable attorney's fees and costs.

112.25 ENFORCEMENT AND TERMINATION. In the event that the City believes that the Grantee has not complied with the terms of the franchise, it shall notify the Grantee in writing of the exact nature of the alleged noncompliance. Grantee shall have thirty (30) days from receipt of the notice to: (a) respond to the City contesting the assertion of noncompliance; or (b) to cure such default; or (c) in the event that, by the nature of the default, such default cannot be cured within the thirty-day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed. In the event that the Grantee fails to respond to the notice as described herein or in the event that the alleged default is not remedied within sixty (60) days after the Grantee is notified of the alleged default, the City shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the Council, provided such time is not less than five (5) business days therefrom. The City shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard. Subject to applicable Federal and State law, in the event the City, after such meeting, determines that the Grantee is in default of any provision of the franchise, the City may:

1. Foreclose on all or any part of any security provided under the franchise, if any, including without limitation any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the City reasonably determines is necessary to remedy the default;
2. Commence an action at law for monetary damages or seek other equitable relief;
3. In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked;
4. Seek specific performance of any provision which reasonably lends itself to such remedy as an alternative to damages; or
5. Pursue any other legal or equitable remedies permitted by Federal and State law.

The Grantee shall not be relieved of any of its obligations to comply promptly with any provision of the franchise by reason of any failure of the City to enforce prompt compliance. The Grantee shall not be held in default or noncompliance with the provisions of the franchise or suffer any enforcement or penalty relating thereto where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages or other events reasonably beyond its ability to control.

112.26 DOCUMENTS INCORPORATED. The following documents are incorporated herein by this reference, and in the case of a conflict or ambiguity between or among them, the document of latest date shall govern:

1. Any enabling ordinance in existence as of the date hereof;
2. Any franchise agreement between the Grantee and the City reflecting the renewal of the franchise, if any.

112.27 PREEMPTION. If the FCC or any other Federal or State body or agency exercises any paramount jurisdiction over the subject matter of the franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by the City, the jurisdiction of the City shall cease and no longer exist.

112.28 ACTIONS BY THE CITY. In any action by the City or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

[The next page is 725]

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling

alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

o o o o o o o o o

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business.

The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as established in Chapter 177 of this Code of Ordinances.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days.

The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

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

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

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

o o o o o o o o o o

CHAPTER 122

PEDDLER LICENSES

122.01 Purpose
122.02 Definitions

122.03 License and Bond Required
122.04 Exemptions

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, and to ensure the safety of the residents by protecting them from intrusion into the privacy of their homes by licensing and regulating peddlers.

122.02 DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Peddler" means any person carrying or otherwise transporting goods, merchandise or offering services who sells or offers for sale such goods, merchandise, or services from house to house or upon the public streets including any person who takes orders house to house for goods, merchandise or services for later delivery.
2. "Peddling" means the selling or offering for sale services, goods or merchandise which are carried or otherwise transported by a person from house to house or upon the public streets including the taking of orders house to house for goods, merchandise, or services for later delivery.

122.03 LICENSE AND BOND REQUIRED.

1. Any person engaging in peddling in this City without first obtaining a license as provided in this chapter shall be in violation of this chapter.
2. No peddlers license shall be issued until the applicant has delivered to the City Clerk a cash bond for no less than \$200.00 per license or \$1,000.00 for an employer employing a group of five or more license applicants.
 - A. The bond shall be held to indemnify and pay the City any penalties or costs incurred in the enforcement of any of the sections of this chapter and indemnify or reimburse any purchaser of services, goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such services, goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares, merchandise, services or any part thereof.
 - B. The balance of the bond shall be released by the City Clerk and returned to the applicant or employer upon request by the applicant or employer at any time more than four months after expiration of the peddlers license(s) for which the cash bond was provided, unless the City Clerk has received notice of a pending action in the state or federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as

otherwise provided by court order, the City Clerk shall not release any bond during the pendency of any such action.

122.04 EXEMPTIONS. This chapter shall not apply to the following:

1. Persons making door-to-door sales for the purpose of a community improvement or benefit approved by the City Council on behalf of nonprofit, tax-exempt corporations; or
2. Youths making door to door sales for the benefit of youth nonprofit groups or sports teams.
3. Persons making door-to-door sales for the purpose of benefitting, and sponsored by, for a public or private youth educational facility, including a school district.

(Ch. 122 - Ord. 13-10 – Jan. 14 Supp.)

[The next page is 739]

CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying 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.

123.06 PERMIT FEE. A permit fee, as established in Chapter 177 of this Code of Ordinances, shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, 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, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

[The next page is 743]

CHAPTER 124
HOTEL/MOTEL TAX

124.01 Definitions
124.02 Tax Imposed
124.03 Tax Exemptions

124.04 Collection
124.05 Use of Revenues

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

1. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations.
2. "Renting" or "rent" means a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.
3. "Sales price" means the consideration for renting of lodging and means the same as the term is defined in Section 423.1 of the Code of Iowa.

All other words and phrases used in this chapter and defined in Section 423.1 of the Code of Iowa have the meaning given them by Section 423.1 for the purposes of this chapter.

(Code of Iowa, Sec. 423A.2)

124.02 TAX IMPOSED. There is hereby imposed a seven percent (7%) local hotel and motel tax upon the sales price from the renting of lodging within the City.

(Code of Iowa, Sec. 423A.4)

124.03 TAX EXEMPTION. There is exempted from the provisions of this chapter and from the computation of any amount of tax imposed by Section 124.02 all of the following:

1. The sales price from the renting of lodging which is rented by the same person for a period of more than thirty-one consecutive days.
2. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under Section 427.1, subsection 8 of the Code of Iowa, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.
3. The sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the City.

(Code of Iowa, Sec. 423A.5)

124.04 COLLECTION. The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

(Code of Iowa, Sec. 423A.6)

124.05 USE OF REVENUES. All revenue received by the City from the imposition of the hotel and motel tax shall be deposited in the General Fund of the City and shall be used as follows:

1. At least fifty percent (50%) of the revenue derived from the hotel and motel tax shall be spent for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the City and surrounding areas.

2. The remaining revenues may be spent by the City for any City operation authorized by law as a proper purpose for the expenditure within statutory limitations of City revenue derived from ad valorem taxes.

(Code of Iowa, Sec. 423A.7)

CHAPTER 125

SPECIAL EVENTS

125.01 Purpose	125.09 Insurance Requirement
125.02 Definitions	125.10 Permit Expiration
125.03 Permit Required; Food and Health Regulations	125.11 Obstruction of Traffic Prohibited
125.04 Application for a Special Event Permit	125.12 Exhibiting Permit
125.05 Decision by City Council	125.13 Contractual Arrangements
125.06 Coordination of Application	125.14 Revocation or Suspension of Permit
125.07 Permit Fee	125.15 Appeals
125.08 Seasonal Permits	125.16 Peddler, Solicitor and Transient Merchant Permits

125.01 PURPOSE. The purpose of this chapter is to ensure that special events are promoted and staged in a manner which preserves the safety of both our citizens and visitors to our City; to ensure that all promoters of these events are treated fairly and in accordance with their particular needs in the promotion of the event; to promote the economic well-being of our community through the orderly attraction of people to these events; and to ensure City personnel adequate opportunity to prepare for and provide services for the events so as to provide them the maximum opportunity for success.

125.02 DEFINITIONS. For the purpose of this chapter certain terms and words are hereby defined.

1. “Special event” means an event sponsored by an individual, organization, club, group, partnership or corporation in which the public is invited to attend and which requires the use of public streets, public property as a staging area for promotion of the event, or requires the use of public resources to maintain the health, safety and welfare of the public.
2. “Special event area” means a place designated by the special event promoter as provided in this chapter where the general public is invited to gather for an event and where the area of interest of the promoter will be promoted and/or celebrated and where, in connection with the special event, there may be displays, speeches, the performance of music or the arts, games, and other similar celebrations, and the sale and/or distribution of literature, antiques, crafts, curios, art or artifacts, food, and other similar items, all under the sponsorship of a “special event promoter” as defined in this section. The area designated as a special event area may include property which is privately owned, provided that the inclusion of private property within the special event area shall not be construed as requiring the owner of the private property to participate in or otherwise allow the property to be used in the special event without his, her or its consent, or as prohibiting the owner of the private property from using the private property in a manner otherwise allowed by law.
3. “Special event merchant” means an individual, organization, club, group, partnership or corporation which engages in the sale of items within a “special event area” as defined in this section through the permission of the special event promoter.
4. “Special event promoter” means an individual, organization, club, group, partnership or corporation which organizes, sponsors, promotes or makes space available for a special event or is otherwise considered the organizer of the special event.

125.03 PERMIT REQUIRED; FOOD AND HEALTH REGULATIONS.

1. No individual, organization, club, group, partnership or corporation shall act as a special event promoter within the City without first obtaining a permit therefor as provided in this chapter.
2. Special event promoters granted a permit hereunder and special event merchants selling pursuant to that permit shall comply with all applicable State food and health rules and regulations.

125.04 APPLICATION FOR A SPECIAL EVENT PERMIT.

1. A special event promoter shall file with the City Clerk an application for a special event permit. The City Council may grant authority to a special event promoter to hold a special event in a designated special event area. The application shall be on a form furnished by the City Clerk and shall contain information concerning the requested dates and hours of the event, other information required by this chapter, and such other information as may be reasonable in relation to the event for which the permit is requested.
2. The special event promoter shall provide, at the time of application, a preliminary map or drawing showing the area to be designated as the special event area. Upon approval of the application for a special event permit, the special event promoter shall provide the City Clerk a detailed map of the designated special event area, showing any booths, trailers, stages, or other facilities which will be temporarily erected, constructed or parked as a part of the event. The detailed map shall be furnished according to the following schedule:
 - A. One week in advance of a one-day event
 - B. Two (2) weeks in advance of a two-day event
 - C. Three (3) weeks in advance of a three-day event
 - D. Four (4) weeks in advance of a four-day event
3. At the time of application for the special event permit, the special event promoter shall make a request for any necessary street or right-of-way closings. Public right-of-way barricades must be attended in order to allow authorized personnel to enter and exit the special event area. It shall be the responsibility of the special event promoter to arrange for the personnel who will attend the barricades. If off-duty police officers are requested for this purpose, then the special event promoter shall be responsible for the cost of their services.

125.05 DECISION BY CITY COUNCIL. The City Council shall approve or deny the permit application in its sole discretion based upon the facts and comments presented to it and the overall effect the special event would have on the City and/or its citizens.

125.06 COORDINATION OF APPLICATION.

1. Upon receipt of an application for a special event permit, the City Clerk shall refer the application to the Police Chief, the Public Works Director, the Fire Chief, the Parks and Recreation Director and such other City personnel as may be appropriate for the coordination of street closings, barricades, and City personnel and service requirements. If the Police Chief deems it necessary for the protection of the public good, the Police Chief shall conduct an investigation of the special event promoter

and the proposed special event. The Chief shall submit findings and any other comments to the City Clerk. The City Clerk shall submit the Chief's comments to the City Council for its consideration in making a final decision on the application.

2. Upon review of a special event promoter's application, all affected Department Directors shall attach their comments to the application and return the application to the City Clerk. The City Clerk shall submit the Directors' comments to the City Council for its consideration in making a final decision on the application.

3. Any permit approved by the Council will also include all comments from City Departments and will be provided to the applicant for compliance.

125.07 PERMIT FEE. The special event promoter shall pay a fee in the amount set out in the schedule of rates and fees contained in Chapter 177 of this Code of Ordinances. The fee shall be paid upon issuance of the permit and shall be nonrefundable. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City. The permit fee may be waived by the City Council if the special event is sponsored by the City of Norwalk.

125.08 SEASONAL PERMITS. A special event promoter who coordinates and sponsors an event which occurs on a regular basis throughout a specific time period, at least one day a week for a minimum for four (4) consecutive weeks; not to exceed a maximum of twenty-four (24) weeks in any twelve (12) month period, shall pay a fee in the amount shown in the fee schedule in Chapter 177 for a seasonal permit.

125.09 INSURANCE REQUIREMENT.

1. The approval by the City Council of an application for a special event permit shall be contingent upon the special event promoter providing the City a certificate of liability insurance coverage naming the City as an "also insured" in a minimum amount of one million dollars (\$1,000,000.00). Upon receipt of the certificate of insurance the City Clerk shall issue the permit to the special event promoter.

2. Any employee, either on or off duty, utilizing City resources to maintain the safety and well being of the special event (as approved at the time the special event is approved) shall be construed as operating in the official capacity of the City and will follow all work rules and regulations adopted by the City, State and Federal government.

125.10 PERMIT EXPIRATION. A special event permit as issued shall set forth the time period for which the permit is issued. The time period for which the permit is effective shall include a reasonable period for cleanup. The permit shall expire at the end of the time period specified in the permit.

125.11 OBSTRUCTION OF TRAFFIC PROHIBITED. The special event for which a permit is issued shall be conducted within the designated special event area. The special event shall not be conducted in such a manner as to hinder or obstruct the free passage of pedestrian or vehicular traffic outside of the designated special event area.

125.12 EXHIBITING PERMIT A special event promoter shall be required to provide a copy of its permit to each special event merchant for exhibit by the special event merchant during the term of the permit period.

125.13 CONTRACTUAL ARRANGEMENTS. The special event promoter shall be solely responsible for any contractual arrangements between itself and any special event merchants and/or private property owners operating or located within the designated special event area.

125.14 REVOCATION OR SUSPENSION OF PERMIT. A permit issued under the provisions of this chapter may be revoked or suspended by the Police Chief, without notice, for any of the following causes:

1. Fraud, misrepresentation, or an incorrect statement contained in the application for permit, or made in the course of promoting the special event.
2. Failure to comply with any provision of this chapter.
3. Promoting the special event in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

125.15 APPEALS. Any person aggrieved by the action of the Police Chief in revoking or suspending a permit or by the action of the City Council in the denial of a permit may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after the notice of the action complained of, a written statement setting forth fully the grounds for such appeal. The City Clerk shall set a time and place for hearing on such appeal and notice of such hearing shall be mailed, postage prepaid, to the appellant at its last known address at least five (5) days prior to the date set for hearing. The decision of the City Council regarding an appeal shall be final.

125.16 PEDDLER, SOLICITOR, AND TRANSIENT MERCHANT PERMITS. A special event promoter may, in its application for a special event permit, request the City Council to temporarily limit the areas within the City for which a peddler, solicitor or transient merchant permit provided under Chapter 122 of this Code of Ordinances may be issued to an applicant thereunder during the time period for which a permit is issued under this chapter. In making its request, the special event promoter shall suggest particular areas within the City limits which the special event promoter believes would be appropriate for the issuance of peddler, solicitor or transient merchant permits during the time period in question. If the City Council agrees with the suggested limitation of areas for which a peddler, solicitor or transient merchant permit may be issued during the time period for which a permit is issued under this chapter, the City Council shall adopt a resolution providing for the modification of the issuance of peddler, solicitor and transient merchant permits as requested in the application hereunder. In adopting its resolution, the City Council shall be required to find that the permitted special event is of City-wide interest, promotes the well-being and reputation of the City, and that the issuance of a peddler, solicitor or transient merchant permit on a City-wide basis concurrent with the permitted special event would detract from the benefits provided by the permitted special event. If the City Council adopts the resolution as previously required, the exclusion for yard sales contained in the second to the last sentence of the definition of "transient merchant" set forth in Section 122.02(3) of this Code of Ordinances shall not be available during the time period for which the issuance of a peddler, solicitor or transient merchant permit is so restricted.

(Ch. 125 – Ord. 10-10 – May 11 Supp.)

[The next page is 775]

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.08 Burning Prohibited
135.02 Obstructing or Defacing	135.09 Excavations
135.03 Placing Debris On	135.10 Maintenance of Parking or Terrace
135.04 Playing In	135.11 Failure to Maintain Parking or Terrace
135.05 Traveling on Barricaded Street	135.12 Dumping of Snow
135.06 Use for Business Purposes	135.13 Driveway Culverts
135.07 Washing Vehicles	135.14 Capital Improvement Projects Cost Sharing

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street 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 without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET. It is unlawful for any person to travel or operate any vehicle on any street temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street or parking except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks 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, or resurfacing of any improved street 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 be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/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. Iowa One Call. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.
11. Permit Fee. A permit fee, as established in Chapter 177 of this Code of Ordinances, shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.
13. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of five thousand dollars (\$5,000.00) to guarantee such compliance.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 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])

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In

the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.14 CAPITAL IMPROVEMENT PROJECTS COST SHARING. When the City undertakes a capital improvement project involving street repair, reconstruction or replacement and utility work, the cost of such improvement shall be shared by the City and the property owner. The property owner will be responsible for the cost of the improvements directly attributable and beneficial to the property, such as driveway approaches, home service lines, sidewalks, and curb and gutter. The City will bear the remainder of the cost of the project. A property on a corner lot will have its costs associated with the curb and gutter reduced by 30 percent on each side to compensate for having two frontages.

(Ord. 13-04 – Mar. 13 Supp.)

[The next page is 781]

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice and Accumulations	136.12 Encroaching Steps
136.04 Responsibility for Maintenance	136.13 Openings and Enclosures
136.05 City May Order Repairs	136.14 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.15 Defacing
136.07 Permit Required	136.16 Debris on Sidewalks
136.08 Sidewalk Standards	136.17 Merchandise Display
136.09 Barricades and Warning Lights	136.18 Sales Stands

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

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to one (1) inch or more.
 - B. Horizontal separations equal to one (1) inch or more.
 - C. Holes or depressions equal to one (1) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half (½) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one (1) 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 one (1) 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 (4,000 lb. mix).
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.

136.03 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 twenty-four (24) hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. *(Ord. 13-07 – Jan. 14 Supp.)*

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

136.04 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])

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the City 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 City may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee as required by Section 164.07 of this Code of Ordinances. The permit fee shall be waived when the Council orders the replacement or reconstruction of a sidewalk.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be constructed in accordance with the *Statewide Urban Design and Specifications* (SUDAS) and City’s specifications. An official copy of the specifications is on file in City Hall. All such work shall be done under the direction and supervision of and

subject to inspection and approval of the Community Services Director. If such work does not comply with the provisions of this chapter, the Community Services Director, after notice to the property owner, shall cause the sidewalks to be constructed in the proper manner and assess the cost for such work against the abutting property for collection in the same manner as a property tax.

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

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

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

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

136.13 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

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

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

136.15 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

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

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

136.17 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.18 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 137

DRIVEWAY REGULATIONS

137.01 Permit
137.02 Permit Fee

137.03 Concrete Pavement Required
137.04 Costs

137.01 PERMIT. It is unlawful for any person to break out or remove a corporate curb along any paved street, or to construct a private drive from an unpaved street, without first obtaining a permit from the Clerk or Building Department. No such permit shall have any force or effect unless approval is endorsed on said permit by the Building Official.

137.02 PERMIT FEE. Before any permit is issued, the person who makes the application shall pay a fee as required by Section 164.07 of this Code of Ordinances.

137.03 CONCRETE PAVEMENT REQUIRED. In all cases where said permit has been granted, the concrete curb shall be ground in accordance with the latest published version of the *Statewide Urban Design and Specifications* (SUDAS), and the driveway shall be paved by concrete extending from the curb to the inside of the existing sidewalk line within thirty (30) days from the removal of the curb with not less than six (6) inches of concrete. If it is shown to the satisfaction of the Community Services Director that the existing sidewalk has substantially the same strength as six (6) inch concrete, said paving need only extend to the outside of the sidewalk line. All work is to be done in a workmanlike manner, inspected and approved by the Community Services Director. All driveway approaches shall be paved from the street to the sidewalk according to the latest published version of the *Statewide Urban Design and Specifications* (SUDAS). If there is no sidewalk, the approach shall extend to the property line. The approach shall be inspected by the City.

