CODE OF ORDINANCES

OF THE

CITY OF

WAYLAND, IOWA

Prepared By:  Local Government Professional Services, Inc.
DBA Iowa Codification
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CODE OF ORDINANCES
OF THE
CITY OF WAYLAND, IOWA

Adopted February 6, 2019, by Ordinance No. 1-2019

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

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

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.

2. “City” means the City of Wayland, Iowa.

3. “Clerk” means the city clerk of Wayland, Iowa.

4. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).


6. “Council” means the city council of Wayland, Iowa.

7. “County” means Henry County, Iowa.

8. “May” confers a power.

9. “Measure” means an ordinance, amendment, resolution or motion.

10. “Must” states a requirement.

11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

12. “Ordinances” means the ordinances of the City of Wayland, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,
and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

14. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

15. “Shall” imposes a duty.

16. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

17. “State” means the State of Iowa.

18. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.

19. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

1.03 CITY POWERS. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City and of its residents, and to 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 any injury to or death of any person or persons whomsoever, and any 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 that 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 this 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 this 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 this Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with this Code of Ordinances in any manner that will cause the law of the City to be misrepresented.

1.11 SEVERABILITY. If any section, provision, or part of this Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of this 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 $65.00 but not to exceed $625.00. †

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

†EDITOR’S NOTE: For civil penalty for violations of this Code of Ordinances, see Chapter 4.
CHAPTER 2

CHARTER

2.01  Title

This chapter may be cited as the charter of the City of Wayland, 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 of City Officers

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

2.04  Number and Term of Council

The Council consists of five Council Members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 376.2)

2.05  Term of Mayor

The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

2.06  Copies on File

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

(Code of Iowa, Sec. 372.1)

† EDITOR’S NOTE: Ordinance No. 1 adopting a charter for the City was passed and approved by the Council on October 4, 1976.
CHAPTER 3
BOUNDARIES

3.01 CORPORATE LIMITS. The corporate limits of the City are described as follows:

The Original Plat of the City as located in the Northeast Quarter (NE1/4) of Section 9, Township 73 North, Range 7 West and additional areas known as Bain’s Addition, Cook’s Addition, Krabill’s Addition, Montgomery’s Addition, Neff’s Addition, Pickle’s Addition, Sully’s Addition, Wayland Investment Company’s First and Second Addition, Wayland Land Company’s First Addition, and Outlots 1 to 43, inclusive.

AND

The SE1/4 of Section 4, Township 73 North, Range 7 West, except the NW1/4 NW1/4 SE1/4;

The SW1/4 of Section 3, Township 73 North, Range 7 West, except the NE1/4 SW1/4;

The following in the SE1/4 of Section 3, Township 73 North, Range 7 West;

Parcel D and the 200 foot by 453.17 foot tract adjacent to Parcel D to the east;

Auditor’s Parcel 2012-035;

The NW1/4 Section 10, Township 73 North, Range 7 West;

Parcel 2012-017 in NW1/4 NE1/4, Section 10, Township 73 North, Range 7 West.

AND

A parcel of land in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 10, Township 73 North, Range 7 West of the 5th P.M., Henry County, Iowa, described as follows:

Commencing at the northwest corner of said NW 1/4 SW 1/4; thence N 00°00’44” W 14.79 feet along the West line of said Section 10 to the center of the right of way of Delaware Avenue; thence S 89°07’45” E 295.42 feet along the center of said right of way to the northeast corner of an existing tract, described as Tract B in Deeds Book 350 at Page 311, and the Point of Beginning; thence continuing S 89°07’45” E 166.00 feet along said center of right of way; thence S 00°00’44” E 295.42 feet; thence N 89°07’45” W 166.00 feet to the Southeast corner of previously said existing tract; thence N 00°00’44” W 295.42 feet along the East line of said existing tract to the Point of Beginning, containing 1.000 acres, more or less, exclusive of present established highways.

AND

One square acre in the Northwest corner of the Southwest Quarter of Section Number Ten (10) measuring from the center of the Highway as now located over and through said lands.
Also commencing at the northeast corner of said One Square acre, in the Northwest corner of said Southwest Quarter (SW1/4) of said Section Ten (10), thence East eighty-six (86) feet Five (5) inches, thence South two hundred ninety five feet (295 ft) and Five (5) inches thence West two hundred ninety-five (295) feet and Five (5) inches. Thence North Eighty Six (86) feet and Five (5) inches to the Southwest corner of said one square acre, thence east along the south line of said one acre square, Two Hundred Nine (209) feet, thence North along the East line of said one square acre to the point of beginning, in all two (2) acres, all in Section Number Ten (10) Township Seventy-three (73) North, Range Seven (7) West, in Henry County, Iowa.

AND

A parcel of land within the West half of the Southeast Quarter, also SE1/4 of SW1/4, Section 9, Township 73 North, Range 7 West of the 5th P.M. described as follows: Commencing at the east quarter corner of said Sec. 9, Thence N., 6°05’54” E., 219.82 feet; Thence S. 52°40’30” W., 374.04 feet; Thence N. 84°39’20” W., 294.16 feet; Thence N. 6°13’00’ E., 20.0 feet; Thence N. 84°39’20” W., 758.67 feet to an iron pin and the point of beginning; Thence S. 6°10’52’ W., 732.86 feet to an iron pin; Thence N. 51°24’45” W., 724.2 feet to an iron pin; Thence N. 7°14’40” E., 336.07 feet to an iron pin; Thence S 84°39’20” E., 605.61 feet to the point of beginning.

Said parcel contains 7.45 acres.

And the areas encompassed in any and all annexations and additions above named or hereafter made and which are of record in the office of the Recorder of Henry County, Iowa.

[The next page is 15]
CHAPTER 4

MUNICIPAL INFRACTIONS

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

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

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.

2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.

3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

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

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

1. Standard Civil Penalties.
   A. First offense – not to exceed $750.00
   B. Each repeat offense – not to exceed $1,000.00

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

2. Special Civil Penalties.
   A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than $1,000.00 for each day a violation exists or continues.

†EDITOR’S NOTE: For criminal penalty for violations of this Code of Ordinances, see Section 1.14.
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 24 hours from the time that the violation begins.
3. The violation does not continue in existence for more than eight 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.
8. The legal description of the affected real property, if applicable.

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

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

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

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

(Code of Iowa, Sec. 364.22[11])
CHAPTER 5
OPERATING PROCEDURES

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 such officer is certified as elected but not later than noon of the first day that 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 Wayland 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 POWERS AND DUTIES. 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 that 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)
CHAPTER 5  OPERATING PROCEDURES

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of $2,500.00 in a fiscal year.

(Code of Iowa, Sec. 362.5[3k])
11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services. 

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

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CHAPTER 6
CITY ELECTIONS

6.01 NOMINATING METHOD TO BE USED. 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 10 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])
CHAPTER 7

FISCAL MANAGEMENT

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 City 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.

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund not to exceed $200.00 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.

\( IAC, 545-2.5[384,388], \text{Sec. 2.5}[2] \)

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.

\( IAC, 545-2.5[384,388] \text{ Sec. 2.5}[3] \)

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.

\( IAC, 545-2.5[384,388] \text{ Sec. 2.5}[4] \)

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, 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 net position calculated in accordance with generally accepted accounting principles, after adding back the net pension and other postemployment benefits, liabilities, and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and

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

\( IAC, 545-2.5[384,388], \text{Sec. 2.5}[5] \)

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

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

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 Mayor and Clerk following Council approval, except as provided by subsection 5 hereof.
CHAPTER 7  
FISCAL MANAGEMENT

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

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

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

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

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

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

   *(Code of Iowa, Sec. 384.22)*

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CHAPTER 8

URBAN RENEWAL

8.01 Purpose

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

8.02 Wayland Urban Renewal Area

The provisions of this section apply to the Wayland Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 19, 1994:

All property within the City limits of the City, plus
A part of Jefferson Township, beginning at the northeast corner of Section 2-73-7, thence south along the east line of Sections 2, 11 and 14 to the southeast corner of Section 14-73-7, thence west along the south line of Sections 14, 15, 16 and 17 to the southwest corner of Section 17-73-7, thence north along the west line of Sections 17, 8 and 5 to the northwest corner of Section 5, thence east to the P.O.B. Except that area which lies in the incorporated area of the City of Wayland, and further except the SE¼ 14-73-7 and the SW¼ 17-73-7.

The taxes levied on the taxable property in the Wayland Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 58, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Wayland Urban Renewal Area, as shown on the assessment roll as of January 1, 1993, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Wayland Urban Renewal Area on the effective date of Ordinance No. 58, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in said Wayland Urban Renewal Area on the effective date.

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

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

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

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CHAPTER 9

URBAN REVITALIZATION

9.01  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 the Wayland Urban Revitalization Area.

All property within the City limits

The Urban Revitalization Plan for the City is on file in the office of the Clerk.
CHAPTER 10

ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTION

10.01 Purpose. The purpose of this chapter is to provide for a property tax exemption for shell buildings constructed by community development organizations, not-for-profit cooperative associations under Chapter 499 of the Code of Iowa, or for-profit entities for speculative purposes in accordance with Section 427.1 of the Code of Iowa.

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

1. “Community development organization” means a City organization or a multi-community group formed for one or more of the following purposes:
   A. To promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, or region and its citizens.
   B. To encourage and assist the location of new business and industry.
   C. To rehabilitate and assist existing business and industry.
   D. To stimulate and assist in the expansion of business activity.

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

2. “New construction” means new buildings or structures and includes new buildings or structures that are constructed as additions to existing buildings or structures. “New construction” also includes reconstruction or renovation of an existing building or structure that constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations, not-for-profit cooperative associations under Chapter 499 of the Code of Iowa, or for-profit entities to market a building or structure as a speculative shell building, which determination must receive prior approval from the Council.

3. “Speculative shell building” means a building or structure owned and constructed or reconstructed by a community development organization, a not-for-profit cooperative association under Chapter 499 of the Code of Iowa, or a for-profit entity without a tenant or buyer for the purpose of attracting an employer or user that
will complete the building to the employer’s or user’s specification for manufacturing, processing, or warehousing the employer’s or user’s product line.

10.03 ELIGIBILITY. The new construction of shell buildings by the community development organizations, not-for-profit cooperative associations under Chapter 499 of the Code of Iowa, or for-profit entities for speculative purposes is eligible for property tax exemption. The exemption shall be for one of the following:

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

10.04 WHEN EFFECTIVE.

1. If the exemption is for a project described in subsection 1 of Section 10.03, the exemption shall be effective for the assessment year in which the building is first assessed for property taxation or the assessment year in which the addition to an existing building first adds value. If the exemption is for a project described in subsection 2 of Section 10.03, the exemption shall be effective for the assessment year following the assessment year in which the project commences. An exemption allowed under this section shall be allowed for all subsequent years until the property is leased or sold or until the exemption is terminated by ordinance of the City Council.

2. Eligibility for an exemption as a speculative shell building shall be determined as of January 1 of the assessment year. However, an exemption shall not be granted for a speculative shell building of a not-for-profit cooperative association under Chapter 499 of the Code of Iowa or a for-profit entity if the building is used by the cooperative association or for-profit entity or a subsidiary or majority owners thereof for other than as a speculative shell building. If the shell building or any portion of the shell building is leased or sold, the portion of the shell building that is leased or sold and a proportionate share of the land on which it is located, if applicable, shall not be entitled to an exemption under this section for subsequent years. Upon the sale of the shell building, the shell building shall be considered new construction for purposes of Section 427B.1 of the Code of Iowa if used for purposes set forth in Section 427B.1.

10.05 APPLICATION.

1. If the speculative shell building project is a project described in subsection 1 of Section 10.03, an application shall be filed pursuant to Section 427B.4 of the Code of Iowa.

2. If the speculative shell building project is a project described in subsection 2 of Section 10.03, an application shall be filed pursuant to Section 427.1(27) of the Code of Iowa.

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CHAPTER 15
MAYOR

15.01  TERM OF OFFICE. The Mayor is elected for a term of four 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, 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 14 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 this Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits that 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. The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. City Treasurer, with Council approval.
3. Police Chief, with Council approval.
4. Health Officer.

15.04 COMPENSATION. The Mayor shall receive as compensation a salary of $5,400.00 per annum, payable as provided in Section 15.06.

(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)

15.06 TIME OF PAYMENT. Payment for elected officials, unless otherwise provided, shall be made one-fourth of the per annum amount, plus all accrued Council meeting fees, on the date of the second meeting of the Council in the months of March, June, September, and December for each of the quarters of the year between said dates of payment.

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CHAPTER 16

MAYOR PRO TEM

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 15 days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem’s performance of the Mayor’s duties and upon the compensation of the Mayor.

(Code of Iowa, Sec. 372.13[8])
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CHAPTER 17

CITY COUNCIL

17.01  NUMBER AND TERM OF COUNCIL. The Council consists of five Council members elected at large for overlapping terms of four 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. 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 that may be specially assessed.

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

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

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

4. 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)

5. 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])

6. 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 $100,000.00 on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member’s vote on a measure must be recorded. A measure that fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor’s Veto. Within 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 14 days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

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

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

(Code of Iowa, Sec. 380.1[a])
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 regular meetings of the Council are on the first and third Wednesdays of each month at 7:30 p.m. in the City Council Room at Wayland City Hall, unless prior notice of a different location is given as provided by law. Whenever a regular meeting night falls on a legal holiday observed by the State and/or its political subdivisions, the meeting night shall automatically become the following business day at the same hour at the same place. Any regular meeting may be adjourned and reconvened in a different location, provided said location is designated in the adjournment motion, which shall include a specific time and place for reconvening said regular meeting.

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

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

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

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


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

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. Planning and Zoning Commission
4. Zoning Board of Adjustment

17.06 COMPENSATION. The salary of each Council member is $1,000.00 per annum, plus $40.00 for each meeting of the Council attended, payable as provided in Section 17.07.

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

17.07 TIME OF PAYMENT. Payment for elected officials, unless otherwise provided, shall be made one-fourth of the per annum amount, plus all accrued Council meeting fees, on the date of the second meeting of the Council in the months of March, June, September, and December for each of the quarters of the year between said dates of payment.
CHAPTER 18

CITY CLERK

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. Within 15 days following a regular or special meeting, the Clerk 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  OTHER PUBLICATIONS. The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

(Code of Iowa, Sec. 362.3)

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 or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.

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, except that ordinances and amendments may be published by posting in the following places:

    City Hall
    Wayland State Bank
    Post Office

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than 10 days after the first date of posting.
Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

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

(Code of Iowa, Sec. 380.11)

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

1. Ordnances 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 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 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 that by this 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. The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of
committees, boards, and commissions. The Clerk shall record and preserve a correct record of
the proceedings of such meetings.

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

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

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

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

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

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

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 are the words
“WAYLAND, IOWA,” and around the margin of which are the words “CITY SEAL.”

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

(Code of Iowa, Sec. 372.13(4)

1. Custody of Funds. Be responsible for the safe custody of all funds of the City
in the manner provided by law, and Council direction.

2. Record Receipts. Keep an accurate record of all money or securities received
on behalf of the City and specify the date, from whom, and for what purpose received.

3. Record Disbursements. Keep an accurate account of all disbursements, money
or property, specifying date, to whom, and from what fund paid.

4. Special Assessments. Keep a separate account of all money received from
special assessments.

5. Debt Service. Keep a register of all bonds outstanding and record all payments
of interest and principal.
CHAPTER 19

CITY TREASURER

19.01 Appointment 19.02 Compensation 19.03 Duties of Treasurer

19.01 APPOINTMENT. The Mayor shall appoint, subject to Council approval, a City Treasurer to serve at the discretion of the Mayor.

19.02 COMPENSATION. The Treasurer is paid such compensation as specified by resolution of the Council.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

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

1. Reconciliation. Reconcile the bank statements and the Clerk’s books and records and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

2. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.
CHAPTER 20

CITY ATTORNEY

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council and shall establish by resolution the City Attorney’s compensation.

(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 that 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 Mayor or Council.

(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 that may be required for the use of the City.

(Code of Iowa, Sec. 372.13[4])
20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal purely for the private benefit of said officer or employee.

(Code of Iowa, Sec. 670.8)

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CHAPTER 30

POLICE DEPARTMENT

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  Powers and Duties of Police Chief. 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, and subject to the approval of the Council, 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 that 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)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

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CHAPTER 35

FIRE DEPARTMENT

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 Election of Officers. The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of the Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

35.07 Duties of Fire Chief. 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, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of $200,000.00 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal’s Division immediately. For all other fires causing an estimated damage of $50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal’s Division within 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 that under law or ordinance may be necessary to be made and that is reasonably necessary to protect the public health, safety, and welfare.

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

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

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

35.08 **OBLIGECE 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 firefighters injured in the performance of their duties as firefighters whether within or outside the corporate limits of the City. All volunteer firefighters shall be covered by the contract.

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

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

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

35.12 **CALLS OUTSIDE FIRE DISTRICT.** The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District, and within scope of mutual aid agreements and any active contracts.

   *(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)*
CHAPTER 40

PUBLIC PEACE

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

1. Pain or Injury. Any act that is intended to cause pain or injury to another or that is intended to result in physical contact that will be insulting or offensive to another, coupled with the apparent ability to execute the act.  
   (Code of Iowa, Sec. 708.1[1])

2. Threat of Pain or Injury. Any act that is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.  
   (Code of Iowa, Sec. 708.1[2])

An act described in subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.  
   (Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

   A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.  
      (Code of Iowa, Sec. 708.7)

   B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.  
      (Code of Iowa, Sec. 708.7)
C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person’s knowledge or consent.

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that 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 that 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 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)
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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances
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:

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.

(Code of Iowa, Sec. 718.6)

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)
CHAPTER 41  PUBLIC HEALTH AND SAFETY

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

(Code of Iowa, Sec. 718.4)

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the Code of Iowa, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the Code of Iowa, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.

2. No person shall intentionally discharge a firearm in a reckless manner.

41.12 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB
guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

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

41.14 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:

A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:

   (1) First-class consumer fireworks:
      a. Aerial shell kits and reloadable tubes;
      b. Chasers;
      c. Helicopters and aerial spinners;
      d. Firecrackers;
      e. Mine and shell devices;
      f. Missile-type rockets;
      g. Roman candles;
      h. Sky rockets and bottle rockets;
      i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.

   (2) Second-class consumer fireworks:
      a. Cone fountains;
      b. Cylindrical fountains;
      c. Flitter sparklers;
      d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
      e. Ground spinners;
      f. Illuminating torches;
      g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
      h. Wheels;
i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.

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:.......... $1,000,000.00

3. Consumer Fireworks.

A. It is unlawful for any person to use or explode consumer fireworks on days other than July 4 (from 9:00 a.m. to 11:00 p.m.) and the Saturday and Sunday immediately preceding and following July 4 (from 5:00 p.m. to 11:00 p.m.); and on December 31 from 5:00 p.m. until 12:15 a.m. on January 1.

B. It is unlawful for any person to use consumer fireworks on real property other than that person’s real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

4. Novelties. This section does not apply to novelties.

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CHAPTER 42
PUBLIC AND PRIVATE PROPERTY

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
CHAPTER 42  PUBLIC AND PRIVATE PROPERTY

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

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

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

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

3. Specific Exceptions. “Trespass” does not mean either of the following:

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 105 – Solid Waste Control and Recycling
   A. Section 105.08 – Littering Prohibited

2. Chapter 135 – Street Use and Maintenance
   A. Section 135.01 – Removal of Warning Devices
   B. Section 135.02 – Obstructing or Defacing
   C. Section 135.03 – Placing Debris On
   D. Section 135.04 – Playing In
   E. Section 135.05 – Traveling on Barricaded Street or Alley
   F. Section 135.08 – Burning Prohibited
   G. Section 135.12 – Dumping of Snow

3. Chapter 136 – Sidewalk Regulations
   A. Section 136.11 – Interference with Sidewalk Improvements
   B. Section 136.15 – Fires or Fuel on Sidewalks
   C. Section 136.16 – Defacing
   D. Section 136.17 – Debris on Sidewalks
   E. Section 136.18 – Merchandise Display
   F. Section 136.19 – Sales Stands
CHAPTER 45
ALCOHOL CONSUMPTION AND INTOXICATION

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

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage 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 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 from any liquor control licensee or wine or beer 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 that provides teaching for any grade from kindergarten through grade twelve.

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

3. A person shall not simulate intoxication in a public place.
4. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

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

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

(Code of Iowa, Sec. 123.47)
CHAPTER 46

MINORS

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definition. The term “minor” means, in this section, any unmarried person below the age of 18 years.

2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 10:30 p.m. and 5:00 a.m. of the following day.

3. Exceptions. The restriction provided by subsection 46.01(2) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over 18 years of age, nor shall the restriction apply to any minor who is traveling, within one hour after the end of the activity, between his or her home or place of residence and the place where any approved employment, church, municipal or school function is being held.

4. Responsibility of Adults. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 46.01(2), except as otherwise provided in subsection 46.01(3).

5. Responsibility of Business Establishments. It is unlawful for any persons operating a place of business or amusement to allow or permit any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by subsection 46.01(2) except as otherwise provided in subsection 46.01(3).

6. Enforcement. Any peace officer of the City while on duty is hereby empowered to arrest any minor who violates any of the provisions of Subsections 46.01(2) and (3). Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor or if such person is not found, then as the Department of Human Services or the Juvenile Court directs.

(Code of Iowa, Sec. 613.16)

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

(Code of Iowa, Sec. 453A.2)
46.03 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under 18 years of age to commit any act of delinquency.

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

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CHAPTER 47

PARK REGULATIONS

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 (excluding golf carts), 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. Loading and unloading are permitted when in conjunction with a function or event occurring within the park.

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 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.

47.06 Parks Closed. No person, except those camping in designated areas, shall enter or remain within any park between 10:30 p.m. and 5:00 a.m.
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CHAPTER 50
NUISANCE ABATEMENT PROCEDURE

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

(Code of Iowa, Sec. 657.1)

50.02 Nuisances Enumerated. The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. Offensive Smells. Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

2. Filth or Noisome Substance. Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.

3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

6. Billboards. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.06)

7. Walnut Trees. All walnut-bearing trees.

8. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. (See also Chapter 51)


10. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
11. Dutch Elm Disease. Trees infected with Dutch elm disease. (See also Chapter 53)

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

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

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

1. Junk and Junk Vehicles (See Chapter 51)
2. Management of Trees, Shrubs and Bushes (See Chapter 53)
3. Dangerous Buildings (See Chapter 145)
4. Storage and Disposal of Solid Waste (See Chapter 105)

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

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

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

50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE. Any nuisance, public or private, may be abated in the manner provided for in this section:

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †
   A. Description of Nuisance. A description of what constitutes the nuisance.
   B. Location of Nuisance. The location of the nuisance.

† EDITOR'S NOTE: A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.
C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

D. Reasonable Time. A reasonable time within which to complete the abatement.

E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance 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 a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

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

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.

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

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

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

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

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds $500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

   (Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be
enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.
CHAPTER 51

JUNK AND JUNK VEHICLES

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:
   A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
   B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel or trunk lid.
   C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
   D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.
   E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
   F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

   Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 Junk and Junk Vehicles Prohibited. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.
51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner 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 any junk or junk vehicle stored within:

1. A garage or other enclosed physical structure; or
2. The premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the Zoning Ordinance of the City; or
3. An appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

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

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

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CHAPTER 52

WEEDS AND GRASSES

52.01  Purpose. The purpose of this chapter is to establish special provisions for the control and removal of uncultivated vegetation so as to protect and enhance the health, safety, and welfare of the residents of the City. “Uncultivated vegetation” means grasses, weeds, and other vegetation not maintained and cared for under normal horticultural practices or to the standard for lawn care of the average citizen of the community.

52.02  Control of Vegetation. It is the duty of every owner and the person occupying any real estate within the corporate limits of the City which is platted or used for residential, commercial, or industrial purposes, other than property being used as timberland or for agricultural purposes, to maintain the property in such a condition so that all uncultivated vegetation thereon is cut, sprayed or otherwise controlled so that the height does not exceed eight inches. It is not a violation of this section to allow grass to exceed eight inches in height if the lawn has been seeded or re-seeded within the previous two months.

52.03  Notice to Property Owners. Whenever the Mayor or other authorized municipal officer finds that the uncultivated vegetation on any lot or parcel has not been cut as provided in this chapter, written notice shall be served upon the property owner as shown by the records of the County Auditor that unless said vegetation is cut within seven days, the City will cut or destroy the vegetation and assess the costs thereof to the owner of the lot or parcel of ground.

52.04  Collection of Costs of Cutting. The Clerk or other authorized municipal officer shall mail the statement of the total expenses incurred in the cutting of uncultivated vegetation as provided in this chapter to the property owner who has failed to abide by the notice to cut, and if the amount shown by the statement has not been paid within 15 days after the rendering of the statement, the Clerk shall certify the costs to the County Treasurer, and it shall then be collected with and in the same manner as general property taxes.
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CHAPTER 53

MANAGEMENT OF TREES, SHRUBS AND BUSHES

53.01 Purpose. The purpose of this chapter is to regulate and preserve the appearance of the City by requiring trees, shrubs, and bushes to be uniformly located, and to regulate the planting and care of such trees, shrubs, and bushes in the City for the protection of public health, safety, and welfare.

53.02 Definitions. For the purposes of this chapter, the following definitions apply:

1. “Owner” means a person owning private property in the City as shown by County records. This term includes the terms “agent,” “occupant,” “tenant,” and “person in control” of the property.
2. “Parking” means the area within a street right-of-way located between the back of the curb and edge of the sidewalk closest to the curb. It may also be referred to as “parkway.”
3. “Private property” means all property not owned by the City.
4. “Public property” means any and all property located within the confines of the City and owned by the City or held in the name of the City by any departments, commissions, or agencies within the City government.
5. “Public right-of-way” means that portion of land between property lines that is dedicated or deeded to the City to provide the area necessary for the installation of street and sidewalk surfacing, public utilities, and other improvements.
6. “Street” means the right-of-way dedicated to public use serving more than one property with vehicular access and frontage.
7. “Trees,” “shrubs” and “brush” shall have their normal English definition.

53.03 Trees, Shrubs, or Bushes in the Public Right-of-Way.

1. It is unlawful for any person to plant any tree, shrub, or bush in any public right-of-way or parking. In the event that the City or a private utility disturbs any public right-of-way or parking, the City or the private utility shall only be responsible for reseeding and establishing grass in the disturbed area.
2. The City of Wayland may plant trees, shrubs, and/or bushes in the public right-of-way as a part of an approved City project, such as landscaped medians and boulevards.
3. No person, except the City, shall plant any wildflowers in the public right-of-way.
53.04 PROHIBITED TREES. The following species of trees are declared to be nuisances, and no person shall plant any of the following trees within the City:

1. All cotton-bearing cottonwood trees.
2. All other cotton-bearing poplar trees.
3. All walnut trees.
4. Trees infected with Dutch Elm Disease.

53.05 DUTY TO TRIM.

1. All trees, shrubs, and bushes in the parking that overhang onto the street, alley, or other roadways of the City shall be trimmed immediately above such streets, alleys, or roadways and clear of the curb line, as determined to be necessary and appropriate by the Public Works Superintendent. The trimming under this subsection shall be the responsibility of the City.

2. All trees, shrubs, and bushes, whether in the parking or on private property that overhang onto any sidewalk or trail of the City shall be trimmed to a minimum height of eight feet immediately above such sidewalk or trail. Any trees, shrubs, and bushes, whether in the parking or on private property, lower than eight feet shall be trimmed so as to be at least two feet clear of any sidewalk or trail. All trees on private property shall be trimmed to a minimum height of 16 feet immediately above and at least two feet clear of any public street, alley or roadway. The trimming under this subsection shall be the responsibility of the property owners, agents, or occupants of property adjoining any sidewalk or trail.

53.06 REMOVAL OF TREES. The City shall remove any tree standing on public property, or in the public right-of-way or parking thereof, which is dead, diseased, or declared to be a nuisance to public safety and may remove any other trees in its discretion. No compensation shall be paid to the abutting property owner regardless of whether the City or the property owner placed the tree in the public right-of-way or parking. Any person desiring to remove a live tree which has been planted in the public right-of-way or parking shall first obtain permission from the City Council. If a permit is issued, the permittee must remove the tree at the permittee’s own expense. No fee shall be charged for permission to remove the tree.

53.07 TREE, SHRUB, BUSH AND WILDFLOWER REMOVAL ON PUBLIC PROPERTY. No trees, shrubs, bushes, wildflowers or other parts thereof which are dead, decayed, diseased, or dying upon a street, public right-of-way, parking or public property of the City and which constitute a hazard to the health, safety, or well-being of any person shall be allowed to remain in such condition. No trees, shrubs, bushes or wildflowers shall be maintained in such a manner as to interfere with the moving of traffic upon the streets in a safe and orderly manner.

53.08 TREE, SHRUB, BUSH AND WILDFLOWER REMOVAL ON PRIVATE PROPERTY. No trees, shrubs, bushes, wildflowers or parts thereof on private property which are dead, decayed, diseased, or dying or which have become dangerous to the public shall be allowed to remain in such condition, except where state law regulates wildflowers.

53.09 PERMIT AND REGULATION.

1. No trees, shrubs, bushes or wildflowers may be planted on any public property or within any public utility easement without written permission of the City and/or the

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utility. No trees, shrubs, bushes or wildflowers shall be planted under existing lines if, at maturity, it is likely to cause interference with those lines. Such trees, shrubs, bushes or wildflowers may be removed without compensation.

2. Trees required by City ordinance or approved site plans to be planted in and around parking lots, with the intent to provide shade for such parking lots, shall have a caliper of at least two inches at the time of planting and anticipated mature height of at least 15 feet.

53.10 AUTHORITY OF THE COUNCIL.

1. The City shall have the authority to order the property owner, agent, or occupant of the property adjoining any sidewalk to prune, maintain, and care for all trees, shrubs, bushes, or wildflowers located on the street, public right-of-way, parking, or the adjoining property of the owner, agent, or occupant that have become dangerous to the public or that may interfere with the regular movement of pedestrian or other permitted traffic upon the sidewalks in a safe manner, by serving notice upon the property owner to comply with the order. This order is in addition to the requirements that all trees, shrubs, bushes and wildflowers be trimmed as above described. Such notice shall be sent to the owner by certified mail or personally served on the owner.

2. Should the adjoining property owner, agent, or occupant fail to comply with said order within 30 days after receiving notice from the City, then the City may order the pruning or maintenance of such trees, shrubs, and bushes, and the City Council may assess the costs thereof against the adjoining property by resolution of the Council.

3. A notice sent pursuant to Section 53.10(2) may be appealed to the City Council if made, in writing and filed with the City Clerk, within 10 days from the date the written notice is sent to the owner by certified mail or the date the notice is personally served on the owner. Upon filing the appeal, the Clerk shall cause the matter to be placed on the agenda of the next Council meeting which is at least four days later than the date the appeal is filed. At that time the appellant and the Director of Public Works shall present such statements and evidence they wish and the Council shall determine whether to uphold the Order or to modify or cancel it. The Council may adjourn the hearing to the next council meeting for the purposes of announcing its decision.
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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions. The following terms are defined for use in this chapter.

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 off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

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 or harboring an animal.

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, snake, turtle, gecko, or iguana.

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 that 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 that 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.

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. No owner of any animal shall allow such animal to be outside the confines of the property of the owner unless the animal is held firmly on a leash, cord or chain, not more than six feet in length, and under the control of a person competent to restrain and control the animal; or accompanied by and obedient to the commands of the owner or a competent, responsible person; or confined within a motor vehicle; or properly housed in a veterinary hospital or kennel.

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 NOISY ANIMALS. No owner or person in control of any animal shall permit said animal to annoy or disturb other persons in the area, without justification, by excessive barking, excessive howling, or emitting other offensive loud noises. In order to be considered excessive or offensive, said barking, howling, or other loud noise must be documented by the filing of a written complaint. The written complaint shall include the date, location, and the duration of said barking, howling, or other loud noise. For the purpose of this section only, each occurrence for 15 minutes of said barking, howling, or other loud noise shall be considered a separate occurrence for the purpose of determining whether a municipal infraction has occurred.

55.09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to run after or chase persons, bicycles, automobiles or other vehicles.

55.10 LEASHED ANIMALS. Any animal placed on a chain or other means of confinement must be kept at least four feet from the lot line, sidewalk, alley, street or City right-of-way. All
animals must allow all utility readers free access to utility meters. There must be at least four feet distance from the centerline of contact to the reader.

55.11 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 State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.12 OWNER’S DUTY. It is the duty of the owner of any dog, cat, or other animal that 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)

55.13 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board 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)

55.14 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, 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.

55.15 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner’s name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.16 IMPOUNDING COSTS. Impounding costs are $20.00 for the first day or any part thereof, and $10.00 per day thereafter.

(Code of Iowa, Sec. 351.37)

55.17 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

A. A prize for participating in a game.
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.
CHAPTER 56
DANGEROUS AND VICIOUS ANIMALS

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

1. “Animal” means every wild, tame or domestic member of the animal kingdom other than the genus and species Homo Sapiens.
   A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so;
   B. Any animal declared to be dangerous by the Council or its designee; and
   C. The following animals, which are deemed to be dangerous animals per se:
      (1) Staffordshire bull terrier, bull terrier, American Staffordshire bull terrier, or American pit bull terrier, more commonly referred to as a pit bull terrier. An owner may be required to provide evidence, in the form of a veterinarian’s statement or by DNA, that the animal is not a member of such breed.
      (2) Wolves and coyotes.
      (3) Badgers, wolverines, weasels, mink and other Mustelids (except ferrets).
      (4) Bears.
      (5) All apes (including chimpanzees), baboons and macaques.
      (6) Monkeys, except the squirrel monkey.
      (7) Elephants.
      (8) Wild boar.
      (9) Black widow spiders and scorpions.
      (10) Snakes that are naturally venomous or poisonous.
      (11) All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)
      (12) Raccoons, opossums and skunks.
      (13) Alligators and crocodiles.
2. “Dog” means and includes members of the canine species, male or female, whether neutered or not.

3. “Owner” or “owner of an animal” means any person owning, keeping, sheltering or harboring an animal.

4. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal: (i) has bitten a person or persons on two separate occasions within a 12-month period; or (ii) did bite once causing injuries above the shoulders of a person; or (iii) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or (iv) has attacked or bitten any domestic animal or fowl on two separate occasions within a 12-month period; or (v) has been found to possess such propensities by the Council, after hearing.

56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.

2. The keeping of dangerous animals for 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. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources.

5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

56.03 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, thereby creating a hazard to persons or property, such animal may, in the discretion of the animal control officer or Police Chief, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to the animal’s destruction.

2. Upon the written complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City, the animal control officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal in the City, the animal control officer shall order the person named...
in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 56.02 of this chapter to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the animal control officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal issued by the animal control officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. After such hearing, the Council may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Council affirms the action of the animal control officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City, permanently place such animal with an organization or group allowed under Section 56.02 to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the animal control officer is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the animal control officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the Henry County District Court for a review of said order, the City shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 56.02 of this chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a simple misdemeanor.

56.04 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal as defined in this chapter.

56.05 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The animal control officer or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council. 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 said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also state that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. 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. If, after hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person 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 animal control officer 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 person against whom the order of the Council was issued has not petitioned the Henry County District Court for a review of such order, the animal control officer shall cause the animal to be destroyed.

3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a simple misdemeanor.

4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot be safely be apprehended, in which case the animal control officer may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three days of impoundment.

5. Any animal which is alleged to be vicious and which 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, such impoundment or quarantine shall be paid by the City.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Wayland Traffic Code” (and are referred to herein as the “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 50 percent or more of the frontage thereon for a distance of 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 40 percent or more of the frontage on such a highway for a distance of 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 200 feet in either direction from a schoolhouse.

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.

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

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

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer or, 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 REPORTS OF TRAFFIC ACCIDENTS. 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 OBEEDIENCE 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. Approval Required. No parade shall be conducted without first obtaining approval from the Council. The person organizing or sponsoring the parade shall provide information concerning the time and date for the parade and the streets or general route therefor, and any approval given to such person includes all participants in the parade, provided they have been invited to participate.

3. Parade Not a Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Peace Officers and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.
CHAPTER 61

TRAFFIC CONTROL DEVICES

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

(Code of Iowa, Sec. 321.255)

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


61.03 TRAFFIC LANES. The Council is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with this Traffic Code. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.


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)
CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Obstructing View at Intersections
62.07 Engine/Compression Brakes Prohibited

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
19. Section 321.194 – Special minor’s licenses.
22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
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23.  Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
24.  Section 321.218 – Operating without valid driver’s license or when disqualified.
25.  Section 321.219 – Permitting unauthorized minor to drive.
27.  Section 321.221 – Employing unlicensed chauffeur.
28.  Section 321.222 – Renting motor vehicle to another.
29.  Section 321.223 – License inspected.
30.  Section 321.224 – Record kept.
31.  Section 321.232 – Speed detection jamming devices; penalty.
32.  Section 321.234A – All-terrain vehicles.
33.  Section 321.235A – Electric personal assistive mobility devices.
34.  Section 321.247 – Golf cart operation on City streets.
35.  Section 321.257 – Official traffic control signal.
36.  Section 321.259 – Unauthorized signs, signals or markings.
37.  Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38.  Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
40.  Section 321.264 – Striking unattended vehicle.
41.  Section 321.265 – Striking fixtures upon a highway.
42.  Section 321.266 – Reporting accidents.
43.  Section 321.275 – Operation of motorcycles and motorized bicycles.
44.  Section 321.276 – Use of electronic communication device while driving; text-messaging.
45.  Section 321.277 – Reckless driving.
46.  Section 321.277A – Careless driving.
47.  Section 321.278 – Drag racing prohibited.
48.  Section 321.281 – Actions against bicyclists.
49.  Section 321.284 – Open container; drivers.
50.  Section 321.284A – Open container; passengers.
51.  Section 321.288 – Control of vehicle; reduced speed.
52.  Section 321.295 – Limitation on bridge or elevated structures.
53.  Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.
55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver’s view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.
122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
149. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
150. Section 321.450 – Hazardous materials transportation.
151. Section 321.454 – Width of vehicles.
152. Section 321.455 – Projecting loads on passenger vehicles.
153. Section 321.456 – Height of vehicles; permits.
154. Section 321.457 – Maximum length.
155. Section 321.458 – Loading beyond front.
156. Section 321.460 – Spilling loads on highways.
158. Section 321.462 – Drawbars and safety chains.
159. Section 321.463 – Maximum gross weight.
161. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Council shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

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

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

62.05 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.06 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction 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 ENGINE/COMPRESSION BRAKES PROHIBITED. All drivers operating trucks on a street or highway within the City limits shall not use the engine back-pressure braking/compression braking system, commonly known as “jake brakes,” and any such use shall be deemed a violation of this section and a simple misdemeanor with a scheduled fine of at least $50.00 but not more than $500.00 and/or imprisonment up to 30 days in jail.

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CHAPTER 63
SPEED REGULATIONS

63.01 General
63.02 State Code Speed Limits
63.03 Parks, Cemeteries, and Parking Lots
63.04 Special Speed Zones
63.05 Speed Limits on Highway 78
63.06 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour.

63.03 PARKS, CEMETERIES, AND PARKING LOTS. A speed in excess of 15 miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

63.04 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.