137.04 COSTS. If, after thirty (30) days after the concrete curb has been ground, the person so doing fails or refuses to pave the driveway, as provided herein, the City shall have the right to do so without notice, and assess the cost thereof, as a special tax against the abutting property and collect the same according to law.

o o o o o o o o o o

CHAPTER 138

VACATION AND DISPOSAL OF STREETS

138.01 Power to Vacate

138.02 Planning and Zoning Commission

138.03 Notice of Vacation Hearing

138.04 Findings Required

138.05 Disposal of Vacated Streets

138.06 Disposal by Gift Limited

138.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, 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])

138.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

138.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

138.04 FINDINGS REQUIRED. No street, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, 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 reasonable access to their property.

138.05 DISPOSAL OF VACATED STREETS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street, 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)

138.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] & 364.7[3])

o o o o o o o o o o

CHAPTER 140

NAMING OF STREETS

140.01 Naming New Streets
140.02 Changing Name of Street
140.03 Recording Street Names

140.04 Official Street Name Map
140.05 Revision of Street Name Map

140.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

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

140.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

140.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

140.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 140.04 of the Code of Ordinances of Norwalk, Iowa."

140.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

o o o o o o o o o o

CHAPTER 141

CLOSING PUBLIC THOROUGHFARES

141.01 Purpose

141.02 Street Closures

141.03 Neighborhood Block Party

141.04 Consent of Neighbors

141.05 Barricades Required

141.06 Assumption of Risk

141.07 Violations

141.01 PURPOSE. The purpose of this chapter is to regulate and provide for the temporary closing and use of streets, thoroughfares, and public ways for not-for-profit groups within the City.

141.02 STREET CLOSURES.

1. Any not-for-profit organization desiring to exclusively use a major collector street including, but not limited to North Avenue, Main Street, Lakewood Drive, Wakonda Drive, Wright Road, Cherry Street/Parkway, Lexington Drive, Colonial Parkway, and Colonial Circle, shall first make application to the City by completing a Street Closure Permit application and submitting the application to the City Clerk's office at least thirty (30) days prior to the event.
2. The application must include a map of the specific area to be used and blocked off from, unless otherwise agreed to by the City, cross intersection to cross intersection. Upon submission, the application shall be brought before the City Council for final determination regarding the granting or denial of the permit. The Council may also place additional conditions upon the granting of a permit to address security, sanitation or other concerns. With the exception of certain extraordinary community events, no individual or organization shall be allowed to make more than two applications for a street closure in any 12-month period.
3. A fee, as established in Chapter 177 of this Code of Ordinances, shall be submitted with each street closure permit application.
4. Street closures are limited to six (6) hours; between nine o'clock (9:00) a.m. and eleven o'clock (11:00) p.m. Sunday through Thursday, or between nine o'clock (9:00) a.m. and twelve-thirty o'clock (12:30) a.m. Friday and Saturday. The applicant must comply with all Federal, State, County and City laws, ordinances and regulations, including all regulations adopted and established by the City.
5. The applicant for a street closure permit shall submit an insurance plan with the application and a certificate of insurance shall be submitted to the City Clerk ten (10) days prior to the event. The certificate of insurance will show one million dollars (\$1,000,000.00) in liability coverage with the City named as an additional insured.
6. While the granting of a street closure permit does not grant the right to the applicant to serve beer or other alcoholic beverages upon public streets or property, if permission is granted to the applicant, the applicant shall also submit a separate liquor liability insurance, with a maximum of \$1,000,000 per occurrence, at any time alcoholic beverages are sold or dispensed at an event.

141.03 NEIGHBORHOOD BLOCK PARTY.

1. For the purpose of this section “neighborhood block party” means an event open to a specific, defined neighborhood or area where no admission fee is charged for attendance; where alcoholic beverages are not sold; where a street is not closed more than six (6) hours; where the use of kybos/porta potties is not necessary; and where no street closure permit is needed.
2. Any organization, private or public, or individual desiring to exclusively use a street or part thereof for a neighborhood block party shall complete a block party application and submit the same to the City Clerk’s office at least seven (7) days prior to the event. The application must include a map of the specific area to be used and blocked off and shall, unless otherwise directed by the City, be from cross intersection to cross intersection so that no traffic can turn onto the closed street.

141.04 CONSENT OF NEIGHBORS. The application for street closures and block parties shall be accompanied by a petition designating the proposed areas of the street to be used and the time of the proposed use. The petition shall be signed by owners representing not less than seventy-five percent (75%) of the affected properties (commercial and residential) abutting the area of the street to be closed. The applicants shall provide at least 72-hour notice of the event to all residents and commercial tenants, owners, and lessees and provide a copy to the City Clerk’s office.

141.05 BARRICADES REQUIRED. Standard, orange and white, safety barricades are required to be erected for both street closures and neighborhood block parties. The barricades must be sufficient so as to completely close the street. A minimum of two per traffic lane, evenly spaced so that vehicles are not able to detour around the closed street segment, shall be used. Saw horses, ropes, and flags and other homemade barricades are not permitted as alternatives. It is strongly encouraged that someone in the group be responsible for always maintaining the proper position of the barricades, as their mobility is a risk. For additional safety, it is also recommended that the block party be held no less than one hundred (100) feet inside the barricaded area. Following the event, the barricades will be removed from the roadway or street by the applicant and the area shall be cleared of all debris. The City can provide barricades if available. Arrangements must be made with the Community Services Department for pickup and return of the barricades. City staff will determine if special services are required such as police coverage, sanitation requirements (dumpsters, porta-potties), and other equipment.

141.06 ASSUMPTION OF RISK. The applicant, for both street closures and neighborhood block parties, shall exclusively assume the risk of all uses authorized by said permit including the establishment of barricades, restoration of streets or property used, policing of said property, injuries, medical insurance and all matters that may arise directly or indirectly with reference to the aforesaid uses and shall hold the City harmless from any claims, causes of action commenced or alleged by reason of any of the activities of the applicant or permit holder as the case may be.

141.07 VIOLATIONS. In the event of the violation of the terms or a condition of the permit herein authorized, the City of Norwalk, Iowa, through its authorized agent, may terminate said event without notice and cancel future events with reference to said activities, and this chapter shall not in any way be construed to authorize interference with the enforcement of State statutes, or ordinances, rules and regulations of the City of Norwalk,

Iowa, through its authorized personnel. The City shall not be held accountable or liable for any of its acts with reference to enforcement or attempted enforcement of this chapter.

[The next page is 825]

CHAPTER 145

SITE GRADING REGULATIONS

145.01 Purpose
145.02 Applicability
145.03 Exempted Work
145.04 Procedures

145.05 Requirements
145.06 Grading Standards
145.07 Drainage Standards
145.08 Application Fee

145.01 PURPOSE. This chapter sets forth rules and regulations to control grading, which includes excavation, grading, and earthwork construction, including fills and embankments as well as removal of trees and shrubs; establishes the administrative procedure for issuance and review of permits; and provides for approval of plans and inspection of grading construction.

145.02 APPLICABILITY. Property which is part of a development project subject to site plan review, subdivision or special use permit which has been approved by the City is exempt from this chapter, except that no grading, unless specifically exempted by this chapter, shall occur on the subject property prior to obtaining approval of the development plan. Grading activities on property which is not part of an approved development project subject to site plan review, subdivision or special use permit, shall be subject to the grading review process described in Section 145.04. No grading, unless specifically exempted by this chapter, shall occur on the subject property prior to obtaining a grading permit.

145.03 EXEMPTED WORK. A grading permit is not required for any of the following work which is carried out on an individual tract or on a single lot within a subdivision:

1. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.
2. Cemetery graves.
3. Excavations for utilities.
4. Excavating or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect a lateral support or increase the stresses upon any adjacent or contiguous property.
5. Gardening and landscaping.
6. Exploratory excavations under the direction of soil engineers, engineering geologists, or in connection with an environmental, archaeological, or paleontological investigation, or mitigation.
7. An excavation which is less than two (2) feet in depth or which does not create a cut slope greater than five (5) feet in height and steeper than one and one-half horizontal to one vertical.
8. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical or less than three (3) feet in depth, not

intended to support structures, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

9. Any City, County, State or Federal improvement project which has been approved by the City.

10. Agricultural drainage improvements including farm ponds.

145.04 PROCEDURES. No person shall perform any grading or excavation on property that is not part of an approved development project until such person has obtained grading review approval and received a grading permit. The applicant shall submit the appropriate filing fee and application for a grading permit on forms provided by the City. All grading permit applications, along with all requested site plans, engineering reports or other supporting documents, are subject to review by the Planning and Zoning Commission and shall be issued by the Zoning Administrator. All permits are subject to existing Federal laws and regulations, State statutes and regulations, City policies and ordinances, and other applicable laws.

145.05 REQUIREMENTS. All site grading work and grading permit requirements shall be in accordance with the *International Building Code* and the *Statewide Urban Design and Specifications* (SUDAS) and City Design Standards. Should there be a conflict between any of these ordinances or standards, the most restrictive provision shall be followed.

145.06 GRADING STANDARDS.

1. In general, property shall be graded so that it drains to an approved piping or drainage system or street approved by the City. Alternative drainage will only be allowed where, due to existing topography, street drainage would be very difficult to achieve and would not be feasible as determined by the City.

2. No excavation or grading shall be done on property which causes the removal of earth from the property which limits the City's ability to develop the property pursuant to its comprehensive plan.

3. All proposed developments shall be graded so that storm water runoff is directed away from proposed building sites to an approved piping system, to swales in drainage easements along property lines, to public rights-of-way, or to another approved drainage course as determined by the City.

4. No storm water runoff from a development shall flow onto other adjacent lands in a higher volume, with greater velocity or in a different location than under natural conditions if so doing may cause damage to the adjacent land.

5. The property owner shall design for overland flow of storm water from adjacent properties where the existing off site land slopes to the site.

6. Grading plans shall, to the greatest extent possible, maintain the natural gradient and contours of the site and include measures to preserve natural features including, but not limited to, trees, natural swales, and rock outcrops. Manufactured slopes shall be rounded and shaped to simulate the natural terrain. No manufactured slope shall have a slope steeper than three (3) horizontal to one (1) vertical (3:1). Shallower slope angles may be required if detailed soils and geologic investigations indicate such.

7. No filling will be allowed on lands which lie either wholly or in part within the flood plain of a river, stream, creek or lake unless such fill is approved under the

terms of a permit granted by the applicable Federal, State or County agency or the City.

8. Trees and shrubs within the proposed subdivision or property to be graded shall be saved whenever feasible as determined by the City. Protective fences shall be placed and maintained around the drip lines of trees or other measures instituted so as to protect trees and shrubs including their root systems during period of excavation or construction activities. Cutting and filling soil within the drip line of a tree shall be prohibited. Soil compaction caused by any type of equipment shall not be allowed to occur over the root zone of trees to be saved.

9. Temporary erosion control measures, acceptable to the City, shall be installed prior to any vegetation disturbance with approved permanent erosion control measures to follow immediately thereafter. Temporary and permanent erosion control measures shall be maintained at all times.

10. In order to minimize a “stair step” effect on streetscapes, the transitional slope areas along the side lot lines in the front yard shall be softened by reducing the slope or by contouring the top and toe of the slope into the front yards of each lot.

145.07 DRAINAGE STANDARDS.

1. To the maximum feasible extent, all natural drainage courses serving major drainage areas and containing significant vegetation which may constitute a significant wildlife habitat, as determined by the City, should remain in their natural state. Alterations to the above drainage courses may be allowed if the application of this section will result in upstream or downstream flooding hazards for which there is no other feasible means of mitigation consistent with the findings.

2. All grading work in drainage facilities shall be in accordance with the City’s Design Standards.

3. The overall drainage system shall be completed and made operational at the earliest possible time during construction or shall otherwise be provided for in a manner acceptable to the City. If a development is to be phased, the approved drainage facilities will be completed or otherwise provided for in a manner acceptable to the City before the completion of the first phase.

4. A drainage plan, including text, maps and diagrams, may be required as part of any formal application for development under these regulations. The City shall review these submissions for completeness, adequacy and conformance with applicable standards.

145.08 APPLICATION FEE. The fee for a grading permit shall be as established in Chapter 177 of this Code of Ordinances.

[The next page is 835]

CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)

[The next page is 861]

CHAPTER 147

STATEWIDE URBAN DESIGN AND SPECIFICATIONS

147.01 Adoption

147.02 Availability

147.01 ADOPTION. By reference herein the City does hereby adopt the standards of the *Statewide Urban Design and Specifications*, along with such amendments as may, from time to time, be adopted. The specifications shall include (but are not limited to) the *Urban Design Standards for Public Improvements* and the *Urban Standard Specifications for Public Improvements*, hereinafter collectively referred to as “SUDAS.” Where, in any specific case, different sections of SUDAS specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Nothing in this chapter, or in SUDAS, as adopted, shall be construed to be in conflict with State laws. In the event of such a conflict, the State law shall prevail.

147.02 AVAILABILITY. Official copies of SUDAS and a certified copy of the ordinance codified in this chapter shall be placed on file in the office of the Clerk and shall be made available to the public during working hours. Copies of SUDAS are obtainable, at cost, from the City.

[The next page is 881]

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

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

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) 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 thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

o o o o o o o o o o

CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No person shall plant a tree in any parking or street.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within

fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

[The next page is 901]

CHAPTER 155

BUILDING CODE

155.01 International Building Code Adopted

155.02 Amendments

155.01 INTERNATIONAL BUILDING CODE ADOPTED. The *International Building Code, 2006 Edition*, as published by the International Code Council, is hereby adopted in full by reference except such portions as may be hereinafter deleted, modified or amended.

155.02 AMENDMENTS.

1. Sections 101.4 through 101.4.7, Sections 105.1.1, 105.1.2, 105.2.3 and Section 115 of the *International Building Code, 2006 Edition*, are repealed.
2. Sections 103 and 104 of the *International Building Code, 2006 Edition*, are repealed and there is substituted in lieu thereof Chapter 162 of this Code of Ordinances.
3. Section 112 of the *International Building Code, 2006 Edition*, is repealed and there is substituted in lieu thereof Chapter 163 of this Code of Ordinances.
4. Section 108 of the *International Building Code, 2006 Edition*, is repealed and the following inserted in lieu thereof:

Permit Fee Schedule. The City Council shall establish the applicable permit fees to be charged for all required permits. (See Chapter 177 of this Code of Ordinances for the Building Permit Fee Schedule.)

5. Section 105.2 of the *International Building Code, 2006 Edition*, Work Exempt From Permit, is amended to include the following as permit exempt:
Replacement siding, roofing and windows, soffit and fascia replacement, decks, above ground pools and storage buildings under 150 square feet.
6. Sections 113.3 and 113.4 of the *International Building Code, 2006 Edition*, are repealed and the following substituted in lieu thereof:

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances.

[The next page is 909]

CHAPTER 156

PLUMBING CODE

156.01 International Plumbing Code Adopted
156.02 Amendments

156.03 Licensed Plumbers

156.01 INTERNATIONAL PLUMBING CODE ADOPTED. The *International Plumbing Code, 2006 Edition*, as published by the International Code Council, is hereby adopted in full by reference except such portions as may be hereinafter deleted, modified or amended.

156.02 AMENDMENTS.

1. Sections 103 and 104 of the *International Plumbing Code, 2006 Edition*, are repealed and there is substituted in lieu thereof Chapter 162 of this Code of Ordinances.
2. Section 109 of the *International Plumbing Code, 2006 Edition*, is repealed and there is substituted in lieu thereof Chapter 163 of this Code of Ordinances.
3. Sections 106.6.2 and 106.6.3 of the *International Plumbing Code, 2006 Edition*, are repealed and fees and/or refunds shall be as established by the Council. (See Chapter 177 of this Code of Ordinances for the Plumbing Permit Fee Schedule.)
4. Section 108.4 of the *International Plumbing Code, 2006 Edition*, is repealed and the following substituted in lieu thereof:

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances.

5. Table 605.3 of the *International Plumbing Code, 2006 Edition*, is amended to include the following requirements:

GROUNDWORK PEX REQUIREMENTS

PEX pipe shall be installed in casing or bedded with approved backfill material. The minimum requirements for casing shall be SDR 26 PVS or SDR 13.5 HDPE sized to accommodate the service line and tracer wire. Backfill shall be manufactured sand, river sand, or ½" pea gravel placed a minimum of 3" below and 4" above the pipe.

PEX pipe shall be blue in color for all 1 inch installations.

PEX pipe shall be installed as one continuous piece from the tap to the stop box. Splicing of PEX pipe between the stop box and meter inside the building is discouraged and will only be approved under special circumstances.

PEX pipe shall not be used within 200' of a leaking underground storage tank or in other areas where the soil may be contaminated. Information on the location of leaking underground storage tanks may be obtained from the Iowa Department of Natural Resources.

Tracer wire shall be #12 solid single strand copper wire with 45 mil linear low-density polyethylene insulation suitable for direct bury. Insulation shall be blue in color. When conduit is used the tracer wire shall be placed inside the conduit. When conduit is not used the tracer wire shall be installed along side the pipe and shall be fastened to pipe with zip ties a minimum of every five feet.

PEX pipe shall be stored in a way that prevents damage as a result of crushing or piercing, excessive heat, harmful chemicals, or exposure to sunlight for prolonged periods.

Joint methods for attaching PEX pipe to fittings shall meet AWWAC 904 Standards and ASTM F1960, F2080, or F1807 Specifications. Fittings shall be installed in accordance with PEX pipe manufacturers installation guidelines and related plumbing codes.

A tracer wire inspection is required for all PEX service line installations. Contact the Norwalk Community Development Department when the installation is ready for inspection. (A diagram pertaining to the installation of PEX pipe is available at the Norwalk Community Development Department.)

(Ord. 08-07 – Mar. 09 Supp.)

156.03 LICENSED PLUMBERS.

1. License Required. All plumbing work conducted within the City limits of the City of Norwalk shall be done by a licensed plumber unless stated otherwise within this chapter.
2. License Exemptions.
 - A. Homeowners. A homeowner of a single-family dwelling or two-family dwelling residing on the premises of such dwelling shall not be required to obtain a license to do plumbing work. This required exemption does not include or authorize such homeowner to do plumbing work on or in any other premises or building owned or rented out, except for normal service repairs. Nothing contained in this section shall relieve a homeowner from securing a plumbing permit prior to commencing plumbing work, or relieve the Code Inspector from making any necessary inspections of the plumbing work done by a homeowner. A homeowner may perform normal service repairs outside any trap or water supply line without need for securing a plumbing permit. For the purposes of this chapter, "homeowner" includes any owner, part owner or joint owner who resides on the premises of a single-family dwelling or two-family dwelling. No person shall be required to obtain either a license or plumbing permit for any normal service repair within his or her own home to any trap or outside thereof, or outside any outside water supply line. Normal service repairs shall mean the correction or replacement of leaky or faulty traps, and the repair or replacement of any water shutoff valve within a building or to exterior hose bibs.
 - B. Employees of Industrial, Railroad, Public Utility Establishments and City. No person shall be required to obtain a license while engaged in the full-time employ of any industrial, railroad, public utility establishment, or the City of Norwalk to perform any maintenance, service repair or replacement of existing fixture and indirect drainage, including plant modification process

changes, as a part of that employment. All of the aforesaid establishments, except the City of Norwalk, shall secure plumbing permits for work performed by their assigned employees, and any necessary or required inspections must be made by the Code Inspector. Although not required to obtain a plumbing permit, the City shall notify the Code Inspector of the proposed work and such work must conform to the Plumbing Code and be inspected accordingly.

3. License Reciprocity. Plumbing licenses issued by the City of Des Moines shall be recognized by the City of Norwalk as securing the required plumbing license and upon payment of the processing fee, posting of a \$5,000 surety bond, providing their Iowa Contractor Registration Certificate, and providing the \$100 cash bond, the applicant will be given reciprocity to work within the City.
4. License Revocation. Any license that has been revoked by the City of Des Moines or the State of Iowa (Public Health), shall be considered revoked by the City of Norwalk. Failure to notify the Code Inspector of a license revocation may require the City of Norwalk to deny any future permits for the applicant.
5. License Processing Fees. The City Council shall, by resolution, establish the applicable license processing fee to be charged for issuance of and renewal of any plumbing licenses required by this chapter.
6. Transfer Prohibited. It is unlawful for any licensed plumber or any apprentice plumber to transfer his or her license or registration, or to allow or permit the same to be used either directly or indirectly by any other person, for any purpose or reason whatsoever.

[The next page is 917]

CHAPTER 157

MECHANICAL CODE

157.01 International Mechanical Code Adopted

157.02 Amendments

157.01 INTERNATIONAL MECHANICAL CODE ADOPTED. The *International Mechanical Code, 2006 Edition*, as published by the International Code Council, is hereby adopted in full by reference except such portions as may be hereinafter deleted, modified or amended.

157.02 AMENDMENTS.

1. Sections 103 and 104 of the *International Mechanical Code, 2006 Edition*, are repealed and there is substituted in lieu thereof Chapter 162 of this Code of Ordinances.
2. Section 109 of the *International Mechanical Code, 2006 Edition*, is repealed and there is substituted in lieu thereof Chapter 163 of this Code of Ordinances.
3. Sections 106.5.2 and 106.5.3 of the *International Mechanical Code, 2006 Edition*, are repealed and fees shall be as established by the Council. (See Chapter 177 of this Code of Ordinances for the Mechanical Permit Fee Schedule.)
4. Section 108.4 of the *International Mechanical Code, 2006 Edition*, is repealed and the following substituted in lieu thereof:

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances.

[The next page is 925]

CHAPTER 158

ELECTRICAL CODE

158.01 National Electrical Code Adopted	158.07 Approval Required for Modifications
158.02 Supplemental Electrical Regulations	158.08 Turning Off Electric Current
158.03 Existing Installations	158.09 Connection to Power Source
158.04 Workmanship	158.10 Permit Fees
158.05 Electrical Permit; Requirements	158.11 Licensed Electricians
158.06 Electrical Permits for Prefabricated or Enclosed Systems	158.12 Penalty

158.01 NATIONAL ELECTRICAL CODE ADOPTED. The rules and regulations set out in the *National Electrical Code, 2005 Edition*, being the regulations of the National Board of Fire Underwriters for electric wiring and apparatus, are hereby adopted in full by reference, except insofar as they may conflict with the laws of Iowa or the provisions of this Code of Ordinances or other ordinances of the City, or the rules and regulations of the City relative to the installation of electric signs, apparatus, machinery or wires for the conducting or use of electric current, in or about any building, tent or structure within the City.

158.02 SUPPLEMENTAL ELECTRICAL REGULATIONS. The purpose of Section 158.03 through Section 158.12 of this chapter is to provide for additional electrical rules and regulations, which are intended to supplement the provisions of the *National Electrical Code* adopted by the City. The supplemental rules and regulations take precedence over any conflicting provisions of the *National Electrical Code* heretofore adopted.

158.03 EXISTING INSTALLATIONS. Electrical installations in existence at the time of adoption of this Code may continue as exist, if such installation was legal at the time of adoption of this Code, provided such installation is not dangerous to life and has been maintained in a safe condition in conformance with the Code under which installed. Repair and/or replacement of electrical installations, service entrances and fixed appliances shall meet all requirements of this Code for new installation. All buildings, which undergo a change of occupancy classification, as determined by the adopted Building Code, shall be wired according to new construction standards for said building. Existing buildings moved into or relocated within the City limits shall meet all the electrical requirements of this Code for a new installation.

158.04 WORKMANSHIP. In all electrical wiring work and installation of electrical apparatus and equipment, special care and attention shall be given to the mechanical execution of the work. Care shall be given to assure the neat and orderly running, connecting and taping of conductors, and securing and attaching related fittings. Whenever such work and installation is not so executed, it shall be changed to comply with sound workmanlike standards. All accessible electrical wiring, which has been replaced, disconnected or is not in use shall be completely removed from the structure.

158.05 ELECTRICAL PERMIT; REQUIREMENTS. Any work pertaining to the fabrication, installation, construction, alteration, modification, repair or replacement of any electrical wiring, sign, equipment, apparatus or system in or on any building, structure or premises, except for normal service repairs or minor replacement of existing services or equipment, or for process changes in manufacturing, industrial or public utility establishments, or as elsewhere exempted in this chapter, shall require approval and inspection by the City and

a permit issued therefore. The requirements pertaining to the issuance of such permit are as follows:

1. There shall be separate plans for each building or premises for any work, new or old, showing the location and nature of the work to be performed. The plans shall be accompanied by specifications describing types, materials, construction and installation methods of the work to be performed under the permit. When authorized by the Code Inspector, plans and specifications need not be submitted for minor electrical work.
2. No portion of the electrical work shall be executed until the required plans and specifications have been filed, approved and written permit secured.
3. While electrical work over, in or about any building, tent, structure or premises is in progress, the Code Inspector may issue a temporary permit for the use of electrical current in the work performed. Such temporary permit shall be issued only upon agreement that all temporary wiring or work is to be removed by the person or firm installing same at an agreed upon time not to exceed one hundred eighty-two (182) days from the date the temporary permit was issued.

158.06 ELECTRICAL PERMITS FOR PREFABRICATED OR ENCLOSED SYSTEMS. Any building or structure used or designed to be used for the housing of occupants, or other designated use to which the building is intended, not including mobile homes or other similar units registered under the mobile home laws of the State, must meet the requirements set forth in this chapter. Plans and specifications of the prefabricated electrical work or systems shall be submitted to the Code Inspector either as a part of the overall building plans and specifications, or submitted separately, for approval in conformance with the provisions of this chapter. Where said work is to be prefabricated and enclosed in any wall or space, prior to the issuance of a permit, a "statement of compliance" with applicable codes and ordinances of the City shall be submitted. Said statement shall bear the date, name, title, address and signature of the person acting for and on behalf of the company assembling and installing such work. The statement shall further show the type of electrician's license, registry number and City and/or state of registry of the electrician who either installed, or supervised and inspected the work during the assembly and installation of same into an enclosed wall or space. Upon satisfactory review of the requirements set forth in the statement of compliance, and following review and approval of the plans and specifications submitted therewith, the Code Inspector shall then issue an electrical permit. Nothing contained herein shall relieve the Code Inspector of collecting the necessary permit fees, or any necessary or required inspections or testing of the electrical work as required elsewhere in this chapter, or revoking any permit issued if materials and workmanship are found to be defective, faulty or in violation of any provisions of applicable City codes or ordinances.

158.07 APPROVAL REQUIRED FOR MODIFICATIONS. No changes or modifications to plans and specifications, or electrical work, after approval, shall be made unless such changes or modifications are submitted and approved as in the case of the original work. No additional fee shall be charged for approval of such changes or modifications unless the scope of work is greater than that contained in the original permit, e.g., additional fixtures desired, etc.

158.08 TURNING OFF ELECTRIC CURRENT. The Code Inspector shall have authority to cut off or cause to have cut off the electrical service or portions thereof in or on any building, structure or premises in the following circumstances:

1. Said building, structure or premises does not comply with applicable City codes and ordinances pertaining to electrical work, as contained in this chapter; or
2. An unsafe or hazardous electrical condition exists, or when danger to persons or property is possible; or
3. The electrical current would interfere with or hinder the necessary work of the fire or law enforcement agencies.

Where the current is cut off or ordered cut off, under the provisions of this section, such current shall not be turned on again without the authorization of the Code Inspector. Any person engaged in furnishing electricity, shall cut off the current from any consumer, building, structure, sign or premises when so ordered for reasons indicated in this section.

158.09 CONNECTION TO POWER SOURCE. No electrical connection to the power source shall be made, or any electric meter set until the same has been approved by the Code Inspector.

158.10 PERMIT FEES. Applicants for electrical permits shall pay the required fee to the City in conformance with this section, and the receipt of payment shall be shown to the Code Inspector before any such permit shall be issued. No electrical work shall commence without the party performing the electrical work first insuring that the required permit has been issued by the City.

1. The Council shall establish the applicable permit fees to be charged for issuance of any electrical permits required by this chapter. Said fees shall be paid before the permit is issued. (See Chapter 177 of this Code of Ordinances for the Electrical Permit Fee Schedule.)
2. Renewal permits - same as for initial permit.
3. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the fees specified in this section shall be doubled, but payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work or from any other penalties prescribed in this chapter.
4. Electrical installation of all heating and air conditioning equipment shall comply to this chapter and the *National Electrical Code*.

158.11 LICENSED ELECTRICIANS.

1. License Required. All electrical work conducted within the City limits of the City of Norwalk shall be done by a licensed electrician unless stated otherwise within this chapter.
2. License Exemptions.
 - A. Homeowners. A homeowner of a single-family or a two-family dwelling shall not be required to obtain a license to do electrical work. This exemption does not include or authorize such homeowner to do electrical work on or in any other premises or building he/she may own or rent out, but does not reside in, except for normal service repairs. Nothing contained in this section shall relieve a homeowner from securing an electrical permit prior to commencing electrical work, or relieve the Code Inspector from making any necessary inspection of the electrical work done by a homeowner. A

homeowner may perform normal service repairs within his/her own home without the need for securing an electrical permit. For the purposes of this section, "homeowner" includes any owner, part owner or joint owner who resides on the premises of a single-family dwelling or two-family dwelling. "Normal service repairs" means the incidental repair or replacement of a switch, receptacle or light fixture.

B. Employees of Industrial, Railroad or Public Utility Establishments. No person shall be required to obtain a license while engaged in the full-time employ of an industrial, railroad or public utility establishment who performs any maintenance, service repair, or replacement of existing electrical systems, or equipment, including plant modification process changes required, while as a part of that employment. Nothing contained in this section shall relieve any of said establishments from securing electrical permits for work performed by their assigned employees, or to relieve the Code Inspector from making any necessary or required inspections.

3. License Reciprocity. Electrical licenses issued by the City of Des Moines shall be recognized by the City of Norwalk as securing the required electrical license and upon payment of the processing fee and providing a copy of their Iowa Contractor Registration Certificate, the applicant will be given reciprocity to work within the City.

4. License Revocation. Any license that has been revoked by the City of Des Moines or the State of Iowa, shall be considered revoked by the City of Norwalk. Failure to notify the Code Inspector of a license revocation may require the City of Norwalk to deny any future permits for the applicant.

5. License Processing Fees. The City Council shall, by resolution, establish the applicable license processing fee to be charged for issuance of and renewal of any electrical licenses required by this chapter.

6. Transfer Prohibited. It is unlawful for any licensed electrician or any apprentice electrician to transfer his or her license or registration, or to allow or permit the same to be used either directly or indirectly by any other person, for any purpose or reason whatsoever.

158.12 PENALTY. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances. Each and every day that a violation occurs or continues shall be deemed a separate offense.

[The next page is 931]

CHAPTER 159

FIRE CODE

159.01 Adoption of International Fire Code
159.02 Amendments

159.03 Fire Plan Review Fees

159.01 ADOPTION OF INTERNATIONAL FIRE CODE. The *International Fire Code, 2003 Edition*, as published by the International Code Council, is hereby adopted in full by reference except such portions as may be hereinafter deleted, modified or amended. An official copy of the *International Fire Code, 2003 Edition*, is on file in the office of the Clerk.

159.02 AMENDMENTS. Section 307 of the *International Fire Code* governing open burning and recreational fires is deleted and replaced with the following:

1. Open Burning Prohibited. No person shall allow, cause or permit within the City the open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. This prohibition shall include, but not be limited to, the kindling of or maintaining any bonfire or refuse fire, burning inorganic material or any paper or similar combustible debris, including plants, leaves or vegetable matter, or authorizing any such fire to be kindled or maintained on any private land within the boundaries of the City except that open burning is permitted in the following circumstances:
 - A. Grills. Barbecue grills used solely for the preparation of food for human consumption.
 - B. Organic Fires on Agricultural Land. Organic fires located on agricultural land within the City. Organic fires, as referred to in this section, means the burning of organic non-crop plant material, other than grass, grown on and/or collected from the parcel upon which the fire is located. Such fires shall not be located within ¼ mile of an occupied structure. Agricultural land, as used herein, means land used for the cultivation of land for production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, and the grazing or production of livestock.
 - C. Recreational Fires. A fire is deemed a recreational fire when all of the following conditions are met:
 1. The fire must be used for cooking, heating, recreation or ceremonies.
 2. The fire must be contained within a fire ring or a device sold commercially for the specific purpose of containing a recreational fire.
 3. Fuel for a recreational fire shall consist of wood only (including commercially sold recreational fire logs) and shall be two inches in diameter or larger. This requirement shall not apply to twigs and other kindling reasonably necessary for the initial lighting of the fire.
 4. Fuel shall be no longer than three (3) feet in length.
 5. Fuel within the acceptable fire ring shall not set higher than three (3) feet above the base of the fire.

6. Recreational fires shall not be used for disposal of yard waste, leaves and/or twigs.

A fire ring is a continuous ring made of stone, brick, rock, metal or other non-combustible material not more than five (5) feet in diameter, which is designed to contain a recreational fire and impede the spread of fire beyond the ring.

- D. Bonfires. A bonfire is any fire that does not meet the definition and requirements of a recreational fire. A person may kindle or maintain a bonfire or authorize such fire to be kindled or maintained, if such person first obtains a permit or authorization from the Fire Chief, and the following conditions are met:
 1. Such person is an authorized City employee operating under the authority of the City to conduct such a fire; and/or
 2. The purpose of the fire is the instruction of public employees in the methods of fire fighting; and/or
 3. The purpose of the fire is for public gatherings under legitimate sponsorship of civic, fraternal, religious, education or similar organization; and
 4. Only organic materials are used, proper safety precautions are used, and the fire is well controlled.
- E. Emergency Events. This section shall not apply during times declared as emergency situations by the Mayor. Such emergency situations may include (but are not limited to) times when extraordinary weather events cause excessive amounts of yard waste.
- F. Control of Fire. All fires permitted under this section shall be attended at all times and controlled by a competent person until such fire is entirely extinguished. No fire permitted under this section shall be started within ten (10) feet of any combustible wall, fence, building or structure.
- G. Burn Bans. All fires permitted under this section shall be prohibited during County or local burn bans.
- H. Nuisance. Any fire or condition that fails to comply with this section is hereby declared a nuisance.

159.03 FIRE PLAN REVIEW FEES. All commercial, industrial and multiple family residential plans and permits shall be reviewed for Fire Code compliance by a certified private contractor under contract with the City. All fees incurred as part of Fire Code review will be the responsibility of the applicant unless waived by the City Council.

(Ord. 11-10 – Jan. 12 Supp.)

[The next page is 939]

CHAPTER 160

RESIDENTIAL CODE

160.01 International Residential Code Adopted

160.02 Amendments

160.01 INTERNATIONAL RESIDENTIAL CODE ADOPTED. The *International Residential Code, 2006 Edition*, as published by the International Code Council, is hereby adopted in full by reference except such portions as may be hereinafter deleted, modified or amended.

160.02 AMENDMENTS.

1. Sections R103 and R104 of the *International Residential Code, 2006 Edition*, are repealed and there is substituted in lieu thereof Chapter 162 of this Code of Ordinances.
2. Section R105.2.3 of the *International Residential Code, 2006 Edition*, is repealed.
3. Section R112 of the *International Residential Code, 2006 Edition*, is repealed and there is substituted in lieu thereof Chapter 163 of this Code of Ordinances.
4. Section R105.2 of the *International Residential Code, 2006 Edition*, Work Exempt From Permit, is amended to include the following as permit exempt:

Replacement siding, roofing and windows, soffit and fascia replacement, decks, above ground pools and storage buildings under 150 square feet.
5. Sections R108.2 and R108.5 of the *International Residential Code, 2006 Edition*, are repealed and fees and/or refunds shall be as established by the Council. (See Chapter 177 of this Code of Ordinances for the Residential Permit Fee Schedule.)
6. Section R113.4 of the *International Residential Code, 2006 Edition*, is repealed and the following substituted in lieu thereof:

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances.

[The next page is 947]

CHAPTER 161

FUEL GAS CODE

161.01 International Fuel Gas Code Adopted

161.02 Amendments

161.01 INTERNATIONAL FUEL GAS CODE ADOPTED. The *International Fuel Gas Code, 2006 Edition*, as published by the International Code Council, is hereby adopted in full by reference except such portions as may be hereinafter deleted, modified or amended.

161.02 AMENDMENTS.

1. Sections 103 and 104 of the *International Fuel Gas Code, 2006 Edition*, are repealed and there is substituted in lieu thereof Chapter 162 of this Code of Ordinances.
2. Section 109 of the *International Fuel Gas Code, 2006 Edition*, is repealed and there is substituted in lieu thereof Chapter 163 of this Code of Ordinances.
3. Sections 106.5.2 and 106.5.3 of the *International Fuel Gas Code, 2006 Edition*, are repealed and fees and/or refunds shall be as established by the Council. (See Chapter 177 of this Code of Ordinances for the Fuel Gas Permit Fee Schedule.)
4. Section 108.4 of the *International Fuel Gas Code, 2006 Edition*, is repealed and the following substituted in lieu thereof:

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances.

[The next page is 955]

CHAPTER 162

CODE INSPECTION DIVISION

162.01 Creation	162.10 Inspections
162.02 City Code Inspectors	162.11 Inspection of Partially Completed Work
162.03 Business or Interest in Contract Prohibited	162.12 Final Inspection
162.04 Liability	162.13 Expiration of Permit
162.05 Salary	162.14 Right of Entry
162.06 Duties	162.15 Refusal to Permit Inspection
162.07 Permits Required	162.16 Stop Orders
162.08 Site Drainage	162.17 Occupancy Violations
162.09 Records Kept; Fees Collected	162.18 Copies Available

162.01 CREATION. There is established in the City a Code Inspection Division within the Community Development Department under jurisdiction of the Community Development Director and City Administrator.

162.02 CITY CODE INSPECTORS. There is created the technical position of City Code Inspector to administer the functions of the Code Inspection Division; being the enforcement of building, electrical, plumbing, mechanical, and abandoned and unsafe building codes of the City. For such purpose they shall have the powers of a law enforcement officer. The Code Inspectors shall further carry out all duties and responsibilities assigned to them by the department head.

162.03 BUSINESS OR INTEREST IN CONTRACT PROHIBITED. The Code Inspectors, while holding office, shall not actively engage in a business or compete with the class and kind of work called upon to be examined, nor shall the Inspectors directly or indirectly be financially connected with any person so engaged in a business within the City, except as allowed in an official capacity.

162.04 LIABILITY. The Code Inspectors and any employees, acting in good faith and without malice for the City in the discharge of duties, shall not thereby render themselves liable personally and are hereby relieved from all personal liability for damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against a Code Inspector or employee, because of such act or omission performed by them in the enforcement of the provisions of this chapter, shall be defended by the Legal Department of the City until final termination of the proceedings.

162.05 SALARY. The Code Inspector shall receive as full compensation for services such salary as the Council shall fix from time to time, in accordance with the City's approved pay plan.

162.06 DUTIES.

1. It is the duty of the Code Inspector to inspect, approve or disapprove, or issue any stop order for and on behalf of the City pertaining to the construction, maintenance, development, or use under the jurisdiction of the City regulated by technical codes of building, electrical, plumbing, and mechanical, and other regulatory codes and standards including housing, dangerous buildings, energy, persons with

disabilities, moving and demolition, and the preparation of reports and correspondence to owners, occupants and contractors listing deficiencies and outlining actions needed to correct violations and comply with City codes.

2. The Code Inspector shall see that proper fees are collected therewith and that such work and materials conform with applicable City codes, now or hereafter established.

3. The Code Inspector shall approve or reject plans and specifications and determine whether or not they comply with this Code of Ordinances.