(Code of Iowa, Sec. 321.290)

63.05 SPEED LIMITS ON HIGHWAY 78. The maximum speed limits for all motor vehicle traffic on Iowa Highway 78 within the City are as follows:

1. Between Highway Station 559+07 (WCL) and Highway Station 569+00, the maximum speed limit is 45 miles per hour.
2. Between Highway Station 569+00 and Highway Station 588+00, the maximum speed limit is 35 miles per hour.
3. Between Highway Station 588+00 and Highway Station 49 +15 (ECL), the maximum speed limit is 45 miles per hour.
63.06 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

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CHAPTER 64
TURNING REGULATIONS

64.01 TURNING AT INTERSECTIONS. 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 the centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

64.02 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.
CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Street – Stop

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

(Code of Iowa, Sec. 321.345)

1. Highway 78.

65.02 Stop Required

Traffic on the highways or streets hereinafter designated shall come to a full stop at the stop sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a peace officer:

(Code of Iowa, Sec. 321.345)

1. N. Adams Street and E. Main Street. Traffic on N. Adams Street shall stop before entering the intersection.

2. N. Madison Street and E. Main Street. Traffic on N. Madison Street shall stop before entering the intersection.

3. E. Front Street and N. Madison Street. Traffic on E. Front Street shall stop before entering the intersection.

4. E. Front Street and N. Adams Street. Traffic on E. Front Street shall stop before entering the intersection.

5. N. Madison Street and E. Railroad Street. Traffic on N. Madison Street shall stop before entering the intersection.

6. N. Pearl Street and W. Front Street. Traffic on W. Front Street shall stop before entering the intersection.

7. N. Pearl Street and W. Railroad Street. Traffic on W. Railroad Street shall stop before entering the intersection.

8. N. Washington Street and W. Front Street. Traffic on W. Front Street shall stop before entering the intersection.


10. W. Front Street and N. Jefferson Street. Traffic on W. Front Street shall stop before entering the intersection.

11. W. Front Street and N. Lincoln Street. Traffic on W. Front Street shall stop before entering the intersection.


14. W. Cummings Street and N. Pearl Street. Traffic on W. Cummings Street shall stop before entering the intersection.

15. N. Northridge Court Street and W. Cummings Street. Traffic on N. Northridge Court Street shall stop before entering the intersection.


18. W. Second Street and S. Pearl Street. Traffic on W. Second Street shall stop before entering the intersection.

19. W. Third Street and S. Pearl Street. Traffic on W. Third Street shall stop before entering the intersection.

20. W. Fourth Street and S. Pearl Street. Traffic on W. Fourth Street shall stop before entering the intersection.


23. S. Brooks Street and W. Main Street. Traffic on S. Brooks Street shall stop before entering the intersection.

24. S. Easy Street and W. Fourth Street. Southbound traffic on S. Easy Street shall stop before entering the intersection.

25. W. Clark Street and S. Brooks Street. Traffic on W. Clark Street shall stop before entering the intersection.

26. S. Meyer Lane and W. Fourth Street. Southbound traffic on S. Meyer Lane shall stop before entering the intersection.

27. S. Meyer Lane and W. Third Street. Northbound traffic on S. Meyer Lane shall stop before entering the intersection.

28. S. Washington Street and W. Fourth Street. Southbound traffic, eastbound traffic and westbound traffic shall stop before entering the intersection.

29. W. Neff Street and N. Jefferson Street. Traffic on W. Neff Street shall stop before entering the intersection.

30. W. Neff Street and N. Washington Street. Traffic on W. Neff Street shall stop before entering the intersection.

31. N. Jackson Street and W. Front Street. Traffic on N. Jackson Street shall stop before entering the intersection.

32. N. Jackson Street and W. Main Street. Traffic on N. Jackson Street shall stop before entering the intersection.
33. N. Cleveland Street and W. Front Street. Traffic on N. Cleveland Street shall stop before entering the intersection.
34. N. Cleveland Street and W. Main Street. Traffic on N. Cleveland Street shall stop before entering the intersection.
35. W. Boshart Lane and N. Jefferson Street. Traffic on W. Boshart Lane shall stop before entering the intersection.
36. E. Main and N. Madison, southbound traffic.
37. Alleyway intersecting with 200 block of W. Cummings, northbound traffic.
38. Alleyway intersecting 200 block of Highway 78, southbound traffic.
40. Alleyway intersecting with N. Pearl between W. Main and W. Front Streets, eastbound traffic.
41. Alleyway intersecting 100 block of W. Main Street, northbound and southbound traffic.
42. Alleyway intersecting with 100 block of W. 2nd Street, northbound traffic.
43. Alleyway intersecting with 100 block of S. Pearl between W. 2nd and W. Main, eastbound traffic.
44. Alleyway intersecting with W. Main and S. Brooks, southbound traffic.
45. Alleyway intersecting with 400 block of W. Front, northbound traffic.
46. Alleyway between 200 block of W. Main and W. 2nd, southbound and northbound traffic.
47. W. Cummings and N. Jefferson, westbound traffic shall stop.
48. Eastbound traffic and westbound traffic on East Main Street shall stop at the intersection with North Madison Street.
49. Eastbound traffic and westbound traffic traveling in the alleyway located between Pearl Street on the east end and Washington Street on the west end shall stop at the intersection of the north-south alleyway located between 2nd Street on the north end and 3rd Street on the south end.
50. Northbound traffic and southbound traffic traveling in the alleyway located between 2nd Street on the north end and 3rd Street on the south end shall stop at the intersection of the east-west alleyway located between Pearl Street on the east end and Washington Street on the west end.
51. Northbound traffic on N. Adams Street shall stop at the intersection with Highway 78.
52. Westbound traffic on E. Railroad Street shall stop at the intersection with N. Adams Street.
53. Eastbound traffic on E. Railroad Street shall stop at the intersection with N. Roosevelt Street.
54. Northbound traffic on N. Roosevelt Street shall stop at the intersection with Highway 78.
55. West Boshart Lane and North Cleveland Street. Traffic on West Boshart Lane shall stop before entering the intersection.
56. West Boshart Lane and North Jackson Street. Traffic on West Boshart Lane shall stop before entering the intersection.
57. West Meyer Place and South Jefferson Street. Traffic on West Meyer Place shall stop before entering the intersection.
58. North Way Drive and East Highway 78. Traffic on North Way Drive shall stop before entering the intersection.

65.03 **FOUR-WAY STOP INTERSECTIONS.** Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Intersection of Jefferson Street and Main Street.
2. Intersection of Washington Street and Main Street.
3. Intersection of Pearl Street and East Main Street.

65.04 **YIELD REQUIRED.** Every driver of a vehicle shall yield in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Alleyway between 200 block of W. Cummings and Highway 78, northbound and southbound traffic.
2. Alleyway between 200 block of W. Depot and W. Front, northbound and eastbound traffic.
3. Alleyway between 200 block of W. Main and W. Front, southbound and westbound traffic.
4. Alleyway between 300 block of E. Main and E. Front, northbound and westbound traffic.
5. Alleyway between 300 block of E. Railroad and E. Front, northbound and southbound traffic.
6. Alleyway between 100 block of W. Main and W. Front, northbound and southbound traffic.
7. Alleyway between 100 block of W. 2nd and W. 3rd, northbound and southbound traffic.
8. Alleyway between 100 block of W. 3rd and W. 4th, northbound and southbound traffic.

65.05 **SCHOOL STOPS.** At the following school crossing zone every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 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)

*The City hereby establishes a school zone pursuant to Section 321.249 of the Code of Iowa, which shall extend 300 feet east and 300 feet west along Highway*
78 from the junction of Highway 78 with Washington Street, and which shall extend 300 feet north and 300 feet south along Washington Street from its junction with Highway 78.

The WACO Community School District and its agents and employees shall be empowered to erect at the intersection of Highway 78 and Washington Street in the City a roll out or shoulder mounted stop sign that complies with the requirements of the current manual and uniform traffic control devices, Iowa Department of Transportation. The City assumes all costs for electricity, maintenance, and replacements for said traffic control device, provided that by agreement, WACO may be required to reimburse the City all or any part of said costs and expenses. The WACO Community School District assumes all responsibility for the operation of the special traffic control device. WACO Community School District personnel shall be entitled to place the special traffic control device described above in said intersection in accordance with the permit issued by the Iowa Department of Transportation on each day school is in session for the WACO Community School District. Crosswalk indications shall be established by painting crosswalk areas at the intersection.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.07 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)
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CHAPTER 66
LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets

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

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

- NONE -

66.04 TRUCK ROUTES. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing six tons or more, when loaded or empty, 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. On N. Jefferson Street from Highway 78 South to Main Street.
B. On N. Washington Street from Highway 78 South to Main Street.
C. On N. Lincoln Street from Highway 78 South to Main Street.
D. On N. Pearl from North City Limits through Main to South City Limits.
E. On Main Street from East City Limits to West City Limits.

2. Deliveries Off Truck Route. Any motor vehicle weighing six tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite
stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

3. Employer’s Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)
CHAPTER 67
PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking
67.03 Pedestrian Crossing

67.01 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)
CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys, 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 -
CHAPTER 69
PARKING REGULATIONS

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 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 PARKING ON ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 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. Main Street on the north side from Jefferson Street to Washington Street.
2. Second Street on the north side from Pearl Street west to the alley.
3. Pearl Street on the west side from Front Street north to Railroad Street.

69.04 MANNER OF ANGLE PARKING. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 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 48 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236[1])
1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 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.
   \(\text{(Code of Iowa, Sec. 321.358[5])}\)

2. Center Parkway. On the center parkway or dividing area of any divided street.
   \(\text{(Code of Iowa, Sec. 321.236[1])}\)

3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
   \(\text{(Code of Iowa, Sec. 321.236[1])}\)

4. Sidewalks. On or across a sidewalk.
   \(\text{(Code of Iowa, Sec. 321.358[1])}\)

5. Driveway. In front of a public or private driveway.
   \(\text{(Code of Iowa, Sec. 321.358[2])}\)

6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
   \(\text{(Code of Iowa, Sec. 321.358[3])}\)

7. Fire Hydrant. Within five feet of a fire hydrant.
   \(\text{(Code of Iowa, Sec. 321.358[4])}\)

8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
   \(\text{(Code of Iowa, Sec. 321.358[6])}\)

9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
   \(\text{(Code of Iowa, Sec. 321.358[8])}\)

10. Fire Station. Within 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 75 feet of said entrance when properly sign posted.
    \(\text{(Code of Iowa, Sec. 321.358[9])}\)

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
    \(\text{(Code of Iowa, Sec. 321.358[10])}\)

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
    \(\text{(Code of Iowa, Sec. 321.358[11])}\)

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic
conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358[13])

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

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

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

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. 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.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 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 that is properly placed under the provisions of Section 321L.2A[1] of the Code of Iowa.

4. Parking Spaces Designated. Persons with disabilities parking spaces on certain public streets in the City are hereby established as follows:
   A. A parking space in front of 227 West Main Street, which space is the westernmost parking space on the south side of West Main Street, which is east of Jefferson Street, said parking space to be a parallel parking space.
   B. A parking space on the south side of West Main Street, which is the first space west of the alley between Jefferson Street on the west and Washington Street on the east, said parking space to be a parallel parking space.
   C. A parking space on the north side of West Main Street, which is the first space west of the alley between Jefferson Street on the west and Washington Street on the east, said parking space to be a diagonal parking space.

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. Main Street on both sides from Adams Street east to the City limits.
   2. West Cummings Street on both sides from North Pearl Street (W-55) to North Jefferson Street.
   3. North Washington Street on both sides from West Cummings Street to Iowa Highway 78.
   4. East Railroad Street on the south side from Adams Street to Highway 78.

69.09 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the streets marked to prohibit all night parking for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.
   (Code of Iowa, Sec. 321.236[1])

69.10 TRUCK PARKING.
   1. Definitions. For use in this section the following words are defined:
   A. “Semi” means any one of or part of either semi-truck tractors, special trucks and semi-trailers associated with and/or which are hauled by or capable of being hauled by a semi-truck tractor, and including such vehicles of those types as are defined in Section 321.1 of the Code of Iowa. This definition does
CHAPTER 69

PARKING REGULATIONS

not include fire trucks or other emergency vehicle trucks but does include farm vehicles which otherwise fit the definition.

B. “Street” means the street right-of-way in full, which encompasses the area between the sidewalk and the street, as well as the actual street. It also means and includes the entire alley right-of-way.

2. Limitations and Restrictions.

A. No semi shall be parked on any City street at any time, except as may be permitted by this section.

B. The parking of any truck in excess of one ton is prohibited at all times on Main Street between Jefferson Street and Washington Street.

C. No semi shall be driven over any curb in any street at any time, except as may be permitted by this section.

D. Semis may enter private property only through previously constructed driveway entrances that traverse a curb line or sidewalk. Semis may not traverse a curb, ditch or sidewalk in the street right-of-way or alley right-of-way, excepting only for the purpose of immediate loading or unloading of cargo or freight. Semis may park temporarily in a street for purposes of loading or unloading cargo or freight. Such loading or unloading shall not take more than three hours, unless authorized by the Police Chief or his designee by written authorization.

3. Semi Parking Authorizations. The Police Chief or his designee may issue such authorizations for periods in excess of three hours. Authorizations issued by the Police Chief shall specify the date issued, the parking time which shall be permitted and the specific location of the parking. The authorization shall be signed by the Police Chief or his designee. The Council, by motion, may approve such authorization forms to be used by the Police Chief as may be submitted to them from time to time.

69.11 MOTOR VEHICLE PARKING AND STORAGE. Motor vehicle parking and storage is not permitted in any front or side yard in any residential, commercial or industrial zoning district, except as provided in this section.

1. Sidewalks. No parked motor vehicle shall obstruct a public sidewalk. If no public sidewalk exists, then no motor vehicle shall be parked closer than five feet to the street surface.

2. Driveways. A motor vehicle may be parked upon a driveway.

3. Recreational Vehicle - Front Yard Parking. No more than one recreational vehicle may be parked within a front yard and only if in operable condition and if parked upon a driveway.

4. Side Yard Parking. Motor vehicles may be parked or stored in any side yard, and such motor vehicle must be parked or stored on a driveway, carport, hard surface pad, or enclosed structure.

5. Driveway. For purposes of this section, a driveway shall be considered to be that designated area to provide access from the street to a parking area, an attached or basement garage, carport or detached garage, and shall be surfaced, free of grass and weeds and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City.
6. Hard Surface Pads. For purposes of this section, a hard surface pad shall be surfaced and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City.

7. Motor Vehicles. For purposes of this section, motor vehicles shall include automobiles, motorcycles, vans, pickup trucks, similar vehicles and recreational vehicles.

8. Recreational Vehicles.
   A. For purposes of this section, recreational vehicles shall include bus campers, camper trailers, pickup campers, travel trailers, motor homes, snowmobiles, boats, trailers and similar vehicles. No such recreational vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored except as permitted by this section.
   B. Recreational vehicles which are not being regularly used or are being stored during the off season, may be stored in a front, side, rear yard, or in an inconspicuous location. Recreational vehicles shall not be stored nearer than two feet to any lot line and must be parked or stored on a driveway, carport, hard surface pad or enclosed structure, and such surface shall be kept free of grass and weeds. For purposes of this section, a hard surface pad shall be surfaced and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City.
   C. It is unlawful to park a boat trailer, utility trailer, or unoccupied motor home, travel or camping trailer, on any public street, alley or place for a period of time in excess of 24 hours. Upon application to the Police Department, emergency or temporary parking for occupied travel trailers, campers and motor homes may be permitted at designated locations on public streets, alleys, or any other public or private place for a three-day period, subject to extended time of up to three days upon reapplication, and subject to any other prohibitions or regulations imposed by traffic and parking ordinances of the City.
   D. Occupied recreational vehicles may be parked and occupied on private property no longer than seven consecutive days at a time and no more than 21 days in the calendar year. Only one occupied recreational vehicle and one tent shall be allowed at one time on a residential lot. When recreational vehicles are occupied, the property owner shall notify the City Clerk or Zoning Administrator of period of occupancy. If complaints are received by the City arising from the use of a recreational vehicle or tent, the City reserves the right to restrict occupancy of recreational vehicles or tents.
   E. Recreational vehicles shall not be used for business purposes in any zoning district.

9. Unlicensed Vehicles and Trailers. Motor vehicles and trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in a completely enclosed building.

69.12 PARKING LIMITED TO TEN MINUTES. It is unlawful to park any vehicle for a continuous period of more than 10 minutes between the hours of 7:00 a.m. and 6:00 p.m., on each day except Sunday, upon the following designated streets:

(Code of Iowa, Sec. 321.236 [1])
1. Main Street on the south side in the designated area in front of the Post Office.

69.13 PARKING LIMITED TO TWO HOURS. It is unlawful to park any vehicle for a continuous period of more than two hours upon the following designated streets:

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

1. On Main Street on the south side from Jefferson Street east to the platted alley.

69.14 SNOW REMOVAL. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area at any time within 12 hours after a snowfall of three inches or more has occurred unless within said 12-hour period the streets have been cleared. It is unlawful to park any vehicle on any public street or portion thereof at any time when snow is being removed from such street.

(Code of Iowa, 321.236[1])
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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

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 that 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 fine for each violation charged under a simple notice of a fine shall be in the amount of $7.00 for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by $5.00. The fine for improper use of a persons with disabilities parking permit is $100.00.

(Code of Iowa, Sec. 321.236[1b] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESCRIPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code; and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the
nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

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

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

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

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CHAPTER 71

LANDING, TAKEOFF AND STORAGE OF AIRCRAFT

71.01 Purpose. The purpose of this chapter is to prohibit the landing, taking off and storage of aircraft within the City except at designated points and locations.

71.02 Definitions. For use in this chapter the following terms are defined:

1. “Air navigation” means the operation or navigation of aircraft in the air space over the City or upon any landing facility within the City.

2. “Air navigation facility” means any facility other than one owned or controlled by the Federal Government used, available for use or designed for use in aid of air navigation, including landing areas, and any structures, mechanisms, lights, beacons, markers, communicating systems or other instrumentalities or devices having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

3. “Aircraft” means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, for the purpose of transporting persons or property or both.

4. “Airport” means any landing area used regularly by aircraft for receiving or discharging passengers or cargo and all appurtenant areas used or suitable for airport buildings or other airport facilities and all appurtenant rights-of-way, whether heretofore or hereafter established.

5. “Landing area” means any locality, either of land or water, including intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo; it does not include any intermediate landing field established or maintained by the Federal Government as part of any civil airway.

71.03 Unauthorized Takeoff and Landing of Aircraft. No person shall cause any aircraft to land or takeoff from any area or real property located within the City unless such area from which the aircraft is taking off or landing has been previously designated as a landing area or airport by the Iowa Department of Transportation or any successor department.

71.04 State Certificate Required. Any landing area or airport, whether public or private, shall be required to have received all necessary certificates of operation and certificates of registration which are issued by the Iowa Department of Transportation and any other Federal Government agency.

71.05 Standards. Any airport or landing area shall meet all necessary safety standards deemed applicable by the Iowa Department of Transportation or any successor agency and such standards deemed applicable by any necessary Federal Government agency in the operation and
maintenance of an airport or landing facility. No person shall operate a landing facility or airport within the City without meeting the requirements imposed by this section, and the City hereby adopts the standards established by the Iowa Department of Transportation under the authority of Chapter 328 of the Code of Iowa.

71.06 APPROVAL OF COUNCIL. No person shall be authorized to operate any airport or landing facility within the City without first obtaining all necessary approvals from the Iowa Department of Transportation, all necessary Federal Government agencies and the approval of the Council as to location of said airport or landing facility.

71.07 PENALTY. Any person who violates any of the provisions of this chapter shall be guilty of a simple misdemeanor. Each occurrence shall be considered a separate violation. For the purpose of this section, “occurrence” means any separate event of the following:

1. A day’s operation of an unauthorized landing facility or airport.
2. A single landing of any aircraft.
3. A single takeoff of any aircraft.