4. The Code Inspector shall make any necessary or required tests and inspections, issue proper permits and certificates to persons entitled thereto upon the payment of applicable fees, and shall serve or cause to have served such notices as deemed expedient or necessary to secure an observance of or compliance with applicable City codes.

5. The Code Inspector is authorized and empowered to condemn, order removed, order repaired or remedied to a safe and proper condition within a reasonable time as fixed in a written notice to the owner or permit holder, any system or equipment that is not installed or maintained in any building or premises in conformance with applicable codes and ordinances of the City, or rules and regulations of the State and local Boards of Health.

6. The Code Inspector shall be an ex officio member of the Construction Board of Appeals without vote and shall perform the duties of Secretary thereto.

162.07 PERMITS REQUIRED. No work shall begin on construction projects until sufficient plans have been submitted for the Code Inspector to fully understand the proposed project, including drainage, before permits shall be issued. Projects may be constructed in phases with permits issued in sequence for specific work elements when in compliance with the applicable City Code and in harmony with the total project.

162.08 SITE DRAINAGE. Land development projects within the City of Norwalk are required to meet any and all local, state, and federal standards as it pertains to site detention and storm water discharge.

162.09 RECORDS KEPT; FEES COLLECTED.

1. The Code Inspector shall keep, or cause to be kept, a complete daily record of all permits, licenses and certificates issued, inspections made, fees collected, applications received, or other official work performed.

2. The Code Inspector shall keep in an orderly and suitable form a record of all plans and specifications examined, whether approved or rejected and whether for new buildings or old systems. The Inspector shall keep updated records of work and inspections made for each building or premises brought to the attention of the Code Inspection Division, with such explanation and notes appended to eliminate the need for reexamination or inspection.

3. The Code Inspector shall keep a permanent, accurate account of all fees and other monies collected and received, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate. All permit fees collected shall be paid

directly to and deposited with the City. A receipt of payment therefor shall be given to the original applicant filing such fee.

4. At the close of each month, the Code Inspector shall make or cause to have made, an itemized report of all permits and inspections made and for what reasons, licenses and certificates issued, fees collected and any other official work performed for that month. Upon request by the department head they shall also submit any additional required special reports or studies necessary to the work of the department.

5. At the close of each year, the Code Inspector shall make or cause to have made, a summary report compiled from monthly reports for that year.

162.10 INSPECTIONS. All work within the City, whether installed, altered or remodeled, shall be subject to official inspection, except for normal service repairs. It is the responsibility of the permit holder or homeowner to notify the Code Inspector as to when work at the job site has begun. It is further the responsibility of such person to notify the Code Inspector as to when partially completed or completed work is ready for inspection, not less than twenty-four (24) hours thereto. The Code Inspector shall make any required or necessary inspection of work completed, or partially completed, within forty-eight (48) hours after receiving such notice, and at a time convenient to the permit holder or authorized agent or homeowner and the Code Inspector. All work must be left uncovered and convenient for examination and testing, except as otherwise provided, until inspected and approved. Any violation of this section shall be cause for the Code Inspector to revoke, in writing, such permit issued, or cause other appropriate action to be taken in conformance with this Code of Ordinances. Upon written notice of revocation being given to the permit holder, all work under the permit shall cease until authorized to resume by the Code Inspector.

162.11 INSPECTION OF PARTIALLY COMPLETED WORK. The Code Inspector shall examine the “rough-in” work, after being duly notified by the permit holder or authorized agent, that such work is ready for inspection. All work when installed in proper position shall be tested in the presence of the Code Inspector, and all defective work shall be corrected. Defective material, wiring, fixtures or equipment shall be ordered removed and replaced with sound materials and equipment. If required, a re-inspection shall be made to determine compliance where faulty workmanship or materials have been found to exist. A fee shall be charged for such re-inspection in conformance with the applicable fee schedule. Upon satisfactory approval of that portion of the work inspected, the Inspector shall note such approval on the permit issued and make a similar notation on the permanent file in the Inspection Division office.

162.12 FINAL INSPECTION.

1. When the entire system, work or equipment is completed, and before being placed in use or connected, the Code Inspector shall make a final inspection of the completed work in the presence of the permit holder or authorized agent. Upon satisfactory approval of the final work being found to comply with applicable City codes, the Code Inspector shall issue a “certificate of compliance or occupancy” to the owner or authorized agent of the building or premises upon which such work was inspected and approved. One copy of such certificate shall be retained in the permanent files in the office of the Code Inspector.

2. The certificate shall indicate the permit number, state the type of work completed (whether remodeling or new), the general nature of the work performed, and that such work and materials conform with all applicable codes and ordinances of

the City and has been given final inspection and approval by the Code Inspector. The system or equipment may thereafter be used as of the date such certificate is issued. A certificate shall also be issued for materials and work satisfactorily installed in conformance with the provisions of the applicable City code.

162.13 EXPIRATION OF PERMIT. If the work has not commenced under the approved plans and specifications within one hundred eighty-two (182) days from the date the permit was issued, said permit shall expire by its own limitation. Plans and specifications must again be presented for approval as in the case of the original permit, a permit fee paid and a new permit issued. The permit then issued will again expire by its own limitation within 182 days from the approval date thereof.

162.14 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this Code of Ordinances, or whenever the Code Inspector has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe as defined in this Code of Ordinances, the Code Inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Code Inspector by this chapter, provided that if such building or premises is occupied, the Inspector shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry.

162.15 REFUSAL TO PERMIT INSPECTION. Any person who refuses to permit the Code Inspector to make any necessary inspection in conformance with this chapter, when the Code Inspector has requested such permission at a reasonable time and in accordance with applicable State and Federal laws governing the procedures for making such inspection, shall be in violation of this Code of Ordinances.

162.16 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code of Ordinances, the Code Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, or by posting of a "STOP WORK" notice in a conspicuous location at the work site, and any such persons shall forthwith stop such work until authorized by the Code Inspector to proceed with the work.

162.17 OCCUPANCY VIOLATIONS. Whenever any structure is being used contrary to the provisions of this Code of Ordinances, the Code Inspector may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code of Ordinances.

162.18 COPIES AVAILABLE. Official copies of the adopted volumes of the building, electrical, plumbing, mechanical codes, and all other adopted City codes, shall be kept on file in the office of the Code Inspection Division.

[The next page is 965]

CHAPTER 163

CONSTRUCTION BOARD OF APPEALS

163.01 Board Created
163.02 Appointment and Terms
163.03 Meetings and Hearings

163.04 Compensation; Expenses
163.05 Authority

163.01 BOARD CREATED. There is created a Construction Board of Appeals.

163.02 APPOINTMENT AND TERMS. The Mayor shall appoint, subject to the approval of the Council, the members of the Construction Board of Appeals. The Board consists of five (5) members who are residents of the City and/or maintain their primary place of business within the City, and shall include one general contractor, one master plumber (if available, if not another general contractor may be substituted), one electrical contractor (if available, if not another general contractor may be substituted), one registered architect or structural engineer (if available, if not another general contractor may be substituted) and one layperson from the general public at large. Three members of the Board shall constitute a quorum for the transaction of any business or vote. A Code Inspector shall be an ex officio member of the Board without vote and shall perform the duties of Secretary thereto. One of the inspectors, appointed by the Board subject to approval of the department head, shall be responsible for the coordination of the Board's activities. The terms of the membership shall be for three (3) years and shall be staggered so that no more than two members' terms expire in any one-year. Vacancies shall be filled by Mayor appointment subject to approval of the Council for the unexpired term of any member whose term becomes vacant. Nominations of persons to fill vacancies may be submitted to the Mayor by the Construction Board of Appeals.

163.03 MEETINGS AND HEARINGS. All meetings and hearings of the Construction Board of Appeals shall be held at the call of the Chairperson, or upon request by a quorum of the Board, and in no case shall such meetings be less frequent than twice each calendar year, and at such other times as the Board may determine in order to properly transact its business. All meetings or hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or item of business, or if absent or failing to vote, indicating such fact, and shall also keep current and accurate records of its meetings and hearings and other official actions. Findings of fact shall be included in the minutes of each meeting and any reasons for approval or denial of any case or item brought before the Board shall be specified. One copy of the minutes of any meeting or hearing conducted by the Board shall be filed in the office of the Community Development Department and shall be of public record, and one copy shall be submitted to the Council. The Board shall adopt its own rules of procedure and policies not in conflict with this Code of Ordinances or with the Iowa Statutes, and may select or appoint such officers as it deems necessary. The Council shall provide a suitable place in which the Board shall conduct its required business.

163.04 COMPENSATION; EXPENSES. The Construction Board of Appeals shall serve without compensation except for necessary incidental expenses that are incurred while carrying out the Board's business. In order for the Board to receive payment for expenses incurred, the Board shall cause to have itemized the expense requests in writing and submit

the same to the Council for review and recommendation, before it is authorized and approved for payment.

163.05 AUTHORITY. The Construction Board of Appeals is authorized to perform the following duties and functions in order to carry out the provisions of this chapter:

1. Hear and decide appeals requested by any person regarding the technical interpretation of provisions of the City's adopted building, plumbing, electrical, mechanical, and other related codes; and appeals from persons aggrieved by any order or decision rendered by the Code Inspectors in regard to the above codes; and appeals from persons aggrieved by the designation of structures as abandoned or unsafe buildings; however, such appeal must be filed with the Board in the office of the Community Development Department within fifteen (15) days from the date the order was issued or decision rendered by the Inspector. The appeal will then be entered on the agenda for the next Board meeting following the date the appeal was filed. Both the person making the appeal and the Board shall be informed as to the time and date the appeal will be heard.
2. Keep accurate and up-to-date records and minutes of all meetings, hearings and business conducted by the Board.

[The next page is 973]

CHAPTER 164

COMMUNITY DEVELOPMENT APPLICATION FEES

164.01 Purpose	164.07 Permit Application Fees
164.02 Costs of Services	164.08 Independent Technical Review Costs
164.03 Subdivision Application Fees	164.09 Street and Storm Sewer Inspection Fees
164.04 Site Plan Application Fees	164.10 Water Main and Service Stub Inspection Fees
164.05 Rezoning/Land Use Application Fees	164.11 Sanitary Sewer Main and Service Stub Inspection Fees
164.06 Board of Adjustment Application Fees	

164.01 PURPOSE. The purpose of this chapter is to adopt a schedule of fees to recoup expenses incurred by the City arising from the process of accepting and reviewing applications for various community development processes including Subdivisions Processes, Site Plan, Rezoning/Land Use, Board of Adjustment, and Building Permit application fees.

164.02 COSTS OF SERVICES. After reviewing the processes addressed herein, the Council finds the charges reasonably relate to the cost of processing services by the City.

164.03 SUBDIVISION APPLICATION FEES. Applications submitted to the City for all preliminary plats and final plats shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances.

164.04 SITE PLAN APPLICATION FEES. Applications submitted to the City for new site plans or for comprehensive improvement shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances. Applications submitted for simple plan modifications or improvements shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances.

164.05 REZONING/LAND USE APPLICATION FEES. Applications submitted to the City for rezoning in any district including any initial Planned Unit Development shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances. Applications submitted to the City for amending Planned Unit Developments shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances. Applicants shall pay for all postage expenses associated with applications submitted under this section in addition to any and all application fees.

164.06 BOARD OF ADJUSTMENT APPLICATION FEES.

1. Applications submitted to the City's Board of Adjustment for a variance or appeal shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances.
2. Applications submitted to the Board of Adjustment for special use permits shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances. If the Board of Adjustment deems it necessary, it may also charge an applicant a site plan fee in connection with this application.
3. Applicants shall pay for all postage expenses associated with applications submitted under this section in addition to any and all application fees.

164.07 PERMIT APPLICATION FEES. Applications submitted to the City for certificates of occupancy, driveway curb cut permit, sidewalk permit, deck permit, demolition permit, driveway approach permit, fence permit, permanent pool permit, seasonal pool permit, accessory structure permit, excavation permit, construction trailer, cell tower addition and administrative fee's shall be accompanied by an application fee as established in Chapter 177 of this Code of Ordinances.

(Ord. 13-06 – Jan. 14 Supp.)

164.08 INDEPENDENT TECHNICAL REVIEW COSTS. If the individual circumstances of any application governed by this chapter are unique enough to require a technical independent review, including but not limited to an engineering review or plan examination, the City shall obtain such a review, and the costs of said review shall be passed onto the applicant.

164.09 STREET AND STORM SEWER INSPECTION FEES. The inspection fee for all street and storm sewer inspections is as established in Chapter 177 of this Code of Ordinances.

164.10 WATER MAIN AND SERVICE STUB INSPECTION FEES. The inspection fee for all water main and service stub inspections is as established in Chapter 177 of this Code of Ordinances.

164.11 SANITARY SEWER MAIN AND SERVICE STUB INSPECTION FEES. The inspection fee for all sanitary sewer main and service stub inspections is as established in Chapter 177 of this Code of Ordinances.

[The next page is 981]

CHAPTER 165

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

165.01 Findings

165.02 Application Procedure

165.03 Inspection Procedures

165.04 Monitoring Procedures

165.05 Enforcement

165.06 Hold Harmless

165.07 Appeal

165.01 FINDINGS.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Norwalk (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
2. The Program requires certain individuals engaged in construction activities (applicant or applicants) to submit an application to the IDNR for a State NPDES General Permit #2. Notwithstanding any provision of this chapter, every applicant bears final and complete responsibility for compliance with a State NPDES General Permit #2 and a City Construction Site Erosion and Sediment Control (COSESCO) Permit and any other requirement of State or Federal law or administrative rule.
3. As a condition of the City's MS4 Permit, the City is obliged to undertake primary responsibility for administration and enforcement of the Program by adopting a COSESCO ordinance designed to achieve the following objectives:
 - A. Any person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision ("applicant") required by law or administrative rule to apply to the IDNR for a State NPDES General Permit #2 shall also be required to obtain from the City a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL permit (City COSESCO Permit) in addition to and not in lieu of the State NPDES General Permit #2; and
 - B. The City shall have primary responsibility for inspection, monitoring and enforcement procedures to promote applicants' compliance with State NPDES General Permits #2 and City COSESCO Permits.
4. No State or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its application, inspection, monitoring and enforcement responsibilities entirely by fees imposed on the owners of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.
5. Terms used in this chapter shall have the meanings specified in the Program.

165.02 APPLICATION PROCEDURE.

1. All persons required by law or administrative rule to obtain a State NPDES General Permit #2 from the IDNR are required to obtain a City COSESCO Permit.
2. Applications for City COSESCO Permits shall be made on forms approved by the City.
3. An applicant for a City COSESCO Permit shall pay fees as follows:
 - A. An application fee at the time of application as established in Chapter 177 of this Code of Ordinances.
 - B. For each additional inspection required by this chapter, the applicant shall pay an inspection fee as established in Chapter 177 of this Code of Ordinances.
 - C. Failure of the applicant to pay an inspection fee within thirty (30) days of billing shall constitute a violation of this chapter.
4. An applicant in possession of a State NPDES General Permit #2 issued by the IDNR shall immediately submit to the City full copies of the materials described below as a basis for the City to determine whether to issue a City COSESCO Permit:
 - A. Applicant's plans, specifications and supporting materials previously submitted to the IDNR in support of applicant's application for the State NPDES General Permit #2;
 - B. Applicant's authorizations issued pursuant to applicant's State NPDES General Permit #2; and
 - C. A Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with this chapter.
5. Every SWPPP submitted to the City in support of an application for a City COSESCO Permit:
 - A. Shall comply with all current minimum mandatory requirements for SWPPPs promulgated by the IDNR in connection with issuance of a State NPDES General Permit #2; and
 - B. Shall, if the applicant is required by law to file a Joint Application Form, PROTECTING IOWA WATERS, IOWA DEPARTMENT OF NATURAL RESOURCES AND U.S. ARMY CORPS OF ENGINEERS, comply with all mandatory minimum requirements pertaining to such applications; and
 - C. Shall comply with all other applicable State or Federal permit requirements in existence at the time of application; and
 - D. Shall be prepared by a licensed professional engineer or landscape architect or a professional in erosion and sediment control or a representative of the local Soil and Water Conservation District, credentialed in a manner acceptable to the City; and
 - E. Shall include within the SWPPP a signed and dated certification by the person preparing the SWPPP that the SWPPP complies with all requirements of this chapter.
6. In addition to the SWPPP requirements stated in subsection 5 immediately above which constitute minimum mandatory requirements imposed by the Program, every SWPPP submitted to the City in support of an application for a City COSESCO

Permit shall comply with the Statewide Urban Design and Specifications (SUDAS) standard design criteria, including but not limited to design, location, and phased implementation of effective, practicable storm water pollution prevention measures, and shall also:

- A. Assure that all temporary erosion and sediment controls shall not be removed until the City has determined that the site has been permanently stabilized; and
- B. Assure that all disturbed sites be permanently stabilized with 70% perennial cover as measured by the USDA line transect method; and
- C. Identify methods to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities, rare, threatened and/or endangered species habitat, wildlife corridors, greenways, etc.; and
- D. Include measures to control the quantity and quality of storm water leaving a site before, during and after construction; and
- E. Provide for stabilization of all waterways and outlets; and
- F. Protect storm sewer infrastructure from sediment loading/plugging; and
- G. Specify precautions to be taken to contain sediment when working in or crossing water bodies; and
- H. Assure stabilization of disturbed areas, including utility construction areas, as soon as possible; and
- I. Protect outlying roads from sediment and mud from construction site activities, including tracking; and
- J. Provide for disposal of collected sediment and floating debris; and
- K. Assure that when working near sensitive waters, the specific practices itemized immediately below are utilized:
 - (1) During construction:
 - a. All exposed soil areas with a slope of 3:1 or steeper, that have a continuous positive slope to a sensitive water, should have temporary erosion protection or permanent cover within three (3) days after the area is no longer actively being worked; all other slopes that have a continuous positive slope to a sensitive water should have temporary erosion protection or permanent cover within seven (7) days after the area is no longer actively being worked, and
 - b. Temporary sediment basin requirements should be used for common drainage locations that serve an area with five (5) or more acres disturbed at one time; and
 - (2) Buffer zone : provide for the maintenance at all times of an undisturbed buffer zone consisting of not less than 20 linear feet from the special water (not including tributaries); exceptions from this for areas, such as water crossings or limited water access, are allowed if

the applicant fully documents in the SWPPP the circumstances and reasons that the buffer encroachment is necessary; all potential water quality, scenic and other environmental impacts of these exceptions should be minimized and documented in the SWPPP for the project; and

(3) Enhanced temperature controls: design the permanent storm water management system such that the discharge from the project will minimize any increase in the temperature.

- a. Minimize new impervious surfaces; and/or
- b. Other methods that will minimize any increase in the temperature of the sensitive waters.

7. Issuance by the City of a City COSESCO Permit shall be a condition precedent for the issuance of a City building permit or site plan approval.

8. For so long as a construction site is subject to a State NPDES General Permit #2 or a City COSESCO Permit, the applicant shall provide the City with current information as follows:

A. The name, address and telephone number of the person on site designated by the owner who is knowledgeable and experienced in erosion and sediment control and who will oversee compliance with the State NPDES General Permit #2 and the City COSESCO Permit;

B. The name(s), address(es) and telephone number(s) of the contractor(s) and/or subcontractors(s) that will implement each erosion and sediment control measure identified in the SWPPP.

C. Applicant's failure to provide current information shall constitute a violation of this chapter.

9. Developers can transfer State NPDES General Permit #2 and the City COSESCO Permit responsibility to homebuilders, new lot owners, contractors and subcontractors. Transferees must agree to the transfer in writing, must agree to fulfill all obligations of the SWPPP, the State NPDES General Permit #2 and the City COSESCO Permit. Absent such written confirmation of transfer of obligations, the developer remains responsible for compliance on any lot that has been sold. A developer shall notify the City of any application to the DNR for release of any property from a General Permit #2 pursuant to 567 IAC 64.6(b) or any similar successor provision.