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

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 vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

   (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 vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

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

   A. “Off-road utility vehicle – type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

   B. “Off-road utility vehicle – type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

   C. “Off-road utility vehicle – type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

   An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 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 that 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 and Alleys
   A. Unplowed. Snowmobiles may be operated upon streets which have not been plowed during the snow season. This section does not authorize use or operation of snowmobiles on streets which are normally plowed, but which may have snow cover on them at the immediate time of operation, and such operation or use is in violation of this snowmobile chapter.
   B. Other. The operation of a snowmobile is prohibited except on the following routes in the City:
      
      (1) Along Highway 78 easterly to westerly throughout the City.
      (2) North and south on North Jefferson Street between its intersections with Highway 78 on the north and Depot Street on the south.
      (3) East and west on Depot Street from its intersection with Jefferson Street on the west to its intersection with the north-south alley which northern entrance is on Depot Street between North Jefferson Street and North Washington Street.
      (4) North and south along the alley that runs south from West Depot Street on the north to its intersection with the first east-west alley that is south of Front Street on the south which alley runs between North Jefferson and North Washington Street.
      (5) East and west along the alley which intersection is last described on the west and thence running east to the intersection of said alley with North Pearl Street on the east.
      (6) North to south on Pearl Street from its intersection with Highway 78 on the north and the aforesaid alley intersection with Pearl Street on the south, said alley intersection being between Front Street on the north and Main Street on the south.
   C. Markings Required. Operation shall only be permitted when said snowmobile route markings have been placed by the City or by its designees.

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 90 degrees 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 that 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.

7. Duties of Officials. The Mayor and Clerk, together with the Police Chief, shall devise appropriate signs to be placed upon property of the City affected by this section at intersections of any public way and along the routes herein established. The Mayor shall direct such other steps as may be reasonably necessary to carry out the terms and intent of this section. The Mayor shall be authorized to designate an organization to erect the necessary signage contemplated by this section. Any organization designated by the Mayor shall assure the City that it has appropriate liability insurance in force and naming the City as an additional insured, and said organization shall execute such agreements with the City as the City reasonably determines appropriate to promote the safe use of the snowmobile routes herein designated.
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 and off-road utility vehicles 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 operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

   (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.”

6. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

   (Code of Iowa, Sec. 321I.10[5])

   A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

   B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

   C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

   D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

   E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

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

† EDITOR’S NOTE: See also Chapter 76—Operation of UTVs on City Streets.
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 $1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)
CHAPTER 76
OPERATION OF OFF ROAD UTILITY VEHICLES (UTVs) ON CITY STREETS

76.01 PURPOSE. The purpose of this chapter is to permit the operation of certain off road utility vehicles (UTVs) on certain streets in the City, as authorized by Sections 321.234A, 321I.10 and all other applicable sections of the Code of Iowa, as amended. This chapter applies whenever an off road utility vehicle (UTV) is operated on any street or alley of the City of Wayland, Iowa.

76.02 DEFINITIONS. “Off road utility vehicle” (UTV) shall have the same meaning as in Section 321I.1(18), the Code of Iowa. In this chapter such vehicles may be referred to as UTVs or UTV. No other types of all-terrain vehicles or off road vehicles shall be permitted by this chapter.

76.03 OPERATION OF OFF ROAD UTILITY VEHICLES (UTV) PERMITTED. Off road utility vehicles (UTVs) may be operated upon the streets of the City by persons possessing a valid Iowa operator’s license, and who are at least 21 years of age. Owners and operators shall not operate in the City any UTV that does not comply with all registration and titling requirements of Chapter 321I of the Code of Iowa. Operators shall observe all State and local traffic control statutes, ordinances, regulations and devises.

76.04 PROHIBITED STREETS. UTVs shall not be operated upon any City street which is a designated snowmobile route through the City during the months of December, January, and February. However, UTVs may cross such a route after coming to a complete stop and yielding to any vehicle in the route. Section 75.04(1) of this Code of Ordinances shall control the streets used for the snowmobile route.

76.05 UNLAWFUL OPERATION.
1. No UTV shall be parked upon any City sidewalks.
2. No UTV shall be operated while under the influence of intoxicating liquor, narcotics or habit forming drugs.
3. No person shall operate a UTV in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same.
4. No UTV shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the “right-of-way” except for the purposes of crossing the same to a public street upon which operation is authorized by this chapter.
5. No item shall be towed by a UTV.
6. No UTV shall be operated upon private property without the express consent of the owner thereof.
7. No UTV shall be driven or operated on roadways or other areas in cemeteries located in the City.
8. No UTV shall be driven or operated in public parks.
9. No UTV shall be driven or operated on City sidewalks except while removing snow or debris.
10. No UTV shall be operated in a manner which violates Chapter 321, the *Code of Iowa*, which shall be and is adopted as applicable to the operation of UTVs in the City as are all sections of this Code of Ordinances concerning the operation of motor vehicles.

76.06 EQUIPMENT. Any UTV operated upon City streets shall be equipped with a minimum of the following safety features:
1. A slow moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five feet from ground level.
3. Adequate brakes.
4. Rear view mirror – driver’s side.
5. Appropriate noise control device such as a proper muffler.
6. Adequate exhaust system.
7. All equipment required by Chapter 321I of the *Code of Iowa*.

76.07 OPERATION REGULATIONS. The following regulations apply to the operation of a UTV within the City.
1. Any operator of a UTV must have a valid driver’s license and be at least 21 years of age.
2. All riders in the UTV must remain seated at all times.
3. No more than two adult people may ride in the front seat of a UTV and not more than two adult people may ride in the backseat of a UTV, if said seat exists.
4. While in operation any operator and passenger must be seated on the seat and no part of the body of any person shall extend beyond the sides of the UTV.
5. Children must be accompanied by a qualified operator, seated in a passenger seat, and no part of the body of person extends beyond the sides of the UTV, nor shall a child be in the area of the operator or operator’s position. Operators with any child as a passenger must follow all requirements of this subsection.
6. No passengers shall be transported in any cargo area or sitting on another passenger.

76.08 HOURS OF OPERATION. UTVs may be operated on City streets only between sunrise and sunset. UTVs are prohibited on streets during inclement weather when visibility is
CHAPTER 76  
OPERATION OF OFF ROAD UTILITY VEHICLES (UTVs) ON CITY STREETS

reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of 500 feet. The hours of sunrise to sunset for each calendar year shall be determined by the United States Naval Observatory hours for Wayland, Iowa.

76.09  SPEED. No UTV shall be operated on any City street at a speed in excess of 25 miles per hour even in areas with a speed zone which allows a greater speed.

76.10  PERMITS. No person shall operate a UTV on any public street or alley, for any purpose, unless the operator possesses a City of Wayland permit to operate a UTV on City streets, issued by the City Clerk of Wayland, Iowa.

1. UTV owners may apply for a permit from the City Clerk on forms provided by the City.

2. The Clerk shall not issue a permit until the owner/operator has provided the following:
   A. Evidence that the owner/operator is at least 21 years of age, and possesses a valid Iowa driver’s license.
   B. Proof of registration compliance with Chapters 321 and 321I of the Code of Iowa.
   C. Proof owner/operator has liability insurance covering operation of UTVs on City streets in the amount required by the Code of Iowa, but no less than $300,000.00 each person and each occurrence for personal injury and property damage.

3. All permits shall be issued for a specific UTV. Permits holders will be issued a permit sticker to affix to the left side rear fender or similar component.

4. The fee for such permits shall be $50.00. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased at any time during the year but will be valid only through December 31.

5. Permits may be renewed for a calendar year starting the December 1 in the preceding calendar year for which renewal is sought and ending on the last business day of February in the year for which renewal is sought. Any renewals made after that date shall pay a late fee of $15.00 for each month or part thereof that renewal is paid and issued in or after March of the calendar year for which the permit is issued.

6. The permit may be suspended or revoked upon finding by the Police Chief that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee. Notice of the suspension or revocation shall be given pursuant to the provisions of Section 76.12 below.

76.11  ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a UTV is involved in an accident resulting in injury or death to anyone, or property damages aggregating $1,500.00 or more. The owner shall cause the operator to file an accident report within 48 hours in accordance with State law.
76.12 PENALTY.

1. Suspension, Revocation and Appeal.
   A. A violation of this chapter may result in the suspension or revocation of the owner’s permit as determined by the Police Chief. A suspension or revocation shall be required upon a second violation of this chapter.
   B. Notice of the suspension shall be given in writing and mailed through the United States Postal Service by certified mail with a proof of delivery to the address of the registered owner or the address shown on the operator’s license or by personal service attested by the person serving the notice. The server can be the Police Chief or any other person.
   C. The suspension or revocation notice shall specify the reason(s) for the suspension or revocation.
   D. Any suspension or revocation may be appealed to the City Council. The appeal must be filed in writing and with the City Clerk, within 10 days from the date the written notice of suspension is sent to the owner by certified mail or the date the notice is personally served on the owner. It is not necessary for the owner be the operator for a suspension or revocation of the owner’s permit.
   E. The Clerk shall place the suspension appeal on the next Council meeting agenda that is at least five days after the notice of appeal is filed, and at that meeting, the Council shall establish a hearing date which will be the next regular Council meeting unless the Council sets a different regular or special Council meeting for the appeal hearing, and which hearing date is not less than 20 days or more than 30 days after the meeting which sets the hearing date.
   F. A suspension shall for the balance of the permit period or at least 30 days for a first offense; upon a second offense by any operator or owner, the permit may be revoked.
   G. All operator offenses shall be attributed to the owner.
   H. Upon a revocation, no permit shall be authorized to that owner until permitted by resolution of the Council and after recommendation by the Police Chief.

2. In addition to the suspension or revocation of the permit, any person who violates this chapter is guilty of a simple misdemeanor punishable as a violation under the Code of Iowa or this Code of Ordinances.

3. In addition to the suspension or revocation of the permit, any person, whether owner or operator, may be assessed a civil penalty of not less than $100.00 for a first offense, $300.00 for a second offense and $500.00 for any subsequent offense. All operator offenses shall be attributed to the owner.
CHAPTER 77

BICYCLE REGULATIONS

77.01 Scope of Regulations. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

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

77.02 Traffic Code Applies. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

77.03 Double Riding Restricted. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

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

77.04 Two Abreast Limit. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

77.05 Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

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

77.06 Emerging from Alley or Driveway. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

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

77.07 Carrying Articles. No person operating a bicycle shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars.

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

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77.08 RIDING ON SIDEWALKS. The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.
   (Code of Iowa, Sec. 321.236[10])

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.
   (Code of Iowa, Sec. 321.236[10])

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.
   (Code of Iowa, Sec. 321.236[10])

77.09 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

77.10 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

77.11 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.
   (Code of Iowa, Sec. 321.236[10])

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

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.
   (Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.
   (Code of Iowa, Sec. 321.236[10])

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

77.14 SKATEBOARDING REGULATIONS. The purpose of this section is to provide for the public safety and the public health of the citizens of the City, and the Council deems these regulations necessary to the public health and safety of the citizens of the community.
1. **Scope of Regulations.** These regulations shall apply whenever a skateboard is operated upon any street, alley, sidewalk or other public way or upon and in any public area set aside for the exclusive use of skateboards, subject to the exceptions herein stated.

2. **Definition.** In this section, “skateboard” means any type of board or other materials to which are affixed wheels and which is capable of conveying or being ridden upon in any position by a person.

3. **Traffic Code Applies.** Every person riding or operating a skateboard upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State of Iowa declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a skateboard, the person shall be subject to all regulations applicable to a pedestrian. The provisions of this section shall be subject to the restrictions as set forth herein below.

4. **Prohibitions on Skateboards Operated in the Street.** No person shall operate a skateboard upon a City street or alley. “Street” and “alley” mean, for this section, the paved area normally utilized by motor vehicles from curb to curb, or if no curb, between the edges of the paved area.

5. **Restrictions on Sidewalks.** No skateboard shall be operated on any sidewalk on Main Street in the business district of the City from Pearl Street to Jefferson Street. When riding on a sidewalk in other areas of the City, a person operating or riding a skateboard shall yield the right-of-way to pedestrians on the sidewalk and shall dismount from the skateboard at least 10 feet from the pedestrian and shall not permit the skateboard to continue in its travel without a rider. Persons riding skateboards on sidewalks shall not ride two or more abreast and shall be operated as near as practicable to the right hand edge of the sidewalk. When meeting a bicycle on a bicycle path or sidewalk, a skateboard shall be operated as near as practicable to the right-hand edge of the bicycle path or sidewalk.

6. **Speed.** No person shall operate a skateboard at a speed greater than is reasonable and prudent under the conditions then existing.

7. **Emerging from Private Sidewalk or Driveway.** The operator of a skateboard emerging from a private sidewalk, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across an alleyway, yield the right-of-way to all bicycles and pedestrians approaching on said sidewalk or sidewalk area, and upon entering the sidewalk, shall yield the right-of-way to all pedestrians and bicycles approaching on said sidewalk.

8. **Other Regulations.**
   
   A. When signs are erected on any sidewalk prohibiting the riding of skateboards thereon by any person, no person shall disobey the signs.
   
   B. It is unlawful for any person riding a skateboard to be towed by or to tow any other vehicle upon the sidewalk or street of the City.
   
   C. No person shall ride a skateboard in a reckless manner so as to disregard the safety of the operator or others.
D. No person shall leave a skateboard unattended on a sidewalk, roadway, or other public area. The skateboard operator shall remain with the skateboard at all times.

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CHAPTER 78
OPERATION OF GOLF CARTS ON CITY STREETS

78.01  PURPOSE. The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a golf cart is operated on any street or alley of the City.

78.02  DEFINITION. “Golf cart” means a three- or four-wheeled recreational vehicle generally used for transportation of persons in the sport of golf and which is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds.

78.03  OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of the City by persons possessing a valid Iowa operator's license, and who are at least 21 years of age. Golf cart operators shall observe all State and local traffic control regulations and devices.

78.04  PROHIBITED STREETS. Golf carts shall not be operated upon any City street which is a primary road extension through the City. However, golf carts may cross such a primary road extension. Highway 78, and Highway W55, named in the City as Dakota Avenue and N. Pearl Street, are hereby designated a primary road extension in the City which may be crossed but not traveled upon.

78.05  UNLAWFUL OPERATION.

1. No golf carts shall be operated or parked upon City sidewalks.

2. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics or habit forming drugs.

3. No person shall operate a golf cart in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same.

4. No golf cart shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the “right-of-way” except for the purposes of crossing the same to a public street upon which operation is authorized by this chapter.

5. No item shall be towed by a golf cart.

6. No golf cart shall be operated upon private property without the express consent of the owner thereof.

7. No golf cart shall be operated on roadways or other areas in cemeteries located in the City.
8. No golf cart shall be operated in a manner which violates Chapter 321 of the
 *Code of Iowa*, which shall be and is adopted as applicable to the operation of golf carts
 in the City as are all sections of this Code of Ordinances concerning the operation of
 motor vehicles.

**78.06 EQUIPMENT.** Golf carts operated upon City streets shall be equipped with a
minimum of the following safety features.

1. A slow moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five feet from
   ground level.
3. Adequate brakes.
4. Rear view mirror, driver’s side.
5. Appropriate noise control device such as a proper muffler.

**78.07 OPERATION REGULATIONS.** The following regulations apply to the operation of
a golf cart within the City.

1. Any operator of a golf cart must have a valid driver’s license and be at least 21
   years of age.
2. All riders in the golf cart must remain seated at all times.
3. No more than two adult people may ride in the front seat of a golf cart and not
   more than two adult people may ride in the backseat of a golf cart, if said seat exists.
   While operating any rider must be seated on the seat and no part of the body of any
   rider will extend beyond the sides of the cart. Children must be accompanied by an
   adult driver and must follow all requirements of this subsection except the capacity
   limits as long as all children are seated on the seat and no part of the body of the child
   extends beyond the sides of the golf cart.

**78.08 HOURS OF OPERATION.** Golf carts may be operated on City streets only between
sunrise and sunset. Golf carts are prohibited on streets during inclement weather when visibility
is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is
insufficient light to clearly see a person or vehicle on a roadway at a distance of 500 feet.

**78.09 SPEED.** No golf cart shall be operated on any City street at a speed in excess of 25
miles per hour.

**78.10 PERMITS.** No person shall operate a golf cart on any public street or alley, for any
purpose, unless the operator possesses a City of Wayland permit to operate a golf cart on City
streets, issued by the City Clerk.

1. Golf cart owners may apply for a permit from the City Clerk on forms provided
   by the City.
2. The Clerk shall not issue a permit until the owner/operator has provided the
   following:
   A. Evidence that the operator is at least 21 years of age, and possesses a
      valid Iowa driver’s license.
B. Proof owner/operator has liability insurance covering operation of golf carts on City streets in the amount required by the Code of Iowa.

3. All permits shall be issued for a specific golf cart. Permit holders will be issued a permit sticker to affix to the left side rear fender or similar component.

4. The fee for such permits shall be $20.00. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased at any time during the year but will be valid only through December 31.

5. Permits may be renewed for a calendar year starting December 1 in the preceding calendar year for which renewal is sought and ending on the last business day of February in the year for which renewal is sought. Any renewals made after that date shall pay a late fee of $15.00 for each month or part thereof that renewal is paid and issued in or after March of the calendar year for which the permit is issued.

6. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

78.11 PENALTY. In addition to the suspension or revocation of the permit a person who violates this chapter is guilty of a simple misdemeanor punishable as a scheduled violation or as otherwise provided under the Code of Iowa.
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CHAPTER 90

WATER SERVICE SYSTEM

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 Superintendent of the City water system 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. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.
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 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within 60 days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay $25.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

(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 State Plumbing Code.

90.08 OWNERSHIP OF WATER MAINS. The ownership of any and all water mains shall be vested in the City and the City shall have a permanent easement to enter upon any private property for the purpose of repairing, replacing, servicing or maintaining any such water main. All such water mains hereafter constructed shall be built parallel to the property or curb lines, and all connections to said mains shall be constructed of not less than three-quarter-inch pipe and run to the curb line of the property which would be served, and if there is no such curb line, then to an imaginary curb line, which point shall be determined by the Superintendent. On extension of any water main, the City shall pay for the first 50 feet of any such extension and the balance of the costs of the extension shall be paid for by the person making application for the extension of the water main.

90.09 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.10 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the State Plumbing Code and the provisions of Chapter 135 of this Code of Ordinances.

90.11 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. **Sizes and Location of Taps.** All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. All taps in the mains shall be made in the top half of the pipe, at least 18 inches apart. No main shall be tapped nearer than two 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 in no case be smaller than the service pipe.

4. **Location Record.** An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.12 **INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be type K copper tubing, one hundred forty (140) pound test PVC, or P.E. (P Pipe). Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.13 **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.

90.14 **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])

90.15 **CURB VALVE.** There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.16 **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.

90.17 **INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected by the Public Works Superintendent before they are covered. If the Public Works Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work, at the owner’s expense. 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.

90.18 **COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for 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])

90.19 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.

90.20 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.

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CHAPTER 91
WATER METERS

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 the City. (An exception to this provision is contained in an Agreement with the trailer court south of the City.)

91.03  FIRE SPRINKLER SYSTEMS; EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall 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 AND METER PITS. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used when deemed necessary and approved by the Public Works Superintendent and shall be of a design and construction approved by the Superintendent.

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

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  METER INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with the schedule of such fees approved by resolution of the Council.
91.10 MAINTENANCE. Every meter shall be removed from service when manufacturer’s recommended gallons of usage are metered.

91.11 ACCURACY TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any user. The Superintendent or an assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of five percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than three months. If the meter is found to be accurate or slow, or less than five percent fast, the customer shall pay the reasonable costs of the test.

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CHAPTER 92

WATER RATES

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. (An exception to this provision is contained in an Agreement with the trailer court south of the City.)

(Code of Iowa, Sec. 384.84)

92.02 RATES AND CHARGES FOR WATER SERVICE WITHIN THE CITY LIMITS. Rates and charges for water service within the City limits shall be as follows:

1. A charge shall be levied of $12.00 for each water meter or each dwelling unit or each commercial enterprise, whether for-profit or not-for-profit, on the premises served by the City water system, whichever number is greater, but not to exceed the number of water-using units on the premises. The amount determined under this subsection shall be the minimum amount assessable to the premises served by the City water system.

2. An additional charge of $6.90 for each 1,000 gallons of water, or any fractional part thereof, shall be levied for water measured through each water meter which services the premises.

3. In no case shall the minimum service charge for the water system service be less than $12.00 per month, which charge is necessary to retire the indebtedness encumbering the system and to provide for the operation, maintenance and reserve necessary for maintaining the water facility.

92.03 DEFINITION OF WATER-USING UNIT; APPEALS. As used herein, “water-using unit” means any household unit or economic unit or entity, including non-profit organizations, which have water service available on and primarily servicing such unit and available for use or consumption by or for the unit, its customers, employees, family members, guests or invitees, but it does not include as separate units hospital rooms, church rooms, intermediate care facility rooms, school rooms or commercial enterprises which merely rent one room without water or merely space in another ongoing business or commercial unit’s premises. Apartments shall always be considered separate dwelling units. The Mayor shall determine any questions as to the correct number of dwelling units or commercial enterprises on any one premises for assessment of the base charges. Any aggrieved person may appeal to the Council by filing a written appeal with the Clerk. Such appeal shall be heard at the next regular Council meeting for determination as to the correct number of units by applying the standards of this chapter and its intent.
CHAPTER 92
WATER RATES

92.04 RATES AND CHARGES FOR WATER SERVICE OUTSIDE THE CITY LIMITS. Rates and charges for water service outside the City limits shall be as follows:

1. A charge shall be levied of $20.50 for each water meter or each dwelling unit or each commercial enterprise, whether for-profit or not-for-profit, on the premises serviced by the City water system, whichever number is greater. The amount determined under this subsection shall be the minimum amount assessable to the premises served by the City water system.

2. An additional charge of $9.65 for each 1,000 gallons of water, or any fractional part thereof, shall be levied for water measured through each water meter which services the premises.

3. In no case shall the minimum service charge for the water system service be less than $20.50 per month, which charge is necessary to retire the indebtedness encumbering the system and to provide for the operation, maintenance and reserve necessary for maintaining the water facility.

4. Users who live outside the corporate limits of the City shall not be entitled to reconnect to the City water system during a one-year period commencing with the date of such person’s voluntary disconnection from the City’s water system, unless:

   A. Such voluntary disconnection was due to the change in residence and place of use by the person voluntarily disconnecting from the City service; or

   B. Such person, after voluntary disconnection, who desires reconnection within the one-year period, pays a connection fee equal to an amount determined by the following formula: a sum equal to the greatest number of gallons used in any billing cycle during the 12 billing cycles prior to the voluntary disconnection date, multiplied by the present out-of-City water rate for such usage, multiplied by the number of months or parts thereof between the voluntary disconnect date and the desired reconnect date.

92.05 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 on or before the seventh day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the twenty-sixth day of the month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent of the amount due for water, sewer, and gas service shall be added to each delinquent bill. The penalty charge shall be added once only to each delinquent bill. Every customer shall be allowed, once during every 12-month period, one late payment with a penalty charge being added to the bill.

4. Budget Payment Plan. A budget payment plan, which can be changed for good cause upon written request, may be established for customers who make written request for such plan. The plan shall include:

   A. For established customers, their past 12 months’ water, sewer and other services bills shall be added in 12 equal monthly installments. The twelfth payment shall in June of each year.
B. The customer may start a budget payment plan in any month of the year. If the plan is not commenced in the month of June, then monthly payments will be adjusted for the remaining months in the budget payment year that commenced the preceding July 1.

C. Billings to budget plan customers shall show the current month’s consumption and cost, the account balance and the monthly budget plan now due. Customers may make advance payments on such plan at any time, or they may pay their accounts in full at any time.

D. If a budget plan customer fails to make monthly or balancing payments within 20 days after rendering the bill, such plan is terminated, the total unpaid account shall be due and payable and the account shall thereafter be treated as a regular account.

E. The plan shall carry forward any account credit or debit on the anniversary of the plan which shall be added to the estimated charges in determining the level payment amount for the next year. Unpaid level payments shall not be carried forward.

F. The plan shall have the level payment amount computed at the time of entry into the plan. It may be recomputed on each anniversary, when requested by the customer, or whenever price or consumption, along or in combination result in a new estimate differing by 10 percent or more from that in use. When a customer’s payment level is recomputed, the customer shall be notified of the revised payment amount and the reason for the change. The notice shall accompany the bill prior to the bill affected by the revised payment amount.

G. The plan shall provide that the account be balanced upon termination of service or withdrawal from the plan.

H. The plan shall, regardless of account balance, provide that a delinquent bill payment shall subject the customer to a late payment penalty on the level payment amount and to other procedures for collection and termination of service.

I. The plan shall not be available to new applicants for service who have not resided in the City for at least six months, nor shall the plan be available to any customer until after such customer has at least six months’ usage experience with the system. Said six months’ bill shall be doubled, then divided by 12, and the plan shall then conform with paragraphs A through D above.

J. The following City utility and services shall be aggregated for purposes of establishing budget billing for these utilities and services: water, sewer, solid waste, recycling.

K. This plan shall be calculated separately from the plan authorized for the City’s gas utility, but may be billed together in the aggregate.

L. Any customer that requests any kind of budget plan billing shall be placed on budget billing for all City utilities and similar regular recurring charges. (By way of example, if budget billing is requested under this subsection, then budget billing shall be instituted for the gas budget billing plan.)

M. A residential customer who has been disconnected or is about to be disconnected due to inability to pay in full may be offered the opportunity to
enter into a reasonable agreement to pay, subject to approval of the City Council. The Council may approve guidelines allowing the City Clerk, Utility Clerk and Mayor to approve plans.

92.06 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection.

2. Twenty-four Hour Notice. A 24-hour notice will be posted on the door of each customer that has failed to pay their delinquent bill by the date specified in the original notice. A $20.00 posting fee will be collected for this 24-hour notice.

3. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

4. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Mayor shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. If the Mayor finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.

5. Fees. A fee of $25.00 shall be charged to turn the water off and an additional fee of $25.00 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.

6. Returned Checks. The charge for any check or check-like financial instrument dishonored by a financial institution for any reason shall be $25.00 for each occurrence. If two or more of the customer’s financial instruments are dishonored within a six-month period, future payments by the customer shall be by cash, cashier’s check, or postal money order, or electronic transfer for a period not less than six months.

92.07 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 property or 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)
CHAPTER 92  WATER RATES

92.08 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. Written Notice. The landlord’s written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.09 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 30 days prior to certification of the lien to the County Treasurer.
92.10 CUSTOMER DEPOSITS. There shall be required from every customer a deposit not exceeding the average cost of 90 days of water service with a minimum deposit of $150.00 for customers within the City limits and a minimum deposit of $170.00 for customers outside the City limits. This deposit is intended to guarantee the payment of bills for service. Such deposit shall be applied to any bill for water service delinquent more than 30 days. Upon disconnection of the water service, any balance of such deposit shall be returned to the customer without interest.

(Code of Iowa, Sec. 384.84)

92.11 BULK WATER SALES RATES. Persons filling at the City’s bulk rate water station shall pay the sum of $11.15 per 1,000 gallons, or any fractional part thereof, which they withdraw from the City’s bulk rate water station or which are withdrawn from any other source from City-controlled connections.

92.12 ANNUAL RATE REVIEW. On or before March 1 of each year, the City Council shall review the current water rates and may, by resolution, amend the water rates in Sections 92.02 and 92.04 above by an increase in an amount not to exceed five percent. Said resolution will adjust rates for 12 consecutive billing cycles beginning with the July billing. If no increase is warranted, the existing rates in effect for the fiscal year in review will remain in effect until the next yearly review or unless an ordinance adjusting the rates is thereafter passed by the City Council and approved by the Mayor.

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CHAPTER 95

SANITARY SEWER SYSTEM

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 days at 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 five feet (one and one-half meters) outside the inner face of the building wall.

3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

4. “Combined sewer” means a sewer receiving both surface run-off and sewage.

5. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that 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 15 persons (1,500 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 that carries sewage and to which storm, surface, and ground waters 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 that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control 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 that 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 that 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 that 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, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner’s expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 200 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 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner’s control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of $25.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, if the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewers, or has been assessed only as an unimproved lot, the owner shall pay a special connection charge to the City for the use of the public sewers before the permit is issued. The amount of this fee shall be an equitable portion of the cost of the public sewers in relation to the benefits received by the property, and shall be determined by the Superintendent, subject to approval, modification or revocation by the Council at its next regular meeting.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the State Plumbing Code and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.

2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the
rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code and applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least 10 feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least 12 inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
   A. Recommended grade at one-fourth inch per foot.
   B. Minimum grade of one-eighth inch per foot.
   C. Minimum velocity of 2.50 feet per second with the sewer half full.
   D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the State Plumbing Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

10. Bearing Walls. No building sewer shall be laid parallel to or within three feet of any bearing wall that might thereby be weakened.

11. Jointing. Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings.
CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the State Plumbing Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

3. Maintenance. All such interceptors shall be maintained by the owner at the owner’s expense and shall be kept in continuously efficient operations at all times.

96.07 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.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.
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. Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner’s expense, within 30 days after date of official notice from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

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 that 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 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 milligrams per liter as CN in the wastes as discharged to the public sewer.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow.

A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) having an
average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner’s expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. **High Temperature.** Any liquid or vapor having a temperature higher than 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 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. **Viscous Substances.** Water or wastes containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees to 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 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 that 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.


10. Unusual Wastes. Materials that 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 that, 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 that 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 that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.
97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner’s expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH’s are determined from periodic grab samples). Tests will be conducted as required by permit issued to the City by the Iowa Department of Natural Resources.
CHAPTER 98
ON-SITE WASTEWATER SYSTEMS

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 USER CHARGE SYSTEM

99.01 Purpose. The purpose of this chapter is to protect the health, safety, welfare and convenience of the City by providing for the collection of charges from all users who contribute wastewater to the City’s treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

99.02 Definitions. For use in this chapter, the following terms are defined:

1. “Debt retirement fund” means a separate fund consisting of the “revenue bond sinking account” and the “revenue bond reserve account.”

2. “Extra strength user” means industrial-commercial customers of the City’s treatment works with waste greater than normal domestic strength wastewater.

3. “Industrial-commercial user” means any customer of the City’s treatment works whose lot, parcel of real estate or building is used for other than domestic dwelling purposes.

4. “Industrial-commercial wastes” means wastewater that has a BOD concentration of more than 300 mg/l, a total suspended solids concentration of more than 350 mg/l.

5. “Normal domestic wastewater” means wastewater that has a BOD concentration of not more than 300 mg/l, a suspended solids concentration of not more than 350 mg/l.

6. “Operation and maintenance” means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

7. “Operation, Maintenance and Replacement Fund” means a separate non-lapsing fund which includes the “Operations and Maintenance Account” and the “Replacement Account.”

8. “Parts per million (ppm)” means a weight to weight ratio; the parts per million value multiplied by the factor 8.345 is equivalent to pounds per million gallons of water, and for the purpose of this chapter means the same as milligrams per liter (mg/l).

9. “Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.
10. “Residential customer” means any customer of the City’s treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

11. “Sewage” or “wastewater” means the water-carried wastes from residences, business and commercial buildings, institutions and industrial establishments, together with such ground, surface and storm waters or unpolluted industrial wastes as may be present in a public or private sewer.

12. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

13. “Sewer” means a pipe or conduit for carrying sewage.

14. “TKN” (total Kjeldahl nitrogen) means the measure of organic nitrogen plus ammonia nitrogen content in domestic wastewater.

15. “Treatment works” means any devices and systems used for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment (including land used for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land applications); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

16. “User charge” means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

17. “Water meter” means a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

99.03 USE OF FUNDS. The user charge system shall generate adequate annual revenues to pay costs of annual operation, maintenance and replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

99.04 OPERATION, MAINTENANCE AND REPLACEMENT ACCOUNTS. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 99.07 shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

1. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs of the treatment works.
2. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in the amount of $4,100.00 annually.

99.05 DEBT RETIREMENT ACCOUNTS. That portion of the total user charge collected which is designated for the Debt Retirement Fund, as established in Section 99.07, shall be deposited in a separate fund known as the Debt Service Fund and will be kept in two primary accounts, as follows:

1. Revenue Bond Sinking Account. An account designated for the specific purpose of paying principal of and interest on the bonds and parity bonds.

2. Revenue Bond Reserve Account. An account designated for the specific purpose of providing a reserve for paying principal of and interest on the bonds and parity bonds.

99.06 YEAR-END BALANCES.

1. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

2. Fiscal year-end balances in the Revenue Bond Sinking Account and the Revenue Bond Reserve Account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. The required amount to be deposited to the Revenue Bond Sinking Account in any month shall be an amount equal to one-sixth of the installment of interest coming due on the next interest payment date and one-twelfth of the installment of principal coming due on such bonds on the next principal payment date until the full amount of such installment is on hand.

99.07 USER CHARGES. Each user shall pay for the services provided by the City based on said user’s use of the treatment works.

1. The minimum charge per month for all customers shall be $10.70 per month. In addition, each customer shall pay a user charge rate of $2.60 per 1,000 gallons of water used as determined by water meters acceptable to the City. Said charges shall be used for operation, maintenance, replacement and debt service for the system.

2. Any user of the water system within the City who is not connected with the sewer system shall pay a minimum fee of $23.70 per month. Any other rates shall not apply; provided, however, all water system users located within the corporate limits of the City must be connected to the sewer system in accordance with Chapter 95, Section 95.05 of this Code of Ordinances. In the event they are not so connected, the minimum charge shall be determined under subsection 1 of this section using 5,000 gallons as average water usage, since this is the amount necessary to retire the system’s debt and provide for the operation, maintenance and reserve necessary to maintain the sewer facility. Such users under this section that the Council determines cannot economically
be connected shall have no charges assessed. The Council may, by resolution, waive enforcement of this section for periods of time and for such purposes as are specified by resolution.

3. Users connected with the sewer system but not connected to the water system shall pay a minimum fee of $23.70 per month. Any other rates shall not apply.

4. For those customers who contribute wastewater the strength of which is greater than normal domestic wastewater as defined in this chapter, an extra strength surcharge in addition to the normal user charge will be collected. The extra strength surcharge for the operation and maintenance, replacement and debt retirement is:

   $0.48 per pound of BOD;
   $0.41 per pound of TSS

5. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City’s treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the Council.

99.08 DETERMINATION OF QUANTITY USED.

1. The user charge shall be applied to the quantity of water used by each customer of sanitary sewage for each individual water meter contributing to said sewer system as determined by monthly water meter readings of the municipal waterworks of the City, and by such privately owned water supplies as may contribute to the sewage system; and in the case of unmetered water supplies, the quantity of water used and discharged into the sewage system of the City shall be determined to the satisfaction of the Council and at the expense of the owner of unmetered water supply. If the estimated quantity of water from any unmetered water supply is estimated to be in excess of an average of 5,000 gallons per month, the Council may require that such water supply be metered at the expense of the owner of such water supply.

2. Where flow measurement devices are required of persons contributing industrial wastes to the sewer system, the City may authorize the quantities shown on the permanently recorded records of such flow measurement devices to be used as the basis of determination of the rate to be paid by the person.

99.09 PAYMENT OF BILLS. All sewer user charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Extra strength surcharges assessed under Section 99.07(4) shall be due and payable at the office of the Clerk within ten (10) days from the due date thereof. Sewer service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

99.10 LIEN FOR NONPAYMENT. Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be
certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.11 SPECIAL AGREEMENTS. This chapter shall take precedence over any terms or condition of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Code of Iowa and 40 CFR 35.2140 dated February 17, 1984.

99.12 REVIEW OF USER CHARGE SYSTEM. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

99.13 NOTIFICATION OF RATE. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.
CHAPTER 105

SOLID WASTE CONTROL

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.  “Appliances” means machines common to household use, and includes refrigerators, stoves, microwave ovens, dishwashers, clothes washers and dryers, water heaters, furnaces, air conditioners, dehumidifiers, television sets, stereo systems, lawn mowers, vacuum cleaners, video cassette recorders, radios, and any other devices used in the home that contain either a gasoline engine or an electric motor.

2.  “Can” means an airtight container usually cylindrical in shape and made of tin, iron or aluminum, in which food, beverages, liquids, powders and other materials are stored and preserved. Any object generally considered a can by the general population is included in this definition.

3.  “Collector” means any person authorized to gather solid waste and recyclables from public and private places.

4.  “Contractor” means the person with whom the City contracts for the collection and transportation of solid waste and recyclables.

5.  “Discard” means to place, cause to be placed, throw, deposit, or drop.

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

6.  “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.

7.  “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)

8.  “Glass” means any of the large class of materials with highly variable mechanical and optical properties that solidify from the molten state without crystallization, that are typically based of silicon dioxide, boric oxide, aluminum oxide or phosphorus pentoxide, that are generally transparent or translucent which are formed into containers in which food, beverages, liquids, powders and other materials are stored.
or preserved. Any object generally considered glass by the general population is included in this definition.

9. "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])

10. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

(Code of Iowa, Sec. 455B.361[2])

11. "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.

12. "Paper" means thin sheet material made of cellulose pulp, derived mainly from wood, rags and certain grasses, processed into flexible leaves or rolls by deposit from an aqueous suspension, and used chiefly for writing, printing, drawing, wrapping and covering walls. Any object generally considered paper by the general population is included in this definition.

13. "Plastic" means any of various complex organic compounds produced by polymerization, capable of being molded, extruded or cased into various shapes and films or drawn into filaments used as textile fibers and lines and ropes and includes such materials formed into containers for the storage or preservation of food, beverages, liquids, powders or other materials. Any object generally considered plastic by the general population is included in this definition.

14. "Processing" means bailing, compacting, composting, incinerating, recycling, separating and shredding, together with all other activities whereby solid waste is either modified or its quantity is reduced to facilitate disposal.

15. "Recyclable" means any solid waste that is capable of and designated for recycling by the City.

16. "Recycling" means any process by which solid waste is collected, separated, processed and returned to use in the form of raw materials or products. Recycling includes the composting of yard waste, but does not necessarily involve energy recovery.

17. "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)

18. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including four separate dwelling units.

19. "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])
20. “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.  
   \((IAC, 567-100.2)\)

21. “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.  
   \((IAC, 567-100.2)\)

22. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that 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. 
   \((Code of Iowa, Sec. 455B.301)\)

23. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the \(Code of Iowa\). Solid waste does not include any of the following: 
   \((Code of Iowa, Sec. 455B.301)\)
   
   
   B. Hazardous waste as defined in Section 455B.411 of the \(Code of Iowa\), except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
   
   C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
   
   D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
   
   E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 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 that open burning is permitted in the following circumstances:

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

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

3. Landscape Waste or Yard Waste.
   A. Definitions. “Landscape waste” means any vegetable or plant waste except garbage. The term includes, but is not limited to, trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings. “Yard waste” shall have the same meaning as landscape waste.
   B. Prohibition on Open Burning. The disposal by open burning of landscape waste or yard waste originating on any premises or property in the City is hereby prohibited.
   C. Exceptions.
      (1) The prohibition imposed by this subsection shall not apply to activities conducted in accordance with Subsections 1, 2, and 4-7 of this section.
      (2) Additionally, the Council may, by resolution, authorize open burning of landscape or yard waste, which resolution shall be restricted in such manner to time, places, and duration as the Council may deem appropriate and as are set forth in such resolutions.

4. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

5. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

6. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])
7. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

8. Private Personal Papers and Correspondence. Private personal papers and correspondence, which are exempted from open burning regulations promulgated by federal or State statute or regulation, may be burned in the open, provided such burning is done in compliance with this subsection. Only the occupants of a residence in a building or structure having no more than four separate residences may burn authorized items in accordance with the following regulations:

A. Burning. Burning must be done on one designated area of the property on which the residence is located and which burn area shall be as far from any buildings or structures on the property as is possible without being nearer to any buildings or structures on any adjacent property, provided the area is at least 20 feet from any buildings or structures located on the property, and said area shall be at least 30 feet from any street and at least four feet from any alley. No other residential waste, garbage, refuse or combustible material not specifically authorized in this subsection may be burned. Items herein authorized can be burned only in a wire mesh container which is staked into the ground. The wire mesh must be no larger than one-inch by two-inch squares and must be constructed of welded wire. Alternatively, an existing outdoor fireplace approved by the Mayor or Police Chief may be used if a dated and signed authorization from either such official is obtained by the resident. No solid barrels of any kind may be used for burning any item in them. Burning must be supervised by an adult household member who is outside on the premises during the time burning occurs. Burning may be conducted only between the hours of 6:00 a.m. and noon, except that no burning may be done on Sundays. Only items belonging to a resident of the household qualifying under this subsection may be burned.