10. Upon receipt of an application for a City COSESCO Permit, the City shall either find that the application complies with this chapter and issue a City COSESCO Permit in accordance with this chapter, or that the application fails to comply with this chapter, in which case the City shall provide a bill of particulars identifying non-compliant elements of the application.

165.03 INSPECTION PROCEDURES.

1. All inspections required under this chapter shall be conducted by the building inspector, a subcontractor credentialed in a manner satisfactory to the City or other designee of the City Community Development Director, hereinafter referred to as the "enforcement officer."

2. Applicant shall notify the City when all measures required by applicant's SWPPP have been accomplished on-site, whereupon the City shall conduct an inspection for the purpose of determining compliance with this chapter, and shall within a reasonable time thereafter report to the applicant either that compliance appears to have been achieved, or that compliance has not been achieved, in which case the City shall provide a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within twenty-four (24) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter.
3. Construction shall not occur on the site at any time when the City has identified conditions of noncompliance.
4. Construction activities undertaken by an applicant prior to resolution of all discrepancies specified in the bill of particulars shall constitute a violation of this chapter.
5. The City shall not be responsible for the direct or indirect consequences to the applicant or to third parties for noncompliant conditions undetected by inspection.

165.04 MONITORING PROCEDURES.

1. Upon issuance of a City COSESCO Permit, an applicant has an absolute duty to monitor site conditions and to report to the enforcement officer any change of circumstances or site conditions which the applicant knows or should know pose a risk of storm water discharge in a manner inconsistent with applicant's SWPPP, State NPDES General Permit #2 and/or City COSESCO Permit.
 - A. Such report shall be made by the applicant to the enforcement officer immediately but in any event within twenty four (24) hours of the change of circumstances or site conditions.
 - B. Failure to make a timely report shall constitute a violation of this chapter.
2. Any third party may also report to the City site conditions which the third party reasonably believes pose a risk of storm water discharge in a manner inconsistent with applicant's SWPPP, State NPDES General Permit #2 and/or City COSESCO Permit.
3. Upon receiving a report pursuant to the previous subsections, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within twenty four (24) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 165.05.
4. Unless a report is made to the enforcement officer pursuant to the previous subsections, the enforcement officer shall conduct at least one unannounced inspection during the course of construction to monitor compliance with the State

NPDES General Permit #2 and the City COSESCO Permit. If the inspection discloses any significant noncompliance, the enforcement officer shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within twenty four (24) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 165.05.

5. The City shall not be responsible for the direct or indirect consequences to the applicant or to third-parties for noncompliant conditions undetected by inspection.

165.05 ENFORCEMENT.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

2. Violation of any provision of this chapter may also be enforced as a municipal infraction pursuant Chapter 4 of this Code of Ordinances.

3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

165.06 HOLD HARMLESS. The application form signed by the applicant for a City COSESCO Permit shall include the following commitment by the applicant: "The undersigned applicant hereby agrees to defend, indemnify and hold the City harmless from any and all claims, damages or suits arising directly or indirectly out of any act of commission or omission by the applicant, or any employee, agent, assign or contractor or subcontractor of the applicant, in connection with applicant's State NPDES General Permit #2 and/or City COSESCO Permit.

165.07 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.

2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.

3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.

4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.
5. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

[The next page is 995]

CHAPTER 166

POST-CONSTRUCTION STORM WATER MANAGEMENT

166.01 Findings and Purpose

166.02 Procedure for Post-Construction

166.03 Maintenance and Repair of Storm Water Facilities

166.04 Enforcement by Legal or Administrative Action

166.01 FINDINGS AND PURPOSE.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4). The City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

2. As a condition of the City's MS4 Permit, the City is obliged to develop, implement, and enforce a program to address storm water runoff from new construction and reconstruction projects for which State NPDES General Permit #2 storm water permit coverage is required by adopting a Post-Construction Storm Water Management Ordinance designed:

A. To require water quality and quantity components be considered in the design of new construction and implemented when practical; and

B. To promote the use of storm water detention and retention, grass swales, buffer strips, and proper operation and maintenance of these facilities; and

C. To allow use of bio-retention swales and riparian buffers where practical and the soils and topography are suitable to ensure such measures will be effective in accomplishing the purpose of this chapter; and

D. To prohibit construction activities from commencing until the plans for post-construction runoff controls have been submitted to the City; and

E. To allow the City to have the ability to access private property for the purpose of enforcement procedures to promote compliance with the State NPDES General Permits #2 which require post-construction compliance by applicants.

3. No state or federal funds have been made available to assist the City with inspections, monitoring and/or enforcing the Program. Accordingly, the City shall fund its inspection, monitoring and enforcement responsibilities entirely by fees imposed on the owners of properties which are made subject to the Program by virtue of state and federal law, and/or other sources of funding established by a separate ordinance.

4. For use in this chapter the term "applicant" means any person, firm, or entity applying for a permit to develop, grade, or construct within the corporate limits of the City.

166.02 PROCEDURE FOR POST-CONSTRUCTION.

1. Each applicant who is required to have coverage under General Permit No. 2 for a site shall install post-construction storm water management facilities as set forth herein and as approved by the City during site plan, platting, or construction plans.
2. Each applicant or its successor person(s) or entity shall be responsible for maintaining all storm water management facilities as approved by the City.
3. For sites equal to or greater than one acre, each applicant must provide to the City as-built plans detailing dimensions and elevations as well as a certification that storm water management facilities were built as part of the approved development that includes the site. For sites less than one acre that are part of a common plan of development and for which the applicant establishes that storm water management facilities were or will be built to address all properties (either collectively or individually) within the development, each applicant must provide to the City a copy of the Notice of Discontinuation for General Permit No. 2 applicable to the property.
4. Each applicant must include in their site design those storm water management facilities that will convey drainage through the property to one or more detention and/or treatment areas such that no development shall cause downstream property owners, water courses, channels, or conduits to receive storm water runoff from the proposed development site at a peak flow rate greater than that allowed by the policy or standard in effect at the time of approval of the development unless such requirements are waived by the City. Nothing contained herein shall prohibit the City from changing the policies or standards in the future, nor from requiring the site to comply with the new requirements.
5. Each applicant shall comply with all other applicable City, state or federal permit requirements as they apply to the City or the property.
6. At the discretion of the City, the applicant may satisfy the post-construction storm water management requirements by ensuring the conveyance of the storm water discharge from the property to a regional detention facility. For purposes of this chapter, a "regional detention facility" shall be wet or dry detention basins, which are designed to accept storm water runoff from two or more sites that are required to obtain a State NPDES General Permit No. 2 and that otherwise complies with all City, state or federal permit requirements as they apply to storm water management requirements for those sites.

166.03 MAINTENANCE AND REPAIR OF STORM WATER FACILITIES.

1. Prior to the issuance of any permit that has a storm water management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement agreement shall be recorded by the City in the land records.
2. Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded into the land record at the time of final plat approval. As part of the

covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections by the applicant, owner, or assigns to ensure proper performance of the facility.

3. The City shall be permitted to enter and inspect any property subject to regulation under this section as often as is necessary to document maintenance and repair needs and determine compliance with the requirements of this chapter. If a responsible party owning, controlling or possessing a property has security measures that require identification and clearance before entry to its property, such responsible party shall make the necessary arrangements to allow access by the City. By way of specification but not limitation:

A. A responsible party shall allow the City ready access to all parts of the property for purposes of inspection, examination, and copying of records related to compliance with this chapter.

B. Any temporary or permanent obstruction that obstructs the safe and easy access to property to be inspected shall be promptly removed by the responsible party at the written or oral order of the City and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

C. An unreasonable delay in allowing the City access to a property is a violation of this chapter.

4. Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least three (3) years. Copies of the as-built plans and records of all self inspections, maintenance, and repairs shall be kept on-site and shall be made available to the City during inspection of the facility and at other reasonable times upon request.

5. In the event that a storm water management facility is found by the City to be non-compliant with the plans as submitted and approved or is found to be in need of maintenance, the responsible party will be notified in writing of such deficiencies. Upon receipt of such notice, the responsible party shall have fifteen (15) days to correct such deficiencies. After proper notice, and if the responsible party fails to make the repairs or perform the maintenance, the City may have such work performed and assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the City.

166.04 ENFORCEMENT BY LEGAL OR ADMINISTRATIVE ACTION. Unless another penalty is expressly provided by this chapter for any particular provision or section, any responsible party violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to the civil penalties set forth in Chapter 4 of this Code of Ordinances. Violation of any provision of this chapter may also be enforced by action for injunctive relief.

[The next page is 1005]

CHAPTER 167

FOUNDATION DRAIN REMOVAL DISTRICTS

167.01 Purpose	167.08 Conditions of Financial Assistance Payment
167.02 Applicability	167.09 Non-Compliance Fee for Foundation Drain Connection
167.03 Districts	167.10 Rebuttable Presumption
167.04 Removal of Foundation Drain Connections Required	167.11 Refund of Non-Compliance Fee
167.05 Financial Assistance for Removal	167.12 Inspection and Notice
167.06 Removal Of Outside District	
167.07 Approved Removal Procedure	

167.01 PURPOSE. The purpose of this chapter is to eliminate foundation drain connections to the sanitary sewer system by the establishment of a limited financial assistance payment to sanitary sewer system customers that disconnect a foundation drain from the sanitary sewer system within a specified period of time, and to establish monthly surcharge payments for sanitary sewer system customers within established districts that fail to disconnect foundation drains within a specified period of time following the establishment of a district.

167.02 APPLICABILITY. Except as provided in Section 167.06 the provisions of this chapter shall be applicable only within the boundaries of a district established under this chapter.

167.03 DISTRICTS. The foundation drain removal districts established under this chapter include:

1. Foundation Drain Removal District 1 shall consist of the area located within the following subdivisions: David Gordon Heights, Norwalk Knolls Plat 1, Norwalk Knolls Plat 2, Norwalk Knolls Plat 3, Norwalk Knolls Plat 4, Westwood Estates 1, Westwood Estates 2. A copy of the foundation drain removal districts map illustrating District 1 is on file with the City Clerk.
2. Foundation Drain Removal District 2 shall consist of the following area: All property located within the area north of North Avenue, east of Highway 28, south of High Road and west of East 17th Street. A copy of the foundation drain removal districts map illustrating District 2 is on file with the City Clerk.
3. Foundation Drain Removal District 3 shall consist of the following area: All property located within the area north of Wright Road, East of Highway 28, south of North Avenue, and west of Cherry Street but including all of the Prairie View Plat. A copy of the foundation drain removal districts map illustrating District 3 is on file with the City Clerk.

(Ord. 11-13 – Jan. 12 Supp.)

167.04 REMOVAL OF FOUNDATION DRAIN CONNECTIONS REQUIRED. All direct or indirect connections of a foundation drain, footing drain, sump pump or similar system or device intended to collect and convey groundwater along, adjacent to, beside or under the foundation or basement of any building within the established district shall be disconnected from the sanitary sewer system within one (1) calendar year after the establishment of the district in which said connection is located. Disconnection shall mean removal of any direct or indirect connection to the sanitary sewer system, including direct

connections to the sanitary sewer service, connections to a sanitary sewer floor drain or similar plumbing fixture that would allow foundation drain flow to enter the sanitary sewer system.

167.05 FINANCIAL ASSISTANCE FOR REMOVAL. Any sanitary sewer system customer completing the disconnection of a foundation drain from the sanitary sewer system under the provisions of this chapter shall be entitled to a financial assistance payment from the City not to exceed seven hundred fifty dollars (\$750.00) of actual costs incurred for said removal. Financial assistance shall be subject to compliance with the provisions of this chapter for an approved removal procedure. Such payment shall be subject to the submittal of invoices, vouchers and documentation clearly establishing the costs incurred. If the property owner undertakes some portion of the labor for the approved removal procedure, the property owner may request reimbursement of not more than twelve (12) hours labor at a rate of twenty-five dollars (\$25.00) per hour. To qualify for the financial assistance the approved removal procedure must be completed and the sanitary sewer system customer must make written application to the City for the financial assistance within one (1) calendar year after the date the district in which the property is located is established.

167.06 REMOVAL OF OUTSIDE DISTRICT. Any sanitary sewer customer located outside an established district shall be entitled to the financial assistance for removal under Section 167.05 if the customer completes an approved removal procedure with such procedure being completed within one (1) calendar year of the effective date of the ordinance codified in this chapter.

167.07 APPROVED REMOVAL PROCEDURE. The approved removal procedure for a direct or indirect foundation drain connection to the sanitary sewer system for purposes of the financial assistance under this chapter must fully comply with the following:

1. **Prior Inspection.** Prior to any work on the removal or disconnection of the foundation drain connection, the existing connection must be inspected by the City. The sanitary sewer system customer shall be responsible to schedule the inspection.
2. **Approved System.** An approved system for the removal of foundation drain connections must be used. The approved system shall consist of a sump pump and sump pit with a discharge to an approved yard location.
3. **Plugging of Existing Connection.** Any direct or indirect connection between the foundation drain and the sanitary sewer system of the building shall be permanently plugged.
4. **Floor Drain Connection Prohibited.** The new system shall be installed in such a manner that direct or indirect flow from the foundation drain to a floor drain shall not be possible.
5. **Post-Construction Inspection.** The installation of the sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer shall be responsible to schedule the post-construction inspection.

167.08 CONDITIONS OF FINANCIAL ASSISTANCE PAYMENT. Any sanitary sewer customer requesting the financial assistance participation under this chapter must be the owner of the property and as a condition of the assistance must agree in writing to the following:

1. **Inspection.** The City, on reasonable notice, may inspect the foundation drain connection at any time.

2. Maintenance and Repair. The property owner shall maintain the sump pump system and timely complete any repairs or replacement of the sump pump system.
3. Discharge Modifications Prohibited. The property owner shall agree not to modify the sump pump discharge in any manner that would directly or indirectly contribute foundation drain flow to the sanitary sewer system.
4. Non-Compliance Charge for Foundation Drain Connection. The property owner shall agree to be subject to the provisions of this chapter regarding the user fee for foundation drain connection in the event the property owner fails to repair or replace the sump pump or to cure any other prohibited modifications of the system within thirty (30) days following notice by the City.
5. Agreement Runs with the Land. The property owner shall agree that the requirements of this chapter shall run with the land and such agreement may be recorded by the City in the office of the Warren County Recorder.

167.09 NON-COMPLIANCE FEE FOR FOUNDATION DRAIN CONNECTION.

Any sanitary sewer customer within an established district with a direct or indirect foundation drain connection to the sanitary sewer system remaining in place one (1) year after the establishment of the district shall be subject to a monthly payment as established in Chapter 177 of this Code of Ordinances for the extraneous flow, or potential extraneous flow, contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges. Two (2) years after the establishment of the district shall be subject to an increased monthly payment as established in Chapter 177 of this Code of Ordinances.

167.10 REBUTTABLE PRESUMPTION. There is a presumption that all sanitary sewer customers within the established district have a foundation drain connection to the sanitary sewer system as prohibited under this chapter. Effective one (1) year after the establishment of the district all properties within the district that have not completed an approved removal procedure or other equivalent removal procedure inspected and documented by the City shall be presumed to have a foundation drain connection for purposes of this chapter.

167.11 REFUND OF NON-COMPLIANCE FEE. Any property owner subject to the fee under this chapter may request the City to inspect the sanitary sewer service. If the City determines there was no direct or indirect foundation drain connection as of the date of establishment of the district, the City shall refund all extraneous flow payments collected. In the event the City determines a foundation drain disconnection was completed and the foundation drain connection no longer exists, the City shall discontinue the imposition of the extraneous flow charges for that sanitary sewer customer and shall refund previous payments. Such refund shall be limited to the number of monthly payments made or three (3) months, whichever is smaller.

167.12 INSPECTION AND NOTICE. The City may conduct periodic inspections of properties to confirm there are no direct or indirect connections of the foundation drain to the sanitary sewer system. If during an inspection the City determines there is a direct or indirect connection as a result of a modification of the system to allow for a direct or indirect connection, failure to maintain or replace a failed sump pump that would allow an indirect or direct connection to the sanitary sewer system, or such other cause as may allow a direct or indirect connection, the City shall provide the property owner a written notice. The property owner shall be provided thirty (30) days to cure the defect and to arrange for a re-inspection by the City. If at the end of thirty (30) days the direct or indirect connection has not been inspected and determined to have been removed, the property shall be subject to the

extraneous flow charge provisions under this chapter. The payment shall continue until such time as the City determines through inspection the direct or indirect foundation drain connection no longer exists.

(Ch. 167 – Ord. 08-09 – Mar. 09 Supp.)

[The next page is 1011]

CHAPTER 168

ABANDONED OR UNSAFE BUILDINGS

168.01 Definitions	168.09 Scheduling Hearing
168.02 Abatement of Abandoned or Unsafe Buildings	168.10 Effect of Failure to Appeal
168.03 Violation	168.11 Scope of Hearing on Appeal
168.04 Unsafe Buildings	168.12 Staying of Order Under Appeal
168.05 Notices and Orders	168.13 Conduct of Hearing Appeals
168.06 Board of Appeals	168.14 Enforcement
168.07 Form of Appeal	168.15 Penalty
168.08 Processing of Appeal	

168.01 DEFINITIONS. For the purpose of this chapter, certain terms, phrases, words, and their derivatives shall be construed as specified either in this chapter or as specified in the Building Code or Residential Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used, and Webster's *Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings.

1. "Abandoned building" means any building or structure which has been abandoned for a period of six months (6) and which building or structure or portion thereof constitutes a nuisance or hazard to the public, or a detriment to the neighborhood or surrounding properties or violates any provision of Section 168.04 of this chapter.
2. "Building Code" is the *International Building Code, 2006 Edition*, as adopted in Chapter 155 of this Code of Ordinances.
3. "Code Official" means the official of the City appointed to administer this chapter and any duly authorized representatives.
4. "Housing Code" means the Residential Code as adopted in Chapter 160 of this Code of Ordinances.
5. "Owner" means any person who holds a legal or equitable interest in the property, along with any mortgagee, lien holder, or other person that holds an interest of record in the property.
6. "Person" means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.
7. "Unsafe building" is any building or structure deemed to be dangerous under the provisions of Section 168.04 of this chapter.

168.02 ABATEMENT OF ABANDONED OR UNSAFE BUILDINGS. All buildings or portions thereof which are determined after inspection to be abandoned or unsafe are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

168.03 VIOLATION. Each day's violation of any provision of this chapter or failure to comply with an order given hereunder constitutes a separate offense. In addition to other prescribed penalties, the Code Official, after notice as prescribed, may cause said work to be

done to accomplish compliance and assess said costs to the property. The Code Official may further initiate civil legal proceedings against the owner to recoup costs and associated legal and enforcement expenses.

168.04 UNSAFE BUILDINGS. For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants is endangered.

1. Whenever any door, aisle, passageway, stairway, or other means of exit is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to dead and live loads, is more than one and one-half (1½) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
5. Whenever any portion or member or appurtenance thereof is in substantial danger of failure, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. 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 one-half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. 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.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is in substantial danger of partial or complete collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
10. 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.

11. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or by any other cause or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Residential Code, or of any State law or ordinance of the City relating to the condition, location, or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than fifty percent (50%) or in any supporting part, member or portion less than sixty-six percent (66%) of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
15. 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 the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. 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 Code Official to be a fire hazard.
17. 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.
18. Whenever any portion of a building or structure remains on a site after the total or partial demolition or destruction of the building or structure.
19. Whenever any portion of a building or structure has been used in the making, manufacturing or "cooking" of methamphetamine as determined by the Police Department, other law enforcement agency and/or certified peace officer having jurisdiction within the City limits, buildings or structures shall be vacated and remain abandoned and unsafe until the following conditions are met:
 - A. Any owner or landlord that has a building or structure meeting the above criteria shall provide certification, at the owner or landlord's expense, from an ABIH Certified Industrial Hygienist that the amount of methamphetamine residue (for purposes of this code section, methamphetamine residue includes chemicals used in the making of the drug known as meth) present in the building or structure is 0.5 micrograms per

square foot or less prior to any occupancy or to the issuance of a new certificate of occupancy.