B. Special Powers. The Mayor, Police Chief or Fire Chief may for good cause issue an order prohibiting burning pursuant to this subsection for a period of time not lasting longer than the next regularly scheduled Council meeting. The Council may, by resolution, prohibit burning pursuant to this subsection for any specified time period or for any indefinite period, and if for an indefinite period, burning shall not be authorized under this subsection until the Council, by resolution, authorizes burning pursuant to this subsection. An order issued by the Mayor, Police Chief or Fire Chief shall be posted in three public places located at City Hall, Post Office and Wayland State Bank, and further, distribution of flyers containing the order shall be distributed to the public by City personnel or other persons designated to make distribution in a manner calculated to reasonably notify the public of the order. This does not mean that every person in the City must receive notice by way of flyer. A resolution passed by the Council suspending authorization for burning under this subsection shall be posted and published in accordance with the requirements of posting and publication of ordinances.

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[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 may be composted on the premises or may be deposited at the compost pile at the City burn site located on S Pearl Street. 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 RECYCLING PROGRAM. A mandatory program for the separation of recyclable material is hereby established, and residents shall separate and prepare recyclable material in accordance with the rules and regulations of the City’s recycling program as established by the Council and the collector. All residential refuse and garbage shall be stored for collection in approved disposable solid waste containers. Only residential refuse and garbage which is non-recyclable shall be stored in such containers and collected by the contractor. Residential refuse and garbage may include certain kinds of paper, cans and plastic that are not deemed to be recyclable, as established by resolution of the Council. Yard waste, hazardous waste, waste oil, waste gasoline, lead acid batteries, tires and appliances and such bulky rubbish that is not collectible by the City’s solid waste collection contractor shall be collected and disposed of properly by the resident or land owner at a sanitary landfill facility approved by the State of Iowa. It shall be first the resident’s duty, and if not fulfilled by the resident, then it shall be the duty of the land owner to comply with this provision. In lieu of the removal of these items to an approved landfill, these items may be removed to a collection site designated on a date specified by the City Council by resolution. The City Council may from time to time pass such resolutions but is not required to do so.

105.08 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)

105.09 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 that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

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

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

   A. Residential. Residential waste containers, in the form of heavy-duty disposable garbage bags, either 13 gallons or 30 gallons in size, are provided to
residential customers by the City for a fee. Only these bags will be collected by the contractor. The containers shall be kept securely fastened.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in containers as required above is impractical, shall maintain metal bulk storage containers approved by the City and provided by the contractor.

2. Recyclable Collection Kits. All recyclable waste to be collected by the contractor shall be stored in a recyclable container provided by the City for each dwelling unit. Each owner shall be responsible for upkeep and maintenance of the residential recycling container and if a container is damaged, normal wear and tear excluded, will be liable to the contractor for the cost of replacement. All recyclable waste shall be deposited in the recycling container. Periodically, when residential recycling containers are deemed no longer satisfactory for use, said containers will be replaced at no charge to the customer.

3. 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.

4. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection and recycling waste containers shall be placed outdoors for collection at the curb or property line adjacent to the City street. Containers shall be placed prior to 7:00 a.m. on the morning of the regularly scheduled collection day but no earlier than 5:00 p.m. on the day preceding the regularly scheduled collection day. Recycling containers shall be removed from the curb or property line on the same day that collection occurs. The contractor is authorized to refuse collection of solid waste which is not placed at the curb in compliance with this chapter, and segregated as required in this section. Failure by the contractor to collect solid waste not in compliance with the provisions of this chapter does not relieve the owner of liability for violations of this chapter.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

5. Dumpsters. Set, place of locate any trash dumpster on any City right-of-way or within 35 feet of any street right-of-way, or in any yard area which is located between a side of the home and the street right-of-way. This measurement shall not include street right-of-way that is commonly known as an alley. No dumpster can be left, located, placed or remain at any residential location for more than 60 continuous days unless extended by a 30-day extension, with no more than a maximum of two continuous extensions. Extensions may be granted by the Mayor or the Police Chief upon written application made by the applicant and filed with the City Clerk. The application shall state the name, address and location of the dumpster, and shall specify the reasons the request is made. Any dumpster must be removed from the premises for a period of 90 days after it is removed.

6. Materials Not Permitted by Contract. Place in any solid waste container, box or bin designated by the City’s residential solid waste contractor any item of solid waste or other material of any kind that is not of a type that is to be collected by the collector pursuant to the City’s contract.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by SEMCO are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

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 leak-proof, 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, appliances, tires, hazardous waste, lead acid batteries, waste oil and waste gasoline which are discarded from use at residential premises shall be collected only upon prior arrangement with the contractor. The owner shall be responsible for payment for the collection and disposal of such materials.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, 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 or recyclables 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 FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees for the same, in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. For each residential premises and for each dwelling unit of a multiple-family dwelling, $8.50 per month. Except for recyclable solid waste, all solid waste from any residential premises shall be placed in special 30-gallon bags or 13-gallon bags, which are available for purchase at City Hall. The charge for said bags shall be the same charge as is set by the collector in the Solid Waste Collection Agreement with the City. Each residential premises shall be allowed to set out for weekly collection a maximum of three 30-gallon bags or seven 13-gallon bags of garbage for basic pickup. Any bags set out in excess of those amounts shall bear specific stickers that are available for purchase from City Hall. These stickers shall be set at a price established by the City, but in no event shall it be less than $1.25 for each 30-gallon bag and $0.75 for each 13-gallon bag. The contracting hauler will not pick up any bags exceeding the maximum amounts specified above unless there are stickers on the excess bags. There shall be no limit to the amount of recyclables a City resident may place at curbside on the regular pickup day.

B. For commercial, industrial and institutional premises, the rates shall be as negotiated with contractor by the premises owner.

C. Future rate changes for solid waste collection fees for each residential premises and for each dwelling unit of a multiple-family dwelling shall be established by resolution of the City Council as it deems necessary and appropriate. This shall include the ability to increase or decrease rates as the City Council may deem appropriate.

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 92.05 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. Except as provided for in Section 92.08 of this Code of Ordinances, 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 property or 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)
CHAPTER 110

GAS REGULATIONS

110.01 Purpose. The purpose of this chapter is to provide for the operation of the municipal gas utility. The provisions of this chapter, including service rules and regulations adopted in accordance with these provisions, shall apply to customers both inside and outside the City, whether or not any such customer has a contract for gas service with the City.

110.02 Definitions. For purposes of this chapter:

1. “Customer” means, in addition to any person or legal entity receiving gas service from the municipal gas utility, the owner of the property served, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

2. “Gas Utility” means all facilities of the municipal gas utility for transmitting and distributing gas.

3. “Mcf” is a volumetric measure of gas equal to 1,000 cubic feet. (On average, an Mcf contains 1.031 million Btu.)

110.03 Service Rules of the Municipal Gas Utility. The Council shall adopt, by resolution, appropriate operating rules governing the municipal gas utility, which shall be titled Service Rules of the Wayland Municipal Gas Utility.

110.04 Schedule of Rates. The following rates for the natural gas furnished each user shall be charged as follows:

1. Access charge assessed to each user – $5.50 (meter charge)

2. In addition to the access charge, there shall be paid the following rate for any gas used: for each Mcf or part thereof – $7.50

110.05 Rate Adjustment. The following natural gas rate adjustment shall apply with respect to gas purchased by the City. If natural gas purchased by the City from any pipeline company is increased or decreased, whether or not under bond, said increase or decrease in the cost of gas purchased by the City shall be passed on to all natural gas users connected to the municipal system and the rates set forth above adjusted accordingly and charged to all gas users in the next regular monthly billing period following the effective date of such increase or decrease in the cost of gas to the City. If the amount of the increase or decrease when computed per unit, for gas supplied is not a multiple of one cent, it shall be computed to the nearest multiple or, if there is no nearest such multiple, to the next higher such multiple.

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110.06 IMPLEMENTATION OF THE AUTOMATIC RATE ADJUSTMENT. The implementation of the automatic cost adjustment of natural gas purchased, whether resulting in an increase or decrease in rates, shall not hereafter require prior notice to users of the City’s gas system.

110.07 PAYMENT.

1. Billing. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Gas service may be discontinued only as provided by Section 476.2 of the Code of Iowa if the service account becomes delinquent, and the discontinuance is subject to the rules adopted by the Iowa Utilities Board.

2. Budget Payment Plan. A budget payment plan, which can be changed for good cause upon written request, may be established for customers who make written request for such plan. The plan shall include:

   A. For established customers, their past 12 months’ natural gas services bills shall be added in 12 equal monthly installments. The twelfth payment shall be in June of each year.

   B. The customer may start a budget payment plan in any month of the year. If the plan is not commenced in the month of June, then monthly payments will be adjusted for the remaining months in the budget payment year that commenced the preceding July 1.

   C. Billings to budget plan customers shall show the current month’s consumption and cost, the account balance and the monthly budget plan now due. Customers may make advance payments on such plan at any time, or they may pay their accounts in full at any time.

   D. If a budget plan customer fails to make monthly or balancing payments within 20 days after rendering the bill, such plan is terminated, the total unpaid account shall be due and payable, and the account shall thereafter be treated as a regular account.

   E. The plan shall carry forward any account credit or debit on the anniversary of the plan, which shall be added to the estimated charges in determining the level payment amount for the next year. Unpaid level payments shall not be carried forward.

   F. The plan shall have the level payment amount computed at the time of entry into the plan. It shall be recomputed on each anniversary, when requested by the customer, or whenever price or consumption, alone or in combination, result in a new estimate differing by ten percent or more from that in use. When a customer’s payment level is recomputed, the customer shall be notified of the revised payment amount and the reason for the change. The notice shall accompany the bill prior to the bill affected by the revised payment amount.

   G. The plan shall provide that the account be balanced upon termination of service or withdrawal from the plan.

   H. The plan shall, regardless of account balance, provide that a delinquent bill payment shall subject the customer to a late payment penalty on the level payment amount and to other procedures for collection and termination of service.
CHAPTER 110
GAS REGULATIONS

I. The plan shall not be available to new applicants for service who have not resided in the City for at least six months, nor shall the plan be available to any customer until after such customer has at least six months’ usage experience with the system. Said six months’ bill shall be doubled, then divided by 12, and the plan shall then conform with paragraphs A through D above.

J. No disconnections may be made as to natural gas service customers when the outside temperature is predicted to be 20 degrees F or less, or as limited by the Iowa Administrative Code, or by other more restrictive rules set by the City Council.

K. This plan shall be calculated separately from the plan authorized for the City’s water, sewer, solid waste, and recycling plan, but may be billed together in the aggregate.

L. Any customer that requests any kind of budget plan billing shall be placed on budget billing for all City utilities and similar regular recurring charges. (By way of example, if budget billing is requested under this chapter, then budget billing shall be instituted for the gas budget billing plan.)

M. A residential customer who has been disconnected or is about to be disconnected due to inability to pay in full may be offered the opportunity to enter into a reasonable agreement to pay, in accordance with applicable rules of the Iowa Utilities Board.

3. Returned Checks. The charge for any check or check-like financial instrument dishonored by a financial institution for any reason shall be $25.00 for each occurrence. If two or more of the customer’s financial instruments are dishonored within a six-month period, future payments by the customer shall be by cash, cashier’s check, or postal money order, or electronic transfer for a period not less than six months.

110.08 NO FREE GAS. No free gas shall be supplied to any premises. The owner of any premises may make application for connection with the gasworks system, and the charge for making the gas connection shall be $25.00 plus the cost of materials and labor.

110.09 LIEN FOR NONPAYMENT. Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for gas service charges to the premises. Gas 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 and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

(Code of Iowa, Sec. 384.84)

110.10 UTILITY DEPOSIT. There shall be required from every customer not the owner of the premises served a deposit equal to the amount to the highest gas utility bill for one month in the previous 12-month period of occupancy at the property or premises.

110.11 REASONABLENESS OF RATES. The rates and charges as aforesaid are hereby declared to be reasonable, just and equitable and shall be paid by the said City and all citizens, corporations or other consumers for services and facilities furnished by and through the municipal gasworks systems.
110.12 **REVISION OF RATES.** The foregoing schedule of rates and charges shall be revised from time to time to be sufficient at all times, after making due and reasonable allowances for contingencies and for a margin of error in the estimates, to pay the interest on and principal of the gas revenue bonds issued by the City, which are now outstanding, as such interest and principal becomes due and payable, to pay all current expenses of operation, maintenance and repair of said municipal gasworks system, to comply in all respects with the terms of the resolution pursuant to which said bonds have been issued and to meet any other obligations of the City which are charges, liens or encumbrances upon the revenues of said municipal gasworks system.

110.13 **DISCONNECTION AND RECONNECTION FEE.**

1. The involuntary for nonpayment disconnection service charge shall be:
   
   A. Regular: $30.00
   
   B. Overtime: $45.00

2. The involuntary for nonpayment reconnection service charge shall be:

   A. Regular: $30.00
   
   B. Overtime: $45.00

   [The next page is 495]
CHAPTER 111

ELECTRIC FRANCHISE

111.01  Franchise Granted. There is hereby granted to the IES UTILITIES INC., hereinafter referred to as the “Company,” its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City, to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power for the period of 25 years†; the franchise also includes the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

111.02  Poles, Wires and Appliances. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City and the Company and its successors and assigns shall hold the City free and harmless from all damages arising or resulting from the negligent acts or omissions of the Company in the erection or maintenance of said system.

111.03  Meters and Service Wires. The Company, its successors and assigns shall furnish and install all meters at its own expense and shall provide the service wire to buildings as set forth in the Company’s tariff filed with the Iowa Utilities Board.

111.04  System Requirements. The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern up-to-date condition.

111.05  Nonexclusive Franchise. The franchise granted by this chapter shall not be exclusive.

111.06  24-Hour Service Provided. Service to be rendered by the Company under the franchise shall be continuous unless prevented from so doing by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company’s equipment, and in such event service shall be resumed as quickly as is reasonably possible.

†EDITOR’S NOTE: Ordinance No. 4-1997 adopting an electric franchise for the City, was passed and adopted on August 6, 1997. Voters approved the franchise at an election held on September 23, 1997.
111.07 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the Company.

[The next page is 501]
CHAPTER 112
CABLE TELEVISION FRANCHISE

112.01 Franchise Granted

There is hereby granted unto The Farmers and Merchants Mutual Telephone Company of Wayland, Iowa, an Iowa corporation having its principal place of business in the City of Wayland, Iowa, its successors and assigns, the right, privilege and franchise to locate, erect, construct, relocate, replace, extend, enlarge, repair, operate, maintain and establish a cable television system and exchange in the City, and to enter upon, use and occupy the streets, roads, avenues, highways, alleys, boulevards, public grounds and other public places in the City, in the supplying and furnishing to persons and firms and corporations residing in the City and to persons and firms and corporations beyond and outside of the City, cable television with the right, privilege and franchise to locate, erect, construct, relocate, replace, extend, enlarge, repair, operate and maintain all necessary and convenient poles, conduits, manholes, apparatus, service pipes, fixtures, wires, cables, cross-arms, appliances, connections and appurtenances, and to make house and building connections upon, on, along, in, under, across, through and over said streets, roads, avenues, highways, alleys, boulevards, public grounds and other public places in the City, as are requisite for the complete equipment and furnishing and supplying of cable television.

112.02 Term of Franchise

The right, privilege and franchise herein and hereby granted shall extend for a period of 25 years from and after May 24, 2007.†

112.03 Police Power

The rights, privileges and franchise herein and hereby granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon by the City. The police power referred to herein shall be construed to include but not be limited to the right of the City to require The Farmers and Merchants Mutual Telephone Company of Wayland, Iowa, and its successors and assigns to temporarily move to a reasonable location, at the expense of The Farmers and Merchants Mutual Telephone Company of Wayland, Iowa, and its successors and assigns, all lines, cables, poles, conduits, apparatus and other appurtenances of any kind when the City deems it necessary in order to carry on construction of public improvements or whenever the City deems it necessary for the purpose of carrying on some public function whereby the permanent placement of such lines, cables, poles, conduits, apparatus and other appurtenances may, in the opinion of the Council or the Mayor, pose some threat to the safety of the citizenry, workers or public function participants.

112.04 Indemnification

The Farmers and Merchants Mutual Telephone Company of Wayland, Iowa, its successors and assigns shall at all times protect and save harmless the City from all damages, liability or loss, including reimbursement to the City of its costs and expenses for the use of City personnel and equipment in connection with or from or arising out of or by

† EDITOR’S NOTE: Ordinance No. 39-2007 adopting a cable television franchise for the City, was passed and adopted on May 16, 2007. Voters approved the franchise at an election held on June 26, 2007.
reason of the construction, maintenance or operation of said cable television system and exchange, except as to the negligent acts of the employees of the City.

112.05 RESTORATION OF PROPERTY. The Farmers and Merchants Mutual Telephone Company of Wayland, Iowa, and its successors and assigns, in constructing, maintaining and operating its cable television system and exchange, and in its use of the streets, roads, avenues, highways, alleys, boulevards and other public places in the City, shall perform its necessary and convenient work with due care and with reasonable dispatch; and shall not unnecessarily obstruct travel; and shall protect the place while its work is in progress by guards, barriers and signals; and shall backfill all openings made by it in such a manner as to prevent settling or depressions in the surface, and shall replace the surface, pavement and sidewalk of any excavations made by it with the same or like material, so as to restore same, as nearly as is practical, to its condition prior to such excavation; and shall not unnecessarily interfere with any water mains, gas mains, sewers, or drains which are now or may hereafter be laid, except as the prior consent of the Council is first obtained, and shall repair any defects caused by it.

[The next page is 525]
CHAPTER 120
LIQUOR LICENSES AND WINE AND BEER PERMITS

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 that 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 beverage.

   (Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 8:00 a.m. on Sunday
and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class “B” beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year’s Day.

(Code of Iowa, Sec. 123.49[2b] & 123.150)

3. Sell alcoholic beverages 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 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee’s place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that 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 that 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 that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the Code of Iowa. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the Code of Iowa.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.
CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions. For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 453A.1)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.

3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.

4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.

5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes...
an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.  

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

<table>
<thead>
<tr>
<th>FOR PERMITS GRANTED DURING:</th>
<th>FEE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>July, August or September</td>
<td>$75.00</td>
</tr>
<tr>
<td>October, November or December</td>
<td>$56.25</td>
</tr>
<tr>
<td>January, February or March</td>
<td>$37.50</td>
</tr>
<tr>
<td>April, May or June</td>
<td>$18.75</td>
</tr>
</tbody>
</table>

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 to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.
121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 18 years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of $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 14 days.

2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 or the retailer’s permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 and the retailer’s permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 and the retailer’s permit shall be suspended for a period of 60 days.

5. For a fifth violation within a period of four years, the retailer’s permit shall be revoked.

The Clerk shall give 10 days’ written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the Code of Iowa, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)
CHAPTER 122
PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

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

122.02 Definitions. For use in this chapter the following terms are defined:

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

2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

122.03 License Required. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 Application for License. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license. An application fee of $15.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 License Fees. The following license fees shall be paid to the Clerk prior to the issuance of any license.
1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of $10.00 per year.

2. Peddlers or Transient Merchants.
   A. For one day ................................................................. $ 15.00
   B. For one week ............................................................... $ 25.00
   C. For up to six months ................................................... $ 50.00
   D. For one year or major part thereof............................... $100.00

122.06 BOND REQUIRED. Before a license under this chapter is issued, each applicant shall post with the Clerk a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of $1,000.00 to the effect that registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (i) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (ii) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant’s peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

122.07 LICENSE ISSUED. If the Mayor finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 9:00 a.m. and 6:00 p.m.

122.11 REVOCATION OF LICENSE. Following a written notice and an opportunity for a hearing, the Council may revoke any license issued pursuant to this chapter for the following reasons:

   1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
   2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
   3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee’s local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.
122.12 HEARING. The Mayor shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Mayor may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL. If the Mayor revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.16 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least $5.00 of the original fee shall be retained by the City to cover administrative costs.