B. For purposes of this section, any building or structure shall include apartments, single-family homes, garages, hotel/motel rooms, mobile homes, rooms for rent, duplex dwellings, or any other building or structure used for the housing of individuals.

(1) Any time a garage that is attached to and/or shares a common access point to the living quarters is used for the making, manufacturing, or cooking of methamphetamine, the garage and living quarters will be deemed abandoned and unsafe until such time as subsection A of this section is met.

(2) Anytime a motel/hotel room is used for the making, manufacturing, or cooking of methamphetamine, that room will be considered abandoned and unsafe and will not be allowed to be occupied until the owner provides documentation as provided for in subsection A of this section.

C. All property owners shall disclose the past presence of methamphetamine prior to the sale, occupancy, or rental of any unit that was or has been determined to be abandoned or unsafe according to this subsection.

168.05 NOTICES AND ORDERS.

1. Commencement of Proceedings. When the Code Official has inspected or caused to be inspected any building and has found and determined that such building is an unsafe or abandoned building, the Code Official shall commence proceedings to cause the repair, vacation, or demolition of the building.

2. Notice and Order. The Code Official shall issue a notice and order directed to the owner of the building. The notice and order shall contain:

A. The street address and a legal description sufficient for identification of the premises upon which the building is located.

B. A statement that the Code Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building unsafe under the provisions of this chapter.

C. A statement of the action required to be taken as determined by the Code Official.

(1) If the Code Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty days from the date of order) and completed within such time as the Code Official shall determined is reasonable under all of the circumstances.

(2) If the Code Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Code Official.

(3) If the Code Official has determined that the building or structure must be demolished or repaired, the order shall require that the building be vacated within such time as the Code Official shall determine is reasonable (not to exceed thirty days from the date of order); that all required permits be secured therefor within thirty days from the date of the order; and that the demolition be completed within such time as the Code Official shall determine is reasonable (not to exceed ninety days).

D. Statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Code Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

E. Statement advising (i) that any person having any record title or other legal interest in the building may appeal from the notice and order or any action of the Code Official to the Board of Appeals, provided the appeal is made in writing as provided in this chapter and filed with the Code Official within fifteen (15) days from the date of service of such notice and order and/or posting of said building; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

3. Service of Notice and Order. The notice and order, and any amendment or supplemental notice and order, shall be served upon all owners of record at the mailing address last listed at the County Assessor's office or as may be of record in the County Recorder's office or elsewhere, either by certified mail or personal service. Additionally, the property shall be placarded as an unsafe or abandoned building. Should all reasonable attempts consistent with due process of law to serve, locate, or ascertain all owners of record fail, placarding the property shall be deemed adequate and legal notice to all such persons. The inability of the Code Official to serve any owner or owners of record shall not invalidate any proceedings hereunder as to any other person duly served or relieve any person not served from any duty or obligation imposed by the provisions of this chapter.

4. Method of Service. Service by certified mail in the manner herein provided shall be effective on the date of mailing and service by placarding the property shall be effective on the date of placement of said placard. Personal service shall be effected in any manner provided for in the Iowa Rules of Civil Procedure and shall be effective on the actual date of such service.

5. Proof of Service. Proof of service of the certified notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Code Official. Proof of personal service shall be made by attaching a return of service form executed in compliance with the Iowa Rules of Civil Procedure affixed to the copy of the notice and order retained by the Code Official.

6. Recordation of Notice and Order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the

Code Official shall file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is an unsafe or abandoned building and (ii) that all owners of record have been notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Code Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

7. Repair, Vacation and Demolition. The following standards shall be followed by the Code Official (and by the Board of Appeals if an appeal is taken) in ordering the repair, vacation, or demolition of any dangerous building or structure:

A. Any building declared an unsafe or abandoned building under this chapter shall be made to comply with one of the following:

(1) The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or

(2) The building shall be demolished; or

(3) If the building does not constitute an immediate danger to the life, limb, property, or safety of the public, it may, at the discretion of the Code Official, be vacated, secured, and maintained against entry.

B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, it shall be ordered to be vacated.

8. Posting. Every notice to vacate shall, in addition to being served as provided in this section, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a municipal infraction to occupy this building,
or to remove or deface this notice.

Code Official
City of Norwalk, Iowa

9. Compliance. Whenever such notice is posted, the Code Official shall include a notification thereof in the notice and order issued. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

10. Emergency Abatement. Notwithstanding other provisions of this chapter, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including but not limited to boarding up of openings, repair or demolition, to render such structure safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems

necessary to meet such emergency. Costs incurred in the performance of emergency work shall be collected as elsewhere provided in this chapter.

168.06 BOARD OF APPEALS. Any person directly affected by a decision of the Code Official or a notice or order issued under this chapter shall have the right to appeal to the Construction Board of Appeals, provided that a written notice of appeal is filed within fifteen (15) days of the date of the notice or order and/or the building posted. An application for appeal shall be based on a claim that the true intent of this chapter or the rules adopted hereunder have been incorrectly interpreted, the provisions of this chapter do not apply, or the requirements of this chapter are adequately satisfied by other means. The Construction Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the Board be empowered to waive requirements of this chapter.

168.07 FORM OF APPEAL. Any person entitled to service under this chapter may appeal from any notice and order or any action of the Code Official under this chapter by filing at the office of the Code Official a written notice of appeal containing:

1. A heading in the words: *Before the Construction Board of Appeals of the City of Norwalk, Iowa.*
2. A caption reading: *Appeal of _____*, giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses along with the name and address of their legal representatives, if any.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the notice of appeal.
8. Names and addresses of all property owners within 200 feet of the property in question obtained from then current land property records at the Warren County Courthouse.

The notice of appeal shall be filed within fifteen (15) days from the date of the order or action of the Code Official; provided, however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with this chapter, such appeal shall be filed within five (5) days from the date of the notice and order of the Code Official.

168.08 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to this chapter, the Code Official shall present it at the next regular or special meeting of the Board of Appeals.

168.09 SCHEDULING HEARING. As soon as practicable after the written appeal, the Board of Appeals shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall not be less than ten (10) days or more than sixty (60) days from the date the appeal was filed with the Code Official. Written notice of the time and place of the hearing shall be given at least five (5) days prior to the date of the hearing to each appellant by the Secretary of the Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, to the appellant at the address or addresses shown on the notice of appeal.

168.10 EFFECT OF FAILURE TO APPEAL. Failure of any person to file a notice of appeal in accordance with the provisions of this chapter shall constitute a waiver of right to an administrative hearing and adjudication of the notice and order or any portion thereof.

168.11 SCOPE OF HEARING ON APPEAL. Only those matters or issues specifically raised by appellant shall be considered in the hearing of the appeal.

168.12 STAYING OF ORDER UNDER APPEAL. Except for vacation orders made pursuant to this chapter, enforcement of any notice and order of the Code Official issued under this chapter shall be stayed during the tendency of an appeal therefrom which is properly and timely filed.

168.13 CONDUCT OF HEARING APPEALS.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Board.
2. Continuances. The Board may grant continuances for good cause shown.
3. Oaths; Certification. In any proceedings under this chapter, the Board or any Board member has the power to administer oaths and affirmations and to certify to official acts.
4. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before (the Board of Appeals or name of hearing examiner) at _____ on the ___ day of _____, 20___, at the hour _____ upon the Notice and Order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

5. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
6. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
7. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules

which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in the State.

8. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded at the discretion of the Board of Appeals.
9. Rights of Parties. Each party shall have these rights, among others:
 - A. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - B. To introduce documentary and physical evidence;
 - C. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - D. To impeach any witness regardless of which party first called the witness to testify;
 - E. To rebut the evidence; and
 - F. To be represented by anyone who is lawfully permitted to do so.
10. What May Be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of the State or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.
11. Parties To Be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
12. Opportunity To Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation; to be determined by the Board or hearing examiner.
13. Inspection of the Premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.
14. Hearing Before Board. When a contested case is heard before the Board, a member thereof who did not hear the evidence or has not read the entire record of proceedings shall not vote on or take part in the decision.
15. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested to the address or addresses set forth on the notice of appeal.
16. Effective Date of Decision. The effective date of the decision shall be stated therein.

168.14 ENFORCEMENT.

1. **General.** After any order of the Code Official or the Board of Appeals made pursuant to this chapter shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a violation of this Code of Ordinances.
2. **Failure To Obey Order.** If, after any order of the Code Official or Board of Appeals made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Code Official may (i) cause such person to be prosecuted under this Code of Ordinances or (ii) institute any appropriate action to abate such building as a public nuisance.
3. **Failure To Commence Work.** Whenever the required repair or demolition is not commenced within thirty (30) days after any final notice and order issued under this chapter becomes effective:
 - A. The Code Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto the notice described in Section 168.05(8) of this chapter.
 - B. No person shall occupy any building that has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repair, demolition, or removal ordered by the Code Official has been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
 - C. The Code Official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building unsafe or abandoned as set forth in the notice and order; or, if the notice and order required repair and/or demolition, to cause the building to be demolished, and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provided in chapter.
4. **Extension of Time to Perform Work.** Upon receipt of an application in writing and an acceptable performance guarantee from the person required to conform to the order and by agreement of such person to comply with the order of allowed additional time, the Code Official may grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation or demolition, if the Code Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Code Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.
5. **Interference With Repair or Demolition Work Prohibited.** No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, or purchaser is engaged in the work of

repairing, vacating, and repairing, or demolishing any such building, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

168.15 PENALTY. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances. Each and every day that a violation occurs or continues shall be deemed a separate offense.

(Ch. 168 – Ord. 11-03 – May 11 Supp.)

[The next page is 1025]

CHAPTER 169

RENTAL HOUSING CODE

169.01 Short Title	169.10 Fees
169.02 Purpose	169.11 Deletions
169.03 Warning	169.12 Amendments, Modifications and Additions
169.04 Interpretation	169.13 Rental Certificate Requirements, Conditions and Fees
169.05 Adoption	169.14 Complaint by Tenant
169.06 Scope	169.15 Collection of Fees, Fines, Penalties and Costs
169.07 Exceptions	169.16 Regular Inspections
169.08 Indemnification	169.17 Appeals
169.09 Building Inspector	169.18 Violations

169.01 SHORT TITLE. This chapter shall be known as the Norwalk Residential Rental Housing Code, and may be cited as such, and will be referred to herein as “rental housing code.”

169.02 PURPOSE. It is the purpose of this chapter to ensure that property owners, their agents and others, to meet their responsibilities with respect to proper operation and maintenance of rental housing facilities and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

169.03 WARNING. No person shall place reliance upon this chapter, any inspections performed or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

169.04 INTERPRETATION.

1. In interpreting and applying the provisions of this chapter, such provisions shall be held to the minimum requirements for the promotion of the public health, safety, and welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
2. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, private covenants or other provision of law except as provided in these regulations. If a conflict between requirements appears within this chapter; the most restrictive requirement shall prevail.
3. Information erroneously presented by any official or employee of the City does not negate or diminish the provisions of this chapter pertaining thereto.
4. Whenever a number of days is specified in this chapter, or in any permit, condition of approval or notice issued or given as set forth in this chapter, such

number of days shall be deemed to be consecutive calendar days, unless otherwise specified.

5. Whenever application of this chapter results in standards being expressed in fractions of whole numbers, such fractions are to be rounded to the next higher whole number.

6. No action of the City, its City Council, Development Services staff, Fire Department staff or the Construction Board of Appeals shall be deemed invalid by reason of failure to comply with or conform to the provisions of this chapter, provided that the procedural requirements of the Code of Iowa have been met.

7. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Fire Chief, and that such questions shall be presented to the Construction Board of Appeals only on appeal from the decision of the Fire Chief and that recourse from the decision of the Construction Board of Appeals shall be as provided by law.

169.05 ADOPTION. Pursuant to published notice and public hearing, as required by law, the *International Property Maintenance Code, 2006 edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended, and shall constitute the “rental housing code” of the City of Norwalk, Iowa. An official copy of the *International Property Maintenance Code, 2006 edition*, as adopted, and a certified copy of this chapter can be viewed in the Development Services Department and the Fire Department.

169.06 SCOPE. The provisions of this chapter shall apply to the maintenance, repair, equipment, use and occupancy of all residential rental buildings and accessory structures now in existence or hereafter constructed, habilitated, renovated or converted to residential use within the corporate limits, including but not limited to single and two family dwellings, multiple family dwellings and rooming/sleeping units.

169.07 EXCEPTIONS.

1. Single family dwellings occupied by the owner, or members of that owner’s immediate family. Such members are defined as parents, grandparents, children and grandchildren.

2. A duplex, at least one of the units of which is occupied by the owner, and the other unit is occupied by a member of that owner’s immediate family. Such members are defined as parents, grandparents, children and grandchildren.

3. Transient shelters and group homes subject to state licensing.

4. Hotels, motels, extended stay hotels, and other similar uses subject to state licensing.

169.08 INDEMNIFICATION. The applicant for any rental certificate under this chapter, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such rental certificate or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this chapter or any other ordinance of the City; and such applicant, by making such application, forever indemnifies the City, its officers and employees and agrees

to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any certificate issued under this chapter whether expressly recited therein or not.

169.09 BUILDING INSPECTOR. It shall be the duty of the Fire Chief, appointed under provisions of the City Manager, to administer and enforce the provisions of this chapter and to make any required inspections or tests. For the purposes of this code he/she may also be referred to as the code official. A person or persons may be appointed as assistants or agents of the Fire Chief as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the code official and/or inspector shall have the right to enter at any time any building, site, or manhole upon notifying the company or individual owning or having charge or control of the same.

169.10 FEES. The fees for activities and services performed by the Fire Department in carrying out its responsibilities under this code shall be as indicated in a fee schedule adopted from time to time by the City Council.

169.11 DELETIONS. The following sections are deleted from the Property Maintenance Code and are of no force or effect in this chapter.

Section 101 General in its entirety

Section 103 Department of Property Maintenance

Section 106 Violations

Section 111 Means of Appeal

Section 303 Swimming Pools, Spas, and Hot Tubs

169.12 AMENDMENTS, MODIFICATIONS AND ADDITIONS. The paragraphs in this section represent amendments to the requirements contained in the Property Maintenance Code.

1. Section 102.3. Application of other codes. Delete in its entirety and insert the following.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions as adopted by the City of Norwalk.

2. Section 202 General Definitions add the following:

“Agent” means an individual of legal majority who has been designated by the owner as the agent of the owner or manager of the property under the provisions of this chapter.

“Apartment house or multi-family residence” means any building or portion thereof which is designed, rented, leased, or hired out to be occupied, or which is occupied as a dwelling or residence of two (2) or more families living independently of each other and doing their own cooking in said building.

“Dwelling unit” means a single unit providing complete independent living facilities for a family, including permanent provisions for living, sleeping,

eating, cooking and sanitation. For the purposes of this definition, a bed, day bed, couch, futon or other similar multipurpose sleeping furniture shall constitute the provisions for sleeping. Similarly, a hotplate, microwave, toaster oven or similar cooking appliance shall constitute the provisions for cooking.

“Family” means an individual or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than five (5) persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

“Hotel” means one or more buildings containing six (6) or more guest rooms, with such rooms being designed, intended to be used, or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, general cleaning, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Access to all rooms shall be provided through one (1) or more common entrance(s). All hotels shall be licensed and inspected by the State of Iowa in accordance with Chapter 137C of the Iowa Code.

“Hotel, Extended Stay” means one or more buildings containing six (6) or more guest rooms with the provisions necessary for living, sleeping, eating, cooking and sanitation, with such guest rooms being designed, intended to be used, or are used as a temporary residence not exceeding six (6) months, which weekly services of linen change, central telephone switchboard, towel change, general cleaning, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Access to all rooms shall be provided through one (1) or more common entrance(s). All extended stay hotels shall be licensed and inspected by the State of Iowa in accordance with Chapter 137C of the Iowa Code.

“Kitchen” means any room or portion of rooms which are occupied or are intended and designed to be used for cooking and preparation of food, including any room having a sink and provisions for either a gas or electric stove.

In addition to the above definitions, the following criteria shall be utilized to determine if the intent of a single family dwelling unit has been met:

1. There shall not be more than one kitchen for each single family zoned property address with the following exception: additional sinks, wet-bars, or kitchen areas will not be considered an additional kitchen provided walls, floors, and locking doors, as specified below, do not separate the dwelling into multiple tenant use.
2. There shall not be more than one electric meter, gas meter, or water meter for each single family zoned property address.
3. There shall not be any walls or floor/ceiling assemblies in any single family zoned property address, which separates the one-family dwelling into more than one unit. Determining factors shall include locked or locking interior doors and separate entrances, which make portions of the unit inaccessible to all “family” members.

“Motel” means one or more buildings containing six (6) or more guest rooms, with such rooms being designed, intended to be used, or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, general cleaning, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Individual access to each room shall be provided from outside of the building. Each room may be equipped with cooking facilities. All motels shall be licensed and inspected by the State of Iowa in accordance with Chapter 137C of the Iowa Code.

“Rental certificate” means a certificate that is issued by the Fire Department after written application if the dwelling unit, at the date of such application, is entitled thereto. Such a certificate shall thereafter be known as a rental certificate.

“Rental unit” means any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis, or when, in return for housing, a tenant agrees to occupy and maintain the premises and pay utilities. A dwelling unit that is being rented for a period of ninety (90) days or less in a single calendar year or a portion of such dwelling unit shall be exempt from this chapter.

“Tenant” means: (i) a person occupying a dwelling unit who pays (or has payments made on his or her behalf) a stated payment at fixed intervals for the use of the dwelling unit; or (ii) a person occupying a dwelling unit owned by another individual, who, in return for housing, agrees to occupy and maintain the premises and pay utilities.

3. Section 302.4 Weeds. Delete in its entirety and insert the following.

Weeds. All premises and exterior property shall be maintained free from grasses and weeds in accordance with Chapter 50 and 52 of this Code of Ordinances.

4. Section 304.14. Insect Screens. Insert the following dates.

April 1st to November 1st.

5. Section 602.3. Heat Supply. Insert the following dates.

September 1st to May 30th.

6. Section 602.4. Occupiable Work Spaces. Insert the following dates.

September 1st to May 30th.

169.13 RENTAL CERTIFICATE REQUIREMENTS, CONDITIONS AND FEES.

1. Required Registration. After the effective date of this chapter, no person shall rent, lease, let, operate or otherwise allow the occupancy of any dwelling unit or any portion of any dwelling unit (including sleeping rooms) unless they hold a valid rental inspection certificate issued by the Fire Department.
2. Issuance. Following submission of a proper registration application, on forms provided by the Fire Department, and review of the residential rental unit for compliance with the provisions of this chapter, the Fire Department shall issuance a Rental Certificate to the owner.

3. **Rental Certificate Displayed.** The owner of a multiple family dwelling shall display a copy of the Rental Certificate in a common hallway of each building or in the on-site management office. The owner of single family or duplex dwelling must be able to show a copy of the rental certificate upon request.
4. **Expiration.** Prior to the expiration date of the Rental Certificate, the Fire Department shall mail a renewal notice to the owner advising of the requirements for renewal of the Rental Certificate. Failure of the owner to complete the requirements for renewal will result in a late payment penalty being applied to the balance owed. If the renewal is not completed within thirty (30) days following expiration of the Rental Certificate, a notice of violation will be issued to the property owner.
5. **Revocation.** Any Rental Certificate may be summarily revoked by the Construction Board of Appeals upon the review of a notice of violation of any provision of this chapter. If, at the discretion of the Fire Chief, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Fire Chief may immediately issue an order suspending the Rental Certificate. Upon issuance of the order, the occupant of the unit shall immediately vacate the premise until the Rental Certificate is reinstated.
6. **Transfer.** Rental certificates shall not be transferable to succeeding owners. Rental certificates shall automatically terminate and become null and void, without further action of the City, upon transfer of property ownership or upon execution of an agreement to purchase property on contract. Every seller of a residential rental property shall give notice to the Fire Department within two (2) days after closing or execution of a contract for sale. This notice shall include the name and address of the buyer. Every buyer of a residential rental property, including contract buyer, shall give notice to the Fire Department within two (2) days after closing. This notice shall include the name and address of the buyer and his/her agent.
7. **Outstanding Issues.** If an owner has outstanding fees, fines or violations on any property within the City of Norwalk, the issuance of a Rental Certificate may be withheld by the Fire Department.
8. **Termination.** Rental certificates shall automatically terminate and become null and void upon issuance of a nuisance abatement by the City that is related, in any way, to the property which the rental certificate applies.