122.17 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the WACO School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which
such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

[The next page is 551]
CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices
135.02 Obstructing or Defacing
135.03 Placing Debris On
135.04 Playing In
135.05 Traveling on Barricaded Street or Alley
135.06 Use for Business Purposes
135.07 Washing Vehicles
135.08 Burning Prohibited
135.09 Excavations
135.10 Property Owner’s Responsibility for Maintenance
135.11 Failure to Maintain
135.12 Dumping of Snow
135.13 Driveway Culverts
135.14 Distance Between Driveway and Culvert
135.15 Swales
135.16 Permit Where No Opening Left in Curbing

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.
135.08 **BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 **EXCAVATIONS.** No person shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with the following:

1. **Permit Required.** No excavation shall be commenced without first obtaining a permit. 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 or alley surface; and
   
   D. Date of commencement of the work and estimated completion date.

2. **Public Convenience.** Streets and alleys shall be opened in the manner that 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. **Restoration of Public Property.** Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

5. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

6. **Completion by the City.** Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 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 for such work to the permit holder/property owner.

7. **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.

8. **Notification.** At least 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.*
9. Permit Issued. Upon approval of the application, a permit shall be issued. A separate permit shall be required for each excavation.

135.10 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.†

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

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

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

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 DISTANCE BETWEEN DRIVEWAY AND CULVERT. No cement, concrete or asphalt driveway shall be constructed or maintained which extends to a point closer than 12 inches to the culvert or ditch which runs adjacent to and parallel with any City street, avenue or alley, and no cement, concrete or asphalt driveway shall be constructed or maintained in such a manner so as to extend over any such culvert or ditch.

135.15 SWALES. Upon application to the Council and approval by the Council, a swale may be allowed and used for drainage purposes in place of a culvert. The Council’s approval

† EDITOR’S NOTE: See also Section 136.04 relating to property owner’s responsibility for maintenance of sidewalks.
shall be after considering the appropriate use of the swale and its effects on water courses, water drainage and the surrounding property owners. No person shall use a swale in place of a culvert without making application to the Council and obtaining Council approval prior to the construction of the swale.

135.16 PERMIT WHERE NO OPENING LEFT IN CURBING. In cases where no opening has been left in the curbing for driveways, the adjacent property owners may have a driveway constructed, but before doing so shall apply to and obtain a permit from the Clerk therefor, and the construction of such driveway shall be under the supervision of the Public Works Director.

[The next page is 559]
CHAPTER 136

SIDEWALK REGULATIONS

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. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “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. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “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.
8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 Removal of Snow, Ice, and Accumulations. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.11 Interference with Sidewalk Improvements
136.12 Awnings
136.13 Encroaching Steps
136.14 Openings and Enclosures
136.15 Fires or Fuel on Sidewalks
136.16 Defacing
136.17 Debris on Sidewalks
136.18 Merchandise Display
136.19 Sales Stands
136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

(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 Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

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.

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

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be of one-course construction.

3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:

   A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet in length.

   B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
C. Driveway areas shall be not less than six inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.

11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

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

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

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

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

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

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

136.18 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 feet of the sidewalk next to the building be occupied for such purposes.

136.19 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.

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CHAPTER 137
VACATION AND DISPOSAL OF STREETS

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 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.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispossess of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

137.06 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])
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

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CHAPTER 138

STREET GRADES

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

138.02  RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

**EDITOR’S NOTE**

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

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CHAPTER 145

DANGEROUS BUILDINGS

145.01  Enforcement Officer. The Zoning Administrator is responsible for the enforcement of this chapter.

145.02  General Definition of Unsafe. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03  Unsafe Building. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04  Notice to Owner. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours
or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner’s Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: “DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF WAYLAND, IOWA.” Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

† EDITOR’S NOTE: Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.
145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

(Code of Iowa, Sec. 364.12[3h])
CHAPTER 146

MANUFACTURED AND MOBILE HOMES

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 or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02  CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,
shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 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 that 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)
CHAPTER 147
BUILDING NUMBERING

147.01 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.

147.02 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 three (3) inches in height and of a contrasting color with their background.
   (Code of Iowa, Sec. 364.12[3d])

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for 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])

147.03 Building Numbering Map. The Clerk shall be responsible for preparing and maintaining a building numbering map.
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CHAPTER 155
BUILDING PERMITS

155.01 BUILDING PERMIT REQUIRED. No building, residence or other structure shall hereafter be erected, reconstructed, altered, repaired, brought into the City, moved from one place to another or occupied within the City without first securing from the Council a permit therefor.

155.02 APPLICATION FOR PERMIT. Any person desiring to secure such a permit shall make and file with the Council an application in writing, and in duplicate, showing the location or locations involved, the building or buildings involved or proposed, the current occupancy and use being made of the property, the contemplated occupancy and use to be made of the property, the plans and specifications of the proposed erection, construction, reconstruction, alteration, repair or move intended and said application shall be signed by the applicant, who shall pay a fee of $15.00 for investigation and inspection purposes at the time said application is filed.

155.03 BUILDING PERMIT REVIEW BOARD.

1. The Council hereby establishes the Building Permit Review Board. The Board shall consist of the Mayor, the City Clerk, the City Utility Superintendent(s). The Board shall meet as often as it determines necessary to take action on building permits which are on file. Approval of the permit application by a majority of the total Building Permit Review Board members, as indicated by the signatures of approval of Board members affixed to the application, shall be deemed approval by the Council. The Board shall exist for the administrative purposes herein stated.

2. If a majority of the Building Permit Review Board refuses to sign or a majority cannot be obtained for any other reason, then the Clerk shall, upon the written request of the applicant, within 15 days publish notice of a public hearing to be held by the Council on the application at the next Council meeting to be held after notice can be given in compliance with Section 155.04.

3. No Board member may sign or endorse or evidence his or her consent to any building permit application where a public hearing is required under Section 155.04.

155.04 PUBLIC HEARING ON ISSUANCE.

1. The Council shall hold a public hearing on any application for a building permit prior to issuing said permit in all cases where the plans and specifications on the permit application or the Council’s investigation or inspection reveal that the proposed erection, construction, reconstruction, alteration, repair or the proposed location of a structure to be moved or relocated is:

   A. Going to result in a permanent structure which will be located over underground utility lines or which will interfere with overhead gas, water,
sewer, electrical, telephone, telegraph, cable television or other public utility
transmission lines or systems;

B. Located on property which has not been properly subdivided in
accordance with State statutes and/or local subdivisions, ordinances and
regulations.

2. The Council shall post notice of the public hearing at the locations designated
by the Council for posting or displaying ordinances at least 10 consecutive days prior
to the date set for said public hearing.

3. Said notice shall contain the name and address of the applicant, the location of
the property where the work is proposed to be done, a brief summary of the reasons the
building permit is sought, including a general summary of the work to be done, and the
date, time and place set for the public hearing, and the place where written objections
may be filed.

4. After said public hearing the Council may grant or refuse a permit to said
applicant, or grant a permit on such terms and conditions as it deems reasonable and
proper under all of the circumstances considering the factors enumerated in paragraphs
1 (A) and (B) of this section and in addition the following factors: the building, the
occupancy, the present use and contemplative use of the property and the work to be
done to, on, in or within the property and the comments, both written and oral, heard at
the public hearing. If a permit is granted, it shall be in the same manner and subject to
the provisions of Section 155.03(2).

155.05 ABATEMENT OF NUISANCE. Any building or structure which is erected,
constructed, reconstructed, altered, repaired, brought into, moved from one place to another or
occupied or used in violation of any other provisions of this chapter is hereby declared to be a
nuisance, and it may be abated as such in accordance with Chapter 50 of this Code of
Ordinances.

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CHAPTER 165

ZONING REGULATIONS

GENERAL PROVISIONS AND DEFINITIONS

165.01  TITLE.  Chapters 165 through 168 of this Code of Ordinances shall be known and may be cited and referred to as the “Zoning Ordinance for the City of Wayland, Iowa,” and shall be referred to herein as “the Zoning Ordinance.”

165.02  INTENT AND PURPOSE.  The Zoning Regulations are enacted for the following purposes:

1.  To promote, protect and facilitate any or all of the following: the public health, safety, morals, general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

2.  To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

3.  To provide for the use of land within the City for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks for commerce business and other appropriate for cities and towns.

4.  To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

This Zoning Ordinance is made in accordance with the City’s goals and strategies as set forth in the Wayland Comprehensive Plan of 2000 as amended, and with consideration for the character of the City, its various parts and the suitability of the various parts for particular uses and structures.
CHAPTER 165
ZONING REGULATIONS
GENERAL PROVISIONS AND DEFINITIONS

165.03 AUTHORIZATION. An ordinance to repeal all ordinances in conflict herewith; and establishing comprehensive zoning regulations for the City of Wayland, Iowa, and providing for the administration, enforcement, and amendment thereof; in accordance with the provisions of Chapter 414, of the 2001 Code of Iowa, as amended, to empower the City of Wayland, to enact a zoning ordinance, and to provide for the administration, enforcement and amendment.

165.04 JURISDICTION. The provisions of this Zoning Ordinance shall apply to all of the incorporated territory of the City of Wayland, Iowa.

165.05 COMPLIANCE REQUIRED. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

165.06 APPLICABILITY TO PRIVATE PROPERTY. All regulations and provisions shall apply to all property within the incorporated area of the City.

165.07 ROLES AND AUTHORITY. It is the intent of this Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board only on appeal from the decisions of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Chapter 168 of this Zoning Ordinance. Under this Ordinance, the Council shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law.
2. Considering applications for special permits for temporary uses as specified in Chapter 167 of this Ordinance.

165.08 VIOLATIONS. Whenever a violation of the Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. Said official shall properly record such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.

165.09 APPLICABILITY TO STREETS AND RIGHT-OF-WAY. No portion of public road, street, or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

165.10 INTERPRETATIONS OF MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive or that imposing the higher standards, shall govern.
165.11 INTERPRETATION OF USES. The purpose of this section is to provide a consistent set of terms encompassing and defining uses permitted or specifically permitted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Chapter 168. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

165.12 GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES. A residential use type includes the occupancy of living accommodations on a wholly or primarily non-transient basis, but excludes institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

2. Duplex Residential: The use of a site for two dwelling units within a single building.
3. Two-Family Residential: The use of a site for two dwelling units, each in a separate building.
4. Townhouse Residential: The use of a site for three or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
5. Zero Lot Line (Single-Family Attached) Residential: The use of a site for two dwelling units, constructed with a common wall and each located on a separate ground parcel with individual garages.
6. Condominium Residential: The use of a site for three or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
7. Multiple-Family Residential: The use of a site for three or more dwelling units, within one or more buildings.
9. Mobile Home Residential: The residential occupancy of mobile homes by families on either a long-term or short-term basis. Uses only include mobile homes parks or mobile home subdivisions.

165.13 GENERAL DESCRIPTION OF COMMERCIAL USE TYPES. Commercial use types include the sale, rental, service, and distribution of goods; and the provisions of services other than those classified as industrial or institutional uses.

1. Administrative and Business Offices: Offices of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public
utilities, organizations and associations, or other use classifications when the service rendered is customarily associated with administrative office services.

2. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed or grain stores, and tree service firms.

3. Agricultural Animal Husbandry (Limited): The raising of cattle, swine, poultry, horses, sheep, goats, or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted completely within enclosed structures.

4. Agricultural Animal Husbandry (General): The raising of cattle, swine, poultry, horses, goats, or similar farm animals for reproductive stock or for slaughter.

5. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:

A. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

B. Service Station: Provision of fuel, lubricants, part and accessories, and incidental services to motor vehicles.

C. Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

D. Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile homes sales establishments.

E. Automotive Repair Services: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.

F. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.

G. Vehicle Storage: Long-term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.

6. Building Maintenance Services: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
7. Business Support Services: Establishment or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

8. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types.

   A. Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiards parlors, ice and roller skating rinks, and penny arcades.
   
   B. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, and tennis and racquetball courts.

   C. Indoor Entertainment: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.

   D. Outdoor Entertainment: Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, and amusement parks.

9. Communication Services: Establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms, but excludes those classified as Major Utility Facilities. Typical uses include television studios, tele-communication service centers, or telegraph service offices.

10. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

11. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.

12. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehousing.

13. Convenience Store: An establishment engaged in the retail sale of food and household products, including gasoline. The repair, storage, or servicing of vehicles shall be prohibited.
14. Crop Production: The growing of the usual farm crops for animal feed or for sale for the manufacturing of food products. Typical uses include corn, soybean or wheat fields.

15. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings, and loan institutions, loan and lending activities, and similar services.

16. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy stores.

17. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

18. General Retail Sales: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, prescription drugs, cards and stationary, notions, books, tobacco products, cosmetics, and specialty items; flowers, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).

19. Kennels: Boarding and care services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, or dog-training centers.

20. Laundry Services: Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

21. Liquor Sales: Establishments or places of business engaged in retail sale for consumption of alcoholic beverages off the premises. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.

22. Medical Offices: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts of humans, licensed for such practice by the State of Iowa.

23. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

24. Personal Services: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.
25. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.

26. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.

27. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

28. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.

29. Restaurant (General): A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.

30. Riding Academy: A use engaged in the provision of equestrian riding, lessons or for the quartering of horses. Typical uses include saddle clubs, riding stables, or livers.

31. Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars and similar uses.

32. Veterinary Services: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.

33. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

   A. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

   B. Hotel/Motel: Lodging services involving the provision of room and/or board where four or more units are offered for occupancy to the general public. Typical uses include hotels, motels, or transient boarding houses.

   C. Bed and Breakfast Inns: A private, owner-occupied housing unit, which provides up to four sleeping rooms for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units that are designed to be rented shall contain no cooking facilities.

   D. Cottage/Resort Enterprise: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include quarters for the boarding employees.
E. Commercial Cottage: A single dwelling unit rented to the general public for periods not exceeding one calendar month.

**165.14 GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES.** Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and storage and distribution of products.

1. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

2. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or jewelry.

3. Light Manufacturing: A use engaged in the manufacturing, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, excluding basic industrial processing.

4. Resource Extraction: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

5. Scrap and Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards or paper salvage yards.

6. Stockyards: Stockyards services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales and auction yards.

7. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution types:
   
   A. Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
   
   B. General Warehousing and Distribution: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, or open storage yards.

**165.15 GENERAL DESCRIPTION OF INSTITUTIONAL USE TYPES.** Institutional use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with public and social importance.
1. Administrative Services: Offices, administrative, clerical, or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, or municipal offices.

2. Child Care Services (Limited): A facility or use of a building, or portion thereof, for the care of six or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children, and similar uses.

3. Child Care Services (General): A facility or use of a dwelling unit or portion thereof, for the care of seven or more individuals. This term includes nursery schools, pre-schools, day care centers for children, and similar uses.

4. Club or Lodge: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

5. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.

6. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.

7. Cultural Services: A library, museum, art gallery, or similar non-profit use affording display, preservation, and exhibition of objects of permanent interest in one or more of the arts and sciences.

8. Game Refuge: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands, and wetlands.

9. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices, and junction boxes which are necessary to support principal development.

10. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities, including corporation of commercial services or contracting or industrial activities.

11. Major Utility Facilities: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.

12. Park and Recreation Services: Publicly owned and operated parks, playgrounds, recreation areas or open spaces.

13. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

14. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools in the State of Iowa.
15. Public Assembly: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.


17. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.

18. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or care for extended periods of time.

19. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

20. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

165.16 RULES APPLICABLE TO PARCELS SPLIT BY ZONING DISTRICTS. Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this Zoning Ordinance, each portion shall be considered as if in separate and different ownership.

165.17 APPLICABILITY TO PRIOR AND PENDING PERMITS. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required permits have been granted before the enactment of this Zoning Ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder’s control.

165.18 APPLICATION OF REGULATIONS. The regulations set by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each district, to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, except agricultural uses as set forth in the provisions of Chapter 414 of the Code of Iowa.

2. No building or other structure shall hereafter be erected or altered:
   A. To exceed the height limit herein established;
   B. To accommodate or house a greater number of families;
   C. To occupy a greater percentage of lot area;
   D. To change its use;
E. To have narrower or smaller rear yards, front yards, side yard, or other open spaces;
F. To reduce the number of off-street parking and loading spaces then herein required or in any other manner be contrary to the provisions of this Ordinance.

3. No part of a yard, or other open space, or off-street parking or loading required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking and loading spaces then herein required for any other building.

4. No yard or lots existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

165.19 ZONING OF ANNEXED LAND. All territory that may hereafter be annexed to the City shall be in the Agricultural District unless otherwise recommended to the City Council by the Planning and Zoning Commission to be annexed as an appropriate zone for the existing land use on the property to be annexed or until otherwise classified by amendment. Said zoning amendment shall be adopted within six months of date of annexation.

165.20 DEFINITIONS. As used in the Zoning Ordinance, the words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel” and all other words or phrases used to denote an individual building site or tract which complies with the minimum provisions of this Zoning Ordinance. The following terms are defined as used in this Zoning Ordinance:

1. “Accessory apartment” means a secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit; whether a part of the same structure as the dwelling unit or a detached dwelling unit on the same lot, for the temporary use by guests of the occupants of the premises.

2. “Accessory use or structure” means a subordinate structure or use, which customarily is incidental to that of the principal or conditional use of the premises. Customary residential accessory uses include but are not limited to tennis courts, swimming pools, detached garages, air conditioners, garden houses, decks, children’s play houses, barbecue ovens, fire places, patios, and residential storage sheds. Under no circumstances shall it include incomplete or inoperable motor vehicles. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

3. “Addition” means any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

4. “Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal used for agricultural purposes. If the tract of land is less than 35 acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
5. “Alley” means a public right-of-way, other than a street, 26 feet or less in width, affording secondary means of access to abutting property. An alley shall now be considered a public thoroughfare.

6. “Alteration, incidental” means modifications to a building or structure that are of a cosmetic nature, replacement of utilities, and rearrangement of internal partitions. The replacement of load-bearing walls is not permitted.

7. “Alteration, structural” means any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

8. “Amendment” means a change in the wording, context or substance of this Zoning Ordinance, or a change in the zoning or district boundaries of the Official Zoning Map, a part of this Ordinance, when adopted by ordinance passed by the proper authoritative body in the manner prescribed by law.

9. “Antique shops” means a place used for the sale or trade of articles of which are at least 30 years old or have collectible value. “Antique shops” does not include “secondhand store.”

10. “Automobile wrecking” means the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel, or tract of land of five or more vehicles that, for a period exceeding 30 days, have not been capable of operating under their own power, and from which parts have been removed or are to be removed for re-use, salvage, or sale, shall constitute prima facie evidence of an automobile wrecking yard.

11. “Basement” means the portion of a building having part, but not more than one-half of its height below grade. A basement shall not be counted as a story for the purpose of height regulation, provided the finished floor level directly above is not more than six feet above grade.

12. “Basement, walkout” means a basement having a portion of its finished floor not more than four feet below the finished yard grade at any of its exterior walls and not having less than two-thirds of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement shall be considered the ground floor level of the building and shall be counted as a story.

13. “Billboard” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

14. “Block” means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, shoreline of waterways, or corporate boundaries.

15. “Board” means the Board of Adjustment of the City.

16. “Boarding or lodging house” means a building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging and/or meals are provided for four or more persons, not exceeding 15 persons. The term does not include rest homes.

17. “Body shop, motor vehicle” means any building or portion thereof used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles.
Maintenance, service, and engine repair may be performed as an ancillary function of the bodywork.

18. “Boundary of district” means the centerline of a street or right-of-way or the centerline of the alleyway, between the rear or side property lines or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the maps adopted by this Ordinance.

19. “Building” means any structure having a roof supported by walls or columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there is no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.