169.14 COMPLAINT BY TENANT. Unless there are significant health, safety or general welfare issues, a tenant must first complain to the owner or agent. Compliant forms for that purpose will be available from the Fire Department.

1. An owner or agent shall have seven (7) days to address the complaint. If the complaint is not remedied to the tenant's satisfaction within seven (7) days the Fire Department will schedule an inspection with the tenant and owner. If violations are found, an inspection fee shall be charged to the owner.
2. No person shall pursue an action for eviction because the occupant has reported a violation of this chapter to the Fire Department.
3. No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off or discontinued in retaliation for a complaint.

169.15 COLLECTION OF FEES, FINES, PENALTIES AND COSTS.

1. All fees, fines, penalties and costs imposed upon an owner in the enforcement of this chapter shall be due when notice of the amount of such fees, fines, penalties and costs is mailed to the owner.
2. If notice containing the information required by Iowa Code 364.17 is given and the total amount of such fees, fines, penalties and costs is not paid within thirty (30) days of when due, or within ten (10) days of the final action of the Construction Board of Appeals, then:
 - A. The owner shall be charged a late payment penalty in the amount set forth in the fee schedule adopted by the City Council from time to time;
 - B. Interest shall thereafter accrue on the unpaid balance at the rate of one and a half (1.5) percent per month; and
 - C. The City may certify the unpaid balance, interest and late payment penalty to the county auditor as a lien upon the rental property for collection in the same manner as a property tax.

169.16 REGULAR INSPECTIONS. Regular inspections of one-and two-family rental dwelling units shall be required every twenty-four months. Regular inspections of multi-family rental dwelling units shall be required every twelve months.

169.17 APPEALS. Any person affected by a decision of the Fire Chief may request and shall be granted a hearing on the decision before the Construction Board of Appeals as set forth in Chapter 163, Construction Board of Appeals. Such appeal shall be taken within ten (10) days by filing application request on the forms provided by the Fire Department. Additionally, the application must be accompanied with the appropriate fee as determined in fee schedule adopted from time to time by the City Council. An appeal stays all proceedings in furtherance of the action appealed from, unless the Fire Chief certified to the Construction Board of Appeals after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would in the opinion of Fire Chief cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Construction Board of Appeals or by a court of record on application, on due cause shown.

169.18 VIOLATIONS. Violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a municipal infraction as set forth in Chapter 4 of this Code of Ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the City seeks court intervention for a violation of any provision of this chapter, the City may seek reimbursement for reasonable attorney fees and additional costs. Nothing herein contained shall prevent the City from taking such other lawful actions as necessary to prevent or remedy violations.

(Ch. 169 - Ord. 13-13 – Jan. 14 Supp.)

[The next page is 1049]

CHAPTER 175
ZONING REGULATIONS

EDITOR'S NOTE

The Zoning Ordinance of the City of Norwalk, Iowa, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

o o o o o o o o o o

CHAPTER 176
SUBDIVISION REGULATIONS

EDITOR'S NOTE

The Subdivision Ordinance of the City of Norwalk, Iowa, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

o o o o o o o o o

CHAPTER 177

RATES AND FEES

177.01 RATES AND FEES. The following rates and fees are charged in the City:

1. **Chapter 4 - Municipal Infraction Fees.**
 First Offense – Not to exceed \$750.00
 Each Repeat Offense – Not to exceed \$1,000.00
2. **Chapter 24 - Parks and Recreation Fees.**

Category	Activity	Base Price	Tax	Total
Aquatic	Daily Pass	\$3.77	\$0.23	\$4.00
Aquatic	Daily Pass - evenings	\$1.89	\$0.11	\$2.00
Aquatic	Dog Days	\$3.77	\$0.23	\$4.00
Aquatic	Family Pass - 1 month - res	\$35.00	\$2.10	\$37.10
Aquatic	Family Pass - 1 month - non res	\$40.25	\$2.42	\$42.67
Aquatic	Family Pass - 2 months- res	\$71.00	\$4.26	\$75.26
Aquatic	Family Pass - 2 months - non res	\$81.65	\$4.90	\$86.55
Aquatic	Family Pass - 3 months - res	\$106.00	\$6.36	\$112.36
Aquatic	Family Pass - 3 months - non res	\$122.00	\$7.32	\$129.32
Aquatic	Family Swim	\$3.77	\$0.23	\$4.00
Aquatic	Individual Pass - 1 month - res	\$17.75	\$1.07	\$18.75
Aquatic	Individual Pass - 1 month - non res	\$20.41	\$1.22	\$21.63
Aquatic	Individual Pass - 2 month - res	\$35.50	\$2.13	\$37.63
Aquatic	Individual Pass - 2 month - non res	\$40.83	\$2.45	\$43.28
Aquatic	Individual Pass - 3 month - res	\$53.00	\$3.18	\$56.18
Aquatic	Individual Pass- 3 month- non res	\$61.00	\$3.66	\$64.66
Aquatic	Lap Swim	\$0.94	\$0.06	\$1.00
Aquatic	Swim Lessons - K and up- res			\$30.00
Aquatic	Swim Lessons - K and up- non res			\$34.50
Aquatic	Lifeguard lessons - res			\$140.00
Aquatic	Lifeguard lessons - non res			\$161.00
Aquatic	Parent/Child swim lesson - res			\$20.00
Aquatic	Parent/Child swim lesson - non res			\$23.00
Aquatic	Preschool swim lessons - res			\$25.00
Aquatic	Preschool swim lessons- non res			\$29.00
Aquatic	Pool Party; 1-25	\$100.00	\$6.00	\$106.00
Aquatic	Pool Party; 26-50	\$110.00	\$6.60	\$116.60
Aquatic	Pool Party; 51-75	\$120.00	\$7.20	\$127.20
Aquatic	Pool Party; 76-100	\$130.00	\$7.80	\$137.80
Aquatic	Pool Party; 101-125	\$140.00	\$8.40	\$148.40
Aquatic	Pool Party; 126-150	\$150.00	\$9.00	\$159.00
Aquatic	Pool Party; 151-175	\$160.00	\$9.60	\$169.60
Aquatic	Pool Party; 176-200	\$170.00	\$10.20	\$180.20

Category	Activity	Base Price	Tax	Total
Aquatic	Pool Party; 201-225	\$180.00	\$10.80	\$190.80
Aquatic	Pool Party; 226-250	\$190.00	\$11.40	\$201.40
Aquatic	Splash Bash	\$3.77	\$0.23	\$4.00
Aquatic	Water Aerobics - res			\$56.00
Aquatic	Water Aerobics - non res			\$64.40
Aquatic	Wet & Wild	\$2.36	\$0.14	\$2.50
Art	Art in the Park - res			\$11.50
Art	Art in the Park- non res			\$13.25
Babysitting	Babysitting Class - res			\$20.00
Babysitting	Babysitting Class - non res			\$23.00
BB/SB	BamBam - res (Pre-K)			\$34.50
BB/SB	BamBam - non res (Pre-K)			\$39.75
BB/SB	Coach Pitch- res (1-2nd grade)			\$41.00
BB/SB	Coach Pitch- non res (1-2nd grade)			\$47.25
BB/SB	Minors - res (3-5th grade)			\$52.00
BB/SB	Minors - non res (3-5th grade)			\$60.00
BB/SB	PeeWee - res (K)			\$41.00
BB/SB	PeeWee - non res (K)			\$47.25
Basketball	Youth (5/6th grade)- res			\$34.50
Basketball	Youth (5/6th grade)- non res			\$39.75
Basketball	Adult Open - res	\$30.00	\$1.80	\$31.80
Basketball	Adult Open - non res	\$34.50	\$2.70	\$37.20
Basketball	Dream Team (1/2 grade) res			\$28.75
Basketball	Dream Team (1/2 grade) non res			\$33.25
Basketball	Family Open Gym- Adult	\$1.18	\$0.07	\$1.25
Basketball	Family Open Gym- Child	\$0.71	\$0.04	\$0.75
Basketball	Little Dribblers (K/PK) res			\$28.75
Basketball	Little Dribblers (K/PK) non res			\$33.25
Basketball	Little Hoopers (3/4 grade) - res			\$28.75
Basketball	Little Hoopers (3/4 grade) - non res			\$33.25
Complex	Park Practice Fee (per person)	\$5.00	\$0.30	\$5.30
Complex	Facility Practice Fee (per person)	\$20.00	\$1.20	\$21.20
Complex	Facility Practice Fee (per person)	\$10.00	\$0.60	\$10.60
Complex	Practice Fee (field)	\$10.00	\$0.60	\$10.60
Complex	Rental Fee (field)	\$75.00	\$4.50	\$79.50
Craft Club	Craft Club - res			\$11.50
Craft Club	Craft Club- non res			\$13.25
Dancing	Ballroom - res			\$109.25
Dancing	Ballroom - non res			\$125.64
Disc Golf	Disc Golf - res	\$11.50	\$0.69	\$12.19
Disc Golf	Disc Golf - non res	\$13.23	\$0.79	\$14.02
Disc Golf	Glow Event	\$15.00	\$0.90	\$15.90
Dogs	Dog Obedience School - res			\$80.50
Dogs	Dog Obedience School - non res			\$92.60
Early Out	Bowling - res	\$11.50	\$0.69	\$12.19
Early Out	Bowling - non res	\$13.23	\$0.79	\$14.02
Early Out	Ice Skating- res	\$11.50	\$0.69	\$12.19

Category	Activity	Base Price	Tax	Total
Early Out	Ice Skating - non res	\$13.23	\$0.79	\$14.02
Early Out	Movie Day - res	\$11.50	\$0.69	\$12.19
Early Out	Movie Day - non res	\$13.23	\$0.79	\$14.02
Early Out	Incredible Pizza- res	\$20.00	\$1.20	\$21.20
Early Out	Incredible Pizza - non res	\$23.00	\$1.38	\$24.38
Early Out	Science Center - res	\$12.65	\$0.80	\$13.45
Early Out	Science Center- non res	\$14.55	\$0.87	\$15.42
Egg Hunt	Family Flashlight Easter Egg Hunt	\$11.50	\$0.69	\$12.19
Egg Hunt	Family Flashlight Egg Hunt – non res	\$13.23	\$0.79	\$14.02
Fitness	Step, EB, Circuit- res 1/week			\$24.50
Fitness	Step, EB, Circuit- non res 1/week			\$28.20
Fitness	Step, EB- res 2/week			\$49.00
Fitness	Step, EB - non res 2/week			\$56.40
Fitness	Yoga- res			\$40.25
Fitness	Yoga- non res			\$46.30
Fitness	Bootcamp - res			\$66.50
Fitness	Bootcamp - non res			\$76.50
Fitness	Kettle Bells - res			\$36.00
Fitness	Kettle Bells - non res			\$41.40
Fitness	Zumba - res 1/week			\$73.50
Fitness	Zumba - non res 1/week			\$84.55
Fitness	Zumba - res 2/week			\$128.80
Fitness	Zumba - non res 2/week			\$148.15
Football	Youth Flag - res			\$34.50
Football	Youth Flag - non res			\$39.75
Football	Flag PeeWee- res			\$28.75
Football	Flag PeeWee- non res			\$33.25
Football	Men's Flag Team	\$81.37	\$4.88	\$86.25
Guitar	Group Lessons- res			\$60.00
Guitar	Group Lessons- non res			\$69.00
Jr. Fire Acad.	Junior Fire Academy- res			\$23.00
Jr. Fire Acad.	Junior Fire Academy- non res			\$26.50
Jr. Police	Junior Police Academy- res			\$23.00
Jr. Police	Junior Police Academy- non res			\$26.50
Park Shelter	Park Shelter Rental; 1-4 hours			\$15.00
Park Shelter	Park Shelter Rental; 5-8 hours			\$25.00
Park Shelter	Park Shelter w/kitchen (\$25 refundable deposit)			\$10.00
Late Fee	Program Late Fee			\$15.00
Soccer	Youth Soccer (1 st -7 th grade)- res			\$46.00
Soccer	Youth Soccer (1 st – 7 th grade) – non res			\$53.00
Soccer	Just For Kicks (PK) - res			\$28.75
Soccer	Just For Kicks (PK) - non res			\$33.25
Soccer	Kindergarten - res			\$34.50
Soccer	Kindergarten - non res			\$39.75
Softball	Adult Coed Slow Pitch	\$275.00	\$16.50	\$291.50
TKD	1st Family Member- res			\$57.50

Category	Activity	Base Price	Tax	Total
TKD	1st Family Member- non res			\$66.25
TKD	2nd Family Member- res			\$28.75
TKD	2nd Family Member- non res			\$33.25
TKD	Little Dragons - res			\$46.00
TKD	Little Dragons - non res			\$53.00
TKD	Maximum Family fee - res			\$115.00
TKD	Maximum Family fee- non res			\$132.25
Tennis	Beginner Tennis- res			\$34.50
Tennis	Beginner Tennis- non res			\$39.75
Tennis	Munchkin Tennis- res			\$29.00
Tennis	Munchkin Tennis- non res			\$33.50
Tennis	Middle School Tennis League- res	\$27.00	\$1.62	\$28.62
Tennis	Middle School Tennis League – non res	\$31.00	\$1.86	\$32.86
Tickets	Adventureland			\$27.00
Tickets	Blank Park -Adult			\$9.00
Tickets	Blank Park- Child			\$4.50
Tickets	Lost Island			\$23.00
Tickets	Ocean of Fun			\$25.00
Tickets	Ride & Slide			\$46.00
Tickets	Worlds of Fun			\$31.00
Volleyball	Adult Coed	\$81.37	\$4.88	\$86.25
Volleyball	Adult Men's	\$32.55	\$1.95	\$34.50
Volleyball	Adult Women's	\$32.55	\$1.95	\$34.50
Volleyball	Youth (4th-6th) - res			\$26.50
Volleyball	Youth (4th-6th)- non res			\$30.50
Wrestling	Beginner Wrestling - res			\$51.75
Wrestling	Beginner Wrestling - non res			\$59.50

3. **Chapter 35 - EMS and Fire Service Fees.**

EMS Fees.

Basic Life Support (non emergency).....	\$550.00 per occurrence
Basic Life Support (emergency).....	\$550.00 per occurrence
Advanced Life Support (non emergency)	\$600.00 per occurrence
Advanced Life Support (emergency with two paramedics).....	\$750.00 per occurrence
Paramedic Tier Charge.....	\$150.00
Oxygen	\$ 30.00 per occurrence
Mileage.....	\$ 11.00 per loaded mile
Treat and Release	\$150.00 per occurrence

(Ord. 13-08 – Jan. 14 Supp.)

Fire Service Fees.

Definitions. The following terms are defined for fire service fee use:

“Apartment or condominium structure” means any residential dwelling with three or more units per building.

“Extrication” means the use of tools or techniques to remove people or animals from a vehicle, machinery or dangerous environment.

“Malicious false alarm” means willful activation or announcement of a known false fire or rescue alarm.

“Prescribed burning” means proactive or deliberate burning performed by the Norwalk Fire Department.

“Unlawful or uncontrolled grass fire” means a deliberately set fire, despite fuel type, that is burning outdoors either in violation of a burn ban or burning out of control, as determined by the Fire Department officer in charge.

Schedule of Charges.

Fire or EMS Report (per copy)	\$ 25.00
Malicious False Alarm	\$ 200.00
Unlawful or Uncontrolled Grass Fire:	
First call	\$ 200.00
Second or more calls in 365 days	\$ 300.00
Extrication (per individual extracted)	\$ 200.00
Vehicle Fire:	
Less than 10,000 pounds gross weight	\$ 250.00
10,000 pounds or more gross weight.....	\$ 500.00
Hazardous Materials Mitigation:	
Attack Truck	\$150.00/hour including up to 2 personnel
Engine	\$250.00/hour including up to 4 personnel
Heavy Rescue	\$250.00/hour including up to 4 personnel
Ambulance	\$150.00/hour including up to 2 personnel
Ladder Truck	\$325.00/hour including up to 4 personnel
Water Tender	\$150.00/hour including 1 personnel
Extra Personnel	\$15.00/hour
Expendable Supplies	Cost plus 10% restocking fee
Damaged Equipment	Cost of repair or replacement

Prescribed Burning. Cost will be determined by the area of land needing to be burned and the estimate of resources needed to control the burn area by the Fire Chief. The minimum cost of burning will include all man hours (paid at an hourly rate), apparatus (billed at the same rate as Hazardous Materials Mitigation) and any incidental expenditures.

All costs listed above shall have a surcharge of 25% added if services are delivered to a township address outside of the City limits and the township does not have a current capital improvement plan with the City.

4. **Chapter 55 - Animal Impounding Costs.**

First impoundment	\$ 75.00.
Second and subsequent impoundments	\$150.00.
	<i>(Ord. 13-05 – Mar. 13 Supp.)</i>

5. **Chapter 56 - Dangerous Animals.**

Permit fee	\$50.00 per year
	<i>(Ord. 13-05 – Mar. 13 Supp.)</i>

6. **Chapter 57 - Dog License Fees.**

Male or female dog (not spayed or neutered)	\$20.00
Neutered male or spayed female dog	\$10.00
Delinquent penalty	\$10.00 per animal
Unlicensed dog – first offense	\$45.00
Unlicensed dog – subsequent offenses	\$75.00

(Ord. 13-05 – Mar. 13 Supp.)

7. **Chapter 91 – Secondary Water Meter.**

Application Fee	\$100.00 + cost of meter
Minimum water usage charge	\$ 5.00 per month

8. **Chapter 92 – Water Rates.**

Usage Charge \$4.22 for each 1,000 gallons used per month. Effective April 1, 2013, the usage charge shall increase to \$4.65 for each 1,000 gallons used per month. Effective April 1, 2014, the usage charge shall increase to \$5.11 for each 1,000 gallons used per month.

User Fee \$3.00 per month per unit (applicable to all customers)

Commercial Irrigation

550,000 to 1,000,000 gallons used per month	\$1,750.00
All over 1,000,000 gallons used per month	\$1.75 per 1000 gallons

Service discontinued restoration fee \$50.00

Customer Deposit \$50.00

Temporary vacancy

Shutoff fee \$25.00

Restoration fee \$25.00

9. **Chapter 93 – Water Capital Charges.**

Single Family Residential Unit \$200.00

Water Capital Charge Table

Year	Residential Permit Fee	Residential Non-Single	Nonresidential Per Fixture Unit	Nonresidential Minimum Charge
2010	\$450	\$280	\$7.00	\$450
2011	\$460	\$290	\$7.20	\$460
2012	\$470	\$300	\$7.40	\$470
2013	\$480	\$310	\$7.60	\$480
2014	\$490	\$320	\$7.80	\$490
2015	\$500	\$330	\$8.00	\$500
2016	\$510	\$340	\$8.20	\$510
2017	\$520	\$350	\$8.40	\$520
2018	\$530	\$360	\$8.60	\$530
2019	\$540	\$370	\$8.80	\$540

14. **Chapter 104 – Benefited Sewer Districts.**

Middle Creek Benefited District

Effective Date	Connection Fee (\$/Acre)
July 1, 2009	\$160
July 1, 2010	\$170
July 1, 2011	\$180
July 1, 2012	\$190
July 1, 2013	\$200
July 1, 2014	\$210
July 1, 2015	\$220
July 1, 2016	\$230
July 1, 2017	\$240
July 1, 2018	\$250
July 1, 2019	\$260
July 1, 2020	\$270
After July 1, 2021, and thereafter	Prior year’s connection fee plus \$10

Northwest Service Area Benefited District

Effective Date	Connection Fee (\$/Acre)
July 1, 2009	\$2,715
July 1, 2010	\$2,835
July 1, 2011	\$2,955
July 1, 2012	\$3,075
July 1, 2013	\$3,195
July 1, 2014	\$3,315
July 1, 2015	\$3,435
July 1, 2016	\$3,555
July 1, 2017	\$3,675
July 1, 2018	\$3,795
July 1, 2019	\$3,915
July 1, 2020	\$4,035
After July 1, 2021, and thereafter	Prior year’s connection fee plus \$120

15. **Chapter 106 – Solid Waste Collection.**

Standard Fees.