20. “Building coverage” means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on the lot.

21. “Building height” means the vertical distance from the average finished ground grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

22. “Building line” means the extreme overall dimensions of a building as determined from its exterior walls and as stated on the ground, including all areas covered by vertical projection to the ground of overhang of walls, or any part of a primary structural support or component, which is nearest to the property line. (Also see “setback.”)

23. “Building, principal” means a building in which the primary use of the lot which the building is located is conducted.

24. “Building site” means the ground area of one lot or the ground area of two or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this Ordinance. (Also see “lot.”)

25. “Bulk stations” means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.

26. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematory, mausoleums, mortuaries, necessary sales, and maintenance facilities when operated in conjunction with and within the boundary of such cemetery.

27. “Centerline, public thoroughfare” means a line running parallel with the thoroughfare right-of-way, which is half the distance between the extreme edges of the official right-of-way width.

28. “Certified survey” means a survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed and sealed by the registered surveyor under whose supervision said survey was prepared.

29. “Child care center” means a facility providing child care or preschool services for 7 or more children, except when the facility is registered as a child care home (Code of Iowa 237A). Whereas, the care, supervision, and guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis.
30. “Child care facility” means either a childcare center, preschool, or a registered child care home as defined in Chapter 237A of the Code of Iowa.

31. “Child care home” means a person or program providing child care as a family child care home; whereas child care is given to less than 7 children at any one time or to less than 12 children at any one time as authorized by section 237A.3, subsection 1 of Code of Iowa.

32. “Church” means any building or site used for non-profit purpose, whose primary use is public religious worship.

33. “Club” means an association of persons for some common non-profit purposes, not including groups organized primarily to render a service, which is customarily carried on as a business.

34. “Cocktail lounge” means any place of business, other than a midnight club located in and accessory to a hotel, motel or restaurant, where liquor, beer, or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one-person performance and dancing is prohibited. (Also see “tavern, night club.”)

35. “Commercial use” means the barter, exchange, sale, service, or trade of goods, materials, or services, either tangible or intangible, for financial, material, or monetary gain.

36. “Commission” means the Planning and Zoning Commission of the City.

37. “Conditional use” means a use or occupancy of a structure, or a use of land permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

38. “Consignment store” means a retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment, or a retail establishment engaged in selling donated used merchandise. Merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. Such stores do not include those selling vehicle, auto parts, scrap or waste.

39. “Convenience store” means a retail store/establishment offering for sale a limited line of groceries and gasoline; does not include automotive service stations, or vehicle repair shops.

40. “Court” means an open, unoccupied, unobstructed space, except for trees, shrubs, statuary, or other articles normally considered accessory to landscaping, which is bounded on two or more sides by a building on the same lot.

41. “Crown of road” means the grade at the centerline of the pavement within a public thoroughfare, or where no pavement exists, grade at the right-of-way centerline.

42. “District” means a section or sections of land area, depicted on the Official Zoning Map, within the regulations governing the use of buildings and premises are uniform.

43. “Dog kennel” means the keeping of any dog or dogs, regardless of number, for sale, breeding, boarding, or treatment purposes, except in a dog hospital, dog beauty parlor, or pet shop, as permitted by law, or the keeping of five or more dogs, six months or older, on premises used for residential purposes, or the keeping of more than one dog.
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on vacant property or on property used for business or commercial purposes, shall constitute a kennel.

44. “Dump” means a premises used for the disposal of “clean” type fill or refuse such as dirt, rocks, cans, tree branches and similar materials, not including organic matter of any type such as garbage or dead animals or portions thereof.

45. “Duplex” means a structure containing two dwelling units, each of which has direct access to the outside.

46. “Dwelling” means any stationary, permanent building or structure or portion thereof, designed for residential purposes for occupancy by one or more families. In no case shall a tent, motor home, cabin, trailer, trailer coach, automobile chassis, or portable building be considered a dwelling.

47. “Dwelling unit, attached” means two or more dwelling units within a structure.

48. “Dwelling unit, detached” means no more than one dwelling unit within a structure.

49. “Dwelling, single-family detached” means a detached dwelling unit (duplex) building/structure designed for and occupied exclusively for residential purposes by one family.

50. “Dwelling, single-family attached” means a dwelling unit (townhouse), which is most commonly horizontally attached to another dwelling where each unit has direct access to their own unit from the exterior of the building, rather than through a common hallway.

51. “Dwelling, two-family” means a building designed for and used exclusively for occupancy by two families living independently of each other and containing two dwelling units.

52. “Dwelling, multiple” means a building or buildings on a common land designed for and used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

53. “Easement” means the right to use property owned by another for specific purposes or to gain access to another property by the public, a corporation, or persons. Includes, but not limited to, the construction of utilities, drainage ways, and roadways.

54. “Family” means one or more legally related persons occupying a single dwelling unit.

55. “Farm” means an area comprising 10 or more acres that are used for agricultural purposes. (Also see “agriculture.”)

56. “Fence” means an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protections, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

57. “Floor area, gross” means the sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. “Gross floor area” does not include attics.

58. “Frontage” means the distance of a front lot line as measured along the public thoroughfare. (Also see “lot lines, front.”)
59. “Garage, community” means a structure, or a series of structures under one roof, and under one ownership, used primarily for storage of vehicles by three or more owners or occupants of property in the vicinity.

60. “Garage, mechanical” means a structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care and minor servicing is an accessory use.

61. “Garage, private” means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

62. “Garage, public” means a structure other than a private garage, used for the shelter or storage of motor powered vehicles and in which the care, minor servicing, washing, etc., is an accessory use.

63. “Gas station” means a structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work or other major servicing of motor vehicles.

64. “Gas station, full service” means a building or structure limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. In addition, such a facility provides minor vehicle servicing, minor repairs, and maintenance, and may provide engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or over-all painting of automobiles.

65. “Grade” means:
   A. For buildings having walls adjoining one street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.
   B. For buildings having walls adjoining more than one street, the average elevation of the regularly established sidewalk grades at the center of the walls adjoining the street.
   C. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is considered as adjoining the street.

66. “Greenhouse” means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

67. “Half-story” means a story of a structure or building with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.

68. “Health care facility” means a facility or institutions whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including be not limited to a general hospital, diagnostic center, treatment center, rehabilitation
center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

69. “Home occupation” means any occupation or profession conducted solely by resident occupants in their place of residence, involving primarily service and not the sale of commodities upon the premises; provided further that not more than one-half of the area or not more than one floor level of the building may be used in pursuit of the occupation, and in connection therewith there is no sign other than one name plate affixed to the outer wall, or not more than one square foot in area that will indicate from the exterior of the building is being utilized in part for any purpose other than that of a dwelling. And not more than one person other than the occupants of the building may be employed.

70. “Hospital” means an institution, licensed by the state department of health, specializing in giving clinical, temporary and emergency service of a medical or surgical nature to injured persons and patients, other than persons suffering from a lingering mental sickness, disease, disorder or ailment.

71. “Hotel” means a building in which temporary lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. In addition, guests who are lodged, with or without meals, and in which there are six or more sleeping rooms or suites of rooms with no provisions made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

72. “Junk” means old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractor's equipment, tanks, cask, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade.

73. “Junk yard” means a parcel of land where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

74. “Kennel” means any place where four or more dogs, cats, or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated or groomed.

75. “Kitchen” means any room principally used, intended or designed to be used for the cooking and preparation of food.

76. “Laundromat” means facilities where patrons pay to wash, dry, and/or iron clothing or other fabrics in provided machines.

77. “Library” means a public facility for the use, but not sale, of literary, musical, artistic, or reference materials. In addition, where community services are offered such as, but not limited to children’s read-a-longs, access to computers and related equipment, and study rooms.

78. “Livestock market” means a commercial establishment where livestock is collected for sale or auctioning.
79. “Loading space” means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise or materials.

80. “Lot” means a parcel of land of sufficient size to meet minimum zoning requirements in this Ordinance, for use, coverage and area, and to provide such yards and other open spaces as are herein required.

81. “Lot, frontage” means a lot having frontage on a dedicated street, and may consist of any one of the following:
   A. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record.
   B. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.
   C. A portion of a lot of record.
   D. Single lot of record.

82. “Lot lines” means the property lines bounding the lot.
   A. Front. The line separating the front of the lot from the street; in the case of a corner lot the part of the lot having the narrowest frontage on any street shall be considered the front lot line.
   B. Rear. The rear lot line is the boundary that is opposite and most distant from the front lot line. In the case of an interior triangular or gore-shaped lot, it shall mean a straight line 10 feet in length which:
      (1) Is parallel to the front lot line or its chord.
      (2) Intersects the two other lot lines at points most distant from the front lot line.
   C. Side. Any lot boundary lines that is not a front line or a rear lot line.

83. “Lot measurements” means:
   A. Area. The horizontal gross area, exclusive of streets or other public rights-of-way, within the exterior lines of a lot.
   B. Depth. The mean (average) horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
   C. Width. The horizontal distance between the side lot lines as measured perpendicular to the line compromising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

84. “Lot of record” means a lot that is part of a subdivision, the deed of which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
“Lot types”:
A. Corner Lot. A lot located at the intersection of two or more streets, and having the street right-of-way along the front and one or more side lot lines on the lot.
B. Double Frontage Lot. A lot other than a corner lot with frontage on more than one nonintersecting street or public thoroughfare.
C. Interior Lot. A lot, other than a corner lot, having frontage on one street or public thoroughfare.
D. Flag Lot. A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.
E. Key Lot. A lot with a side lot line that abuts the rear lot lines of one or more adjoining lots.
F. Through Lot. A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
G. Reversed Frontage Lot. A corner lot with the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear.

“Manufactured home” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards and displays seal from U.S. Department of Housing and Urban Development (HUD) and was constructed on or after June 15, 1976, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this Ordinance, a manufactured home shall be considered the same as any site built single-family detached dwelling.

“Mental institution, hospital or home” means an institution specializing in giving clinical and psychiatric aid and treatment to and in conjunction with the housing of persons and patients suffering from a temporary or lingering mental ailment, disorder or sickness.

“Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Any vehicle not built to a mandatory building code, contains no state and federal seals and was built before June 15, 1976. This refers to and includes portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle. This also includes and applies to such vehicles or structures that are located on a permanent or temporary foundation, but does not include mobile homes converted to real estate as defined herein.
89. “Mobile home converted to real estate” means a mobile home which has been attached to a permanent foundation on real estate owned by the mobile homeowner; which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the County Assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of Henry County, Iowa. Mobile homes converted to real estate shall not be considered as portable or potentially portable structures, but rather shall be considered single-family detached dwellings for the purpose of this Ordinance.

90. “Mobile home park” means any lot or portion of a lot under one ownership that has been planned and improved for the placement of two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

91. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation; is constructed to comply with the State of Iowa building code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner.

92. “Motel or motor hotel” means a building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guest, with garage attached or parking facilities conveniently located to each such unit.

93. “Motor vehicle, abandoned/inoperable” means a vehicle under any of the following circumstances, unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition:
   A. The vehicle does not bear a current license plate and/or current registration.
   B. The vehicle is missing two or more wheels/tires and other component parts, which renders the vehicle inoperable.

94. “Night club/bar” means any place of commercial business located within any building or establishment, established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than 40 people at tables; providing a dance floor containing not less than 308 square feet; and serving beer, wine or liquor for consumption on the premises.

95. “Nonconforming building” means a building where the size, dimensions, or location was lawful prior to the adoption of, revision, or amendment to a zoning ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

96. “Nonconforming structure” means a structure that legally existed prior to the adoption date of this Ordinance, but which is not in compliance with the requirements of this Ordinance for the district in which the structure is located.

97. “Nonconforming use” means the use of a structure, building, or portion thereof, which was lawful prior to the adoption of, revision, or amendment to a zoning ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present use regulations requirements of the zoning district in which it is located.
98. “Non-profit institution” means a non-profit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, canaries, equipment sales, etc., shall not be considered a nonprofit institution under this Ordinance.

99. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane or other mental cases, inebriate or contagious cases.

100. “Nursery” means the use of a parcel of land for the purpose of growing, displaying, cultivating, harvesting, and selling plants, bushes, trees, and other nursery items.

101. “Official map” means a legally adopted map that conclusively shows the location and width of proposed streets, public facilities and areas, and drainage rights-of-way.

102. “Parcel” means a tract or area of land of any size that may or may not be subdivided or improved.

103. “Parking area, public” means an open area, other than a street or alley, used for the temporary parking of more than four automobiles and is available for public use whether free, for compensation, or as an accommodation for clients or customers.

104. “Parking space automobile” means an area, other than a street or alley, reserved for the parking of an automobile. Such space shall have a dimension not less than 10 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress-egress. Where four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of this Ordinance, the individual car spaces, plus the area necessary for driveways, shall total not less than 31 and one-half square feet per car space.

105. “Patio” means a level surfaced area directly adjacent to a principal building, which has an average elevation of not more than 30 inches, and without walls or a roof. A patio may be constructed of any materials.

106. “Permit, conditional use” means a permit issued by the Commission stating that the conditional use complies with the conditions and standards set forth in this Ordinance and authorized by the Commission.

107. “Permit, special use” means a permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board.

108. “Person” means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, governmental bodies and agencies district or other political subdivision or any other group or combination acting as a unit.

109. “Place of business” means any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in or on which one or more persons engage in a gainful occupation.
110. “Planned unit development” (PUD) means an area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified.

111. “Plat” means:
   A. A map representing a tract of land, showing the boundaries and location or individual properties and streets.
   B. A map of a subdivision or a site plan.

112. “Porch” means a roofed structure attached to the principal building that is either enclosed with screens or unenclosed for the purposes of sheltering from the rays of the sun and from the weather.

113. “Preschool” means a child care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, and motor skills and to extend their interest and understanding of the world around them.

114. “Premises” means any lot, plot, parcel or tract of land, building or structure used publicly or privately as a place of business, dwelling or meeting place.

115. “Print shop” means a structure or building where custom reproduction of written or graphic material on a custom order basis for individuals or businesses occurs. Typical processes include, but not limited to, photocopying, blueprinting, and facsimile sending and receiving, and offset printing.

116. “Public thoroughfare” means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the federal, State and municipal government; which may be used by the public in general; and which serves as the frontage street to the abutting property. (Also see “street.”)

117. “Recycling center” means a facility that is not a salvage yard. A facility which is used for separating trash and debris from recyclable resources such as, but not limited to, newspapers, magazines, cardboard, and other paper products, glass, metal cans, glass bottles and jars, and other products which can be recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

118. “Residential” means and refers to any lot, plot, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

119. “Restaurant” means a commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

120. “Restaurant, carry-out/take-out” means an establishment where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer, or the customer may pick food up.

121. “Restaurant, fast food” means an establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customers’ orders and/or service may be by means of a walk-up counter or window.
designed to accommodate automobile traffic. Consumption may be either on or off the premises.

122. “Rest homes” means a home operated as a boarding home, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons; but in which no persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease are kept, and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed.

123. “Resubdivision” means any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purposes whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part for sale, rent, lease, building development, anchorage, or other use.

124. “Rooming house” means a residential building used or intended to be used as a place where sleeping accommodations are furnished or provided for pay, but which does not maintain a public dining room or cafe in the same building, nor in any building in connection therewith.

125. “Salvage yard” means a lot or parcel, or part thereof which is used for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Materials include, but are not limited to, scrap iron, metal, and other ferrous metals, tires, motor vehicle parts, and machinery.

126. “Sanitarium” means a health facility, retreat, or institution where resident patients are kept and where medical or surgical treatment is given to persons suffering from a sickness, disease, disorder or ailment other than a mental sickness, disease, disorder or ailment, but which does not specialize in giving clinical temporary or emergency service.

127. “Secondhand merchandise, retail sales” means retail sales of previously used merchandise, such as clothing, household furnishings, or appliances, and sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

128. “Self-service storage facility” means a building or group of buildings divided into separate compartments, which may be of various sizes, leased or rented to individuals, organization, or small businesses for storage of personal property.

129. “Setback” means the minimum horizontal distance between the front, rear and side lines of the lot and the front, rear and side lot lines of the building respectively. When two or more lots under one ownership are used, the exterior property line of the lots so grouped shall be used in determining setbacks.

130. “Setback, front” means the minimum allowable distance from the street right-of-way line to the closest point of the building, accessory use building, or projection thereof, parking lot, detention pond, or porch.

131. “Setback, rear” means the minimum allowable distance between the rear lot line and the rearmost point of any structure and/or building nearest the rear setback.

132. “Setback, side” means the minimum allowable distance between the side lot line and the nearest building or structure line.
133. “Sign” means any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

B. Flags and insignias of any government except when displayed in connection with commercial promotion.

C. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

D. Integral, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

134. “Sign, animated or moving” means any sign or part of a sign that changes physical position by any movement or rotation, or that gives the visual impression of such movement. This does not include signs that include only time, temperature, or date.

135. “Sign area” means the surface area of a sign shall be the entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

136. “Sign, awning” means a sign that is either incorporated into, attached to, affixed to, or painted on an awning or canopy and not exceeding 50 square feet in sign area.

137. “Sign, billboard” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

138. “Sign, home occupation” means a sign containing only the name and occupation of a permitted home occupation.

139. “Sign, identification” means a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

140. “Sign, illuminated” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

141. “Sign, off-site” means a sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign. (Also see “sign, billboard.”)

142. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the out or advertising business.
143. “Sign, pole” means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

144. “Sign number” For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or displaying device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

145. “Site plan” means a plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features, the sun and weather, and the surrounding area.

146. “Special use” means a use of property specially authorized by the Zoning Ordinance, but not permitted unless certain stated conditions have been met.

147. “Stables, private” means a building or structure used, or intended to be used for housing horses belonging to the owner of the property and for noncommercial purposes.

148. “Public and riding academy” means a building or structure used or intended to be used for the housing only horses on a fee basis. Riding instructions maybe given in connection with a public stable or riding academy.

149. “Riding club” means a building or structure used or intended to be used for the housing of horses only by a group of persons for non-commercial purposes.

150. “Story” means the portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

151. “Street” means a public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property. (Also see “public thoroughfare.”)

152. “Street line” means the line between the street right-of-way and abutting property.

153. “Structure” means anything constructed or erected with a rigid or fixed location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light standards, towers, and tanks.

154. “Subdivision” means a tract of land that is divided into three or more lots.

155. “Tavern” means any place devoted primarily to the selling, serving or dispensing of malt, vinous, or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (Also see “cocktail lounge, night club.”)

156. “Telecommunications antenna” means any structure or device used for the purpose of collecting or radiating electromagnetic waves including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni directional antennas, such as whip antennas, which are located on the exterior of, or outside of any building or structure.
157. “Telecommunications, co-location” means the use of a wireless telecommunication support facility by more than one wireless telecommunication provider.

158. “Telecommunications tower” means a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

159. “Tent” means any temporary structure or enclosure, where the roof and/or one-half or more of the sides are constructed of silk, cotton, canvas, or similar material; which is either attached to a building or structure or unattached.

160. “Thrift store” means an establishment primarily engaged in the sale of used donated clothing, household goods, furniture, or appliances that is operated by an organization granted federal tax exemption pursuant to Section 501(c)(3) of the Internal Revenue Service Code as amended. Does not include consignment shops.

161. “Tourist cottage” means a single-family dwelling used as one of the units of a tourist park.

162. “Tourist home” means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers, said building located either singularly or as a part of a tourist park.

163. “Tourist park” means any lot or area of property upon which three or more single-family camp cottages, or two or more trailers, or any combination of tourist cottages or tourist home or trailers, are located and maintained for the accommodation of transients, whether a charge is or is not made.

164. “Trailer” means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably maybe, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “trailer” includes camp car, and a house car.

165. “Travel trailer” means any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding eight feet in width and not exceeding 40 feet in length exclusive of separate towing unit. The term “travel trailer” includes pick-up coach, motor home, camp trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation or vacation quarters.

166. “Travel trailer park” (RV park) means a parcel of land upon which two or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes, not