Container Size	Monthly Fee
30-gallon toter-cart	\$10.00
64-gallon toter-cart	\$11.00
96-gallon toter-cart	\$12.00

Any additional garbage bags set out for collection must have a garbage bag tag attached. The fee for the garbage bag tags is \$1.00 per tag.

Additional Toter-Carts. A customer may obtain an additional toter-cart and pay an additional fee in accordance with the following:

Container Size	Monthly Fee
30- or 64-gallon toter-cart	\$5.10
96-gallon toter-cart	\$5.60

The fee for the additional toter-cart shall not be waived unless the cart is returned to the City.

16. **Chapter 121 – Cigarette and Tobacco Permits.**

FOR PERMITS GRANTED DURING	FEE
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

17. **Chapter 122 – Peddlers, Solicitors and Transient Merchants.**

License application fee	\$25.00
Refundable bond	\$20.00

License fees

Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.

Peddlers or Transient Merchants.

For one day	\$ 5.00
For one week	\$10.00
For up to six (6) months	\$20.00

18. **Chapter 123 – House Movers.**

Permit fee	\$100.00
------------	----------

19. **Chapter 125- Special Events.**

The special event promoter shall pay a fee of \$50.00 upon issuance of the permit and shall be nonrefundable. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City. The permit fee may be waived by the City Council if the special event is sponsored by the City of Norwalk.

20. **Chapter 135 – Street Use and Maintenance.**

Excavation permit fee	\$25.00
-----------------------	---------

21. **Chapter 141 – Closing Public Thoroughfares.**

Street closure permit fee	\$50.00
---------------------------	---------

22. **Chapter 145 – Site Grading Regulations.**

Site grading permit fee	\$25.00 per acre
Not to exceed a maximum fee of \$125.00	

23. **Chapter 155 – Building Code.**

Building permits shall be charged a fee based on a Permit Fee Multiplier formula. The building permit fee to be charged equals Gross Floor Area times Square Foot Construction Cost times Permit Fee Multiplier. The permit fee multiplier for the City shall be .0052.

The square foot construction cost shall be in accordance with the International Code Council’s February 2012 Square Foot Construction Costs table.

(Ord. 13-09 – Jan. 14 Supp.)

24. **Chapter 156 – Plumbing Code.**

Applications for building permits shall be charged on a flat-fee system for all building permit applications. The City reserves the right to charge additional fees when deemed necessary by the Development Services Director or Building Official. The flat-fee schedule is as follows:

New housing residential plumbing permit applicants shall be charged a flat-fee of eighty dollars (\$80.00). Residential remodel plumbing permit applications shall be charged a flat fee of thirty-five dollars (\$35.00).

All commercial plumbing permit applicants shall be charged a flat-fee of sixty dollars (\$60.00). The applicant shall then be charged in addition, per fixture as shown in the Plumbing Permit Fixture Fee Schedule.

Plumbing Permit Fixture Fee Schedule

Description of Work	Fee
Each fixture or fixture opening	\$2.00
Each water softener	\$3.00
For reconstruction of part or all of any house drain, stack, or vent where no fixtures or fixture openings are installed	\$3.00
Each water service	\$4.00
Each sewer service	\$5.00
Down spouts which are connected to the storm sewer line	\$2.00
Installation of septic tank or approved disposal field	\$10.00
Solar heater	\$5.00
Fixture not listed nor stated in this schedule	\$2.00
Each domestic hot water heater	\$2.00
Re-inspection of work	\$5.00
Each extra trip required for re-inspection	\$5.00

25. **Chapter 157 – Mechanical Code.**

Applications for building permits shall be charged based on a flat-fee system for all residential applications. The City reserves the right to charge additional fees when deemed necessary by the Development Services Director or Building Official. The flat-fee schedule is as follows:

Residential mechanical permit applicants shall be charged a flat-fee of eighty dollars (\$80.00). Residential remodel mechanical permit applications shall be charged a flat fee of thirty-five dollars (\$35.00).

All commercial mechanical permit applications shall be charged a flat-fee of sixty dollars (\$60.00). The applicant shall then be charged in addition, per fixture as shown in the Mechanical Permit Fixture Fee Schedule.

Mechanical Permit Fixture Fee Schedule

Description of Work	Fee
For each furnace, unit heater or hot water boiler to 100,000 BTU	\$6.00
For each furnace, unit heater or hot water boiler over 100,000 BTU (fee per additional 100,000)	\$3.00
For each warm air register opening	\$1.00
Vent or replacement	\$4.00
Air conditioning	\$6.00
Heaters	\$5.00
Fireplace or wood stove	\$10.00
Gas piping - 1 to 4 outlets	\$2.00 ea.
5 or more outlets	\$1.00 ea.
Solar heat	\$5.00

26. **Chapter 158 – Electrical Code.**

Applications for building permits shall be charged based on a flat-fee system for all residential applications. The City reserves the right to charge additional fees when deemed necessary by the Development Services Director. The flat-fee schedule is as follows:

Residential electrical permit applicants shall be charged a flat-fee of eighty dollars (\$80.00). Residential remodel electrical permit applications shall be charged a flat fee of thirty-five dollars (\$35.00).

All commercial electrical permit applications shall be charged a flat-fee of sixty dollars (\$60.00). The applicant shall then be charged in addition, per fixture as shown in the Electrical Permit Fixture Fee Schedule.

Electrical Permit Fixture Fee Schedule

Description of Work	Fee
New wiring or additions to existing wiring, each outlet or switch	\$.25
Meter setting or to replace or change type of setting	\$3.00
Additions to existing wiring or new work	
One circuit, two wires	\$2.00
2 circuits to 100 circuits, two wires, each circuit	\$1.00
Over 100 circuits, each circuit	\$.75
For all temporary work necessary for construction, remodeling, exhibitions, shows, fairs, conventions and similar work	\$2.50
For all fixtures, chandeliers and drop cords, each	\$.15
Where meter setting is required, for all motors of less than one electrical horsepower	\$2.00

Description of Work	Fee
For generators, the same per electrical horsepower as for motor, automobile charging sets, heating apparatus and other permits, not specified, the same per electrical horsepower as motors	\$2.00
Ceiling fans	\$2.00
Ranges, including split ranges, and dryers, 3-wire, 220 volt	\$3.00
For electric signs and display borders not inside buildings	\$3.00
Wiring, setting and connecting motors	
¼ to 5 hp	\$2.00
6 to 10 hp	\$3.00
11 to 15 hp	\$4.00
16 to 20 hp	\$5.00
21 to 30 hp	\$6.00
31 to 40 hp	\$7.00
41 to 50 hp	\$8.00
Excess of 50 hp plus per additional hp	\$8.00
Wind charging units, each	\$5.00
TV, satellite dish, each	\$5.00
Radio, TV or other towers, each	\$5.00

27. **Chapter 160 – Residential Code.**

Residential Permit Fee Schedule

28. **Chapter 161 – Fuel Gas Code.**

Fuel Gas Permit Fee Schedule

29. **Chapter 164 – Community Development Application Fees.**

Subdivision Application Fees

Preliminary and final plats \$75.00 plus \$2.00/lot

Site Plan Application Fees

New plans or comprehensive improvement \$150.00

Simple plan modifications or improvements \$ 75.00

Rezoning/Land Use Application Fees

Rezoning \$200.00 plus \$5.00/acre

PUD amendments \$200.00

Board of Adjustment Application Fees

Variance or appeal \$ 75.00

Special use permit \$100.00

Permit Application Fees

Street and Storm Sewer Inspection Fees \$75.00/lot

Water Main and Service Stub Inspection Fees \$75.00/lot

Sewer Main and Service Stub Inspection Fees \$75.00/lot

Re-Inspection Fee \$25.00/re-inspection

Certificates of occupancy \$25.00

Driveway curb cut permit \$25.00

Sidewalk permit \$25.00

Deck permit	\$25.00
Demolition permit	\$100.00
Driveway approach permit	\$25.00
Fence permit	\$25.00
Permanent pool permit	\$40.00
Seasonal pool permit (temporary)	\$25.00
Accessory structure permit (150 sq ft or less)	\$25.00
Excavation permit	\$25.00
Construction trailer	\$50.00
Cell tower addition	\$25.00
Administrative fee's	\$25.00

(Ord. 13-06 – Jan. 14 Supp.)

30. **Chapter 165 – Construction Site Erosion and Sediment Control**

City COSESCO permit application fee	\$50.00
Each additional inspection	\$25.00

31. **Chapter 167 – Foundation Drain Removal Districts.**

Non-compliance Fee for Foundation Drain Connection.

Year 1	\$ 50.00/month
Year 2 until complaint	\$100.00/month

32. **Chapter 169 – Rental Housing Code.**

Rental Conversion. New rental property that has not previously been registered as a rental property in the City is subject to this fee.

Rental Registration. \$25.00 for the first unit and \$10.00 for each additional unit thereafter, with a maximum of \$300.00 per building.

Rental Housing Compliance Inspection Rates.

Number of Units	Fee	Number of Units	Fee
1	\$75.00	6	\$150.00
2	\$90.00	7	\$165.00
3	\$105.00	8	\$180.00
4	\$120.00	9	\$195.00
5	\$135.00	10	\$210.00

Each additional unit in same building: \$15.00

A charge of \$25.00 will be assessed to the property owner for not showing up for the inspection.

Re-inspections within 30 days of the previous inspection:

First re-inspection	\$25.00 per trip + \$5.00 per unit
Second re-inspection	\$50.00 per trip + \$5.00 per unit
Third re-inspection	\$100.00 per trip + \$5.00 per unit
Fourth re-inspection	Constitutes a municipal infraction, subject to the penalties and alternative relief authorized by this Code of Ordinances and by Section 364.22 of the <i>Code of Iowa</i> for failure to

comply with the Rental Housing Code; civil penalty is \$500.00 or the maximum amount allowed by State law, whichever is greater.

Assessment of Costs.

The City may charge the owner of real property a late payment fee of \$25.00 and may add interest up to 1.5 percent per month if costs imposed under subsection 1 of this section are not paid within 30 days of the date due.

The City shall send a notice of the late payment costs to such owner by first class mail to the owner’s personal or business mailing address. The late payment fee and interest shall not accrue if such owner files an appeal with the City.

Any owner objecting to the collection of costs by assessment may file a written request for a hearing before the Housing Code Appeals Board. The appeal shall be filed within ten days from the date of the notice of late payment. An untimely appeal shall not be accepted unless, in the discretion of the City Manager, good cause is shown for the untimely filing.

The City Manager shall notify the appellant and all board members of the date, time, and location of the hearing. Any unpaid costs and interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. Before a lien is filed, the City shall send a notice of intent to file a lien to the owner of the real property by first class mail to such owner’s personal or business mailing address.

(Ord. 13-14 – Jan. 14 Supp.)

33. **Chapter 175 – Zoning Regulations.**

Sign Permit	\$25.00 plus \$.50/sq. ft.
Electrical Sign	Additional \$25.00

(Ch. 177 - Ord. 12-07 – Mar. 13 Supp.)

CODE OF ORDINANCES
CITY OF NORWALK, IOWA

TABLE OF CONTENTS

GENERAL CODE PROVISIONS

CHAPTER 1 - CODE OF ORDINANCES..... 1
CHAPTER 2 - CHARTER..... 9
CHAPTER 3 - BOUNDARIES 11
CHAPTER 4 - MUNICIPAL INFRACTIONS 21
CHAPTER 5 - OPERATING PROCEDURES 25
CHAPTER 6 - CITY ELECTIONS 35
CHAPTER 7 - FISCAL MANAGEMENT 37
CHAPTER 8 - INDUSTRIAL PROPERTY TAX EXEMPTIONS..... 45
CHAPTER 9 - URBAN RENEWAL..... 49
CHAPTER 10 - URBAN REVITALIZATION 51

ADMINISTRATION, BOARDS AND COMMISSIONS

CHAPTER 15 - MAYOR..... 71
CHAPTER 16 - MAYOR PRO TEM..... 75
CHAPTER 17 - COUNCIL..... 77
CHAPTER 18 - CITY CLERK 83
CHAPTER 20 - CITY ATTORNEY 89
CHAPTER 21 - CITY MANAGER..... 91
CHAPTER 22 - LIBRARY BOARD OF TRUSTEES..... 95
CHAPTER 23 - PLANNING AND ZONING COMMISSION..... 99
CHAPTER 24 - PARKS AND RECREATION ADVISORY COMMISSION 101
CHAPTER 25 - MUNICIPAL UTILITIES ADVISORY COMMISSION..... 111
CHAPTER 26 - PUBLIC SAFETY COORDINATOR 115

POLICE, FIRE AND EMERGENCIES

CHAPTER 30 - POLICE DEPARTMENT 145
CHAPTER 31 - RESERVE POLICE FORCE..... 147
CHAPTER 35 - FIRE DEPARTMENT 161
CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS..... 171

TABLE OF CONTENTS

PUBLIC OFFENSES

CHAPTER 40 - PUBLIC PEACE.....201
CHAPTER 41 - PUBLIC HEALTH AND SAFETY205
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY211
CHAPTER 43 - DRUG PARAPHERNALIA.....215
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....225
CHAPTER 46 - MINORS.....227
CHAPTER 47 - PARK REGULATIONS.....229

NUISANCES AND ANIMAL CONTROL

CHAPTER 50 - NUISANCES251
CHAPTER 51 - JUNK AND JUNK VEHICLES261
CHAPTER 52 – WEEDS AND GRASS267
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL279
CHAPTER 56 - DANGEROUS ANIMALS289
CHAPTER 57 - DOG LICENSE REQUIRED295
CHAPTER 58 - VICIOUS ANIMALS297

TRAFFIC AND VEHICLES

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE325
CHAPTER 61 - TRAFFIC CONTROL DEVICES.....329
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....331
CHAPTER 63 - SPEED REGULATIONS345
CHAPTER 64 - TURNING REGULATIONS347
CHAPTER 65 - STOP OR YIELD REQUIRED349
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS375
CHAPTER 67 - PEDESTRIANS377
CHAPTER 68 - ONE-WAY TRAFFIC379
CHAPTER 69 - PARKING REGULATIONS381
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES395
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES.....405
CHAPTER 76 - BICYCLE REGULATIONS.....409
CHAPTER 80 - ABANDONED VEHICLES421

TABLE OF CONTENTS

WATER

CHAPTER 90 - WATER SERVICE SYSTEM 441
CHAPTER 91 - WATER METERS..... 445
CHAPTER 92 - WATER RATES 447
CHAPTER 93 - WATER CAPITAL CHARGES..... 457
CHAPTER 94 - BENEFITED WATER DISTRICTS 465

SANITARY SEWER

CHAPTER 95 - SANITARY SEWER SYSTEM 501
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS..... 505
CHAPTER 97 - USE OF PUBLIC SEWERS..... 507
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS 511
CHAPTER 99 - SEWER SERVICE CHARGES..... 513
CHAPTER 100 - SEWER CAPITAL CHARGES..... 515
CHAPTER 101 - STORM WATER DRAINAGE UTILITY..... 521
CHAPTER 102 - ILLICIT DISCHARGE TO STORM SEWER SYSTEM..... 545
CHAPTER 103 - REGULATION OF INDUSTRIAL WASTEWATER, COMMERCIAL
WASTEWATER AND HAULED WASTE 565
CHAPTER 104 - BENEFITED SEWER DISTRICTS..... 567

GARBAGE AND SOLID WASTE

CHAPTER 105 - SOLID WASTE CONTROL..... 625
CHAPTER 106 - COLLECTION OF SOLID WASTE 631

FRANCHISES AND OTHER SERVICES

CHAPTER 110 - NATURAL GAS FRANCHISE 651
CHAPTER 111 - ELECTRIC FRANCHISE 661
CHAPTER 112 - CABLE TELEVISION FRANCHISE AND REGULATIONS..... 665

REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS..... 725
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS..... 729
CHAPTER 122 - PEDDLER LICENSES..... 733

TABLE OF CONTENTS

REGULATION OF BUSINESS AND VOCATIONS (continued)

CHAPTER 123 - HOUSE MOVERS739
CHAPTER 124 – HOTEL/MOTEL TAX743
CHAPTER 125 – SPECIAL EVENTS745

STREETS AND SIDEWALKS

CHAPTER 135 - STREET USE AND MAINTENANCE.....775
CHAPTER 136 - SIDEWALK REGULATIONS.....781
CHAPTER 137 - DRIVEWAY REGULATIONS785
CHAPTER 138 - VACATION AND DISPOSAL OF STREETS.....787
CHAPTER 139 - STREET GRADES789
CHAPTER 140 - NAMING OF STREETS.....791
CHAPTER 141 - CLOSING PUBLIC THOROUGHFARES793

BUILDING AND PROPERTY REGULATIONS

CHAPTER 145 - SITE GRADING REGULATIONS.....825
CHAPTER 146 - MANUFACTURED AND MOBILE HOMES835
CHAPTER 147 - STATEWIDE URBAN DESIGN AND SPECIFICATIONS861
CHAPTER 150 - BUILDING NUMBERING881
CHAPTER 151 - TREES883
CHAPTER 155 - BUILDING CODE.....901
CHAPTER 156 - PLUMBING CODE.....909
CHAPTER 157 - MECHANICAL CODE.....917
CHAPTER 158 - ELECTRICAL CODE925
CHAPTER 159 - FIRE CODE931
CHAPTER 160 – RESIDENTIAL CODE.....939
CHAPTER 161 – FUEL GAS CODE947
CHAPTER 162 – CODE INSPECTION DIVISION.....955
CHAPTER 163 – CONSTRUCTION BOARD OF APPEALS965
CHAPTER 164 - COMMUNITY DEVELOPMENT APPLICATION FEES973
CHAPTER 165 – CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL981
CHAPTER 166 – POST-CONSTRUCTION STORM WATER MANAGEMENT995
CHAPTER 167 – FOUNDATION DRAIN REMOVAL DISTRICTS1005
CHAPTER 168 – ABANDONED OR UNSAFE BUILDINGS1011
CHAPTER 169 – RENTAL HOUSING CODE.....1025

TABLE OF CONTENTS

ZONING AND SUBDIVISION

CHAPTER 175 - ZONING REGULATIONS 1049
CHAPTER 176 - SUBDIVISION REGULATIONS..... 1051
CHAPTER 177 – RATES AND FEES 1053

INDEX

APPENDIX:

USE AND MAINTENANCE OF THE CODE OF ORDINANCES 1

SUGGESTED FORMS:

DANGEROUS BUILDINGS - FIRST NOTICE 7
DANGEROUS BUILDINGS - NOTICE OF HEARING 8
DANGEROUS BUILDINGS - RESOLUTION AND ORDER..... 9

NOTICE TO ABATE NUISANCE 11

NOTICE OF REQUIRED SEWER CONNECTION..... 12

NOTICE OF HEARING ON REQUIRED SEWER CONNECTION 13

RESOLUTION AND ORDER..... 14

FIXTURE VALUE TABLE 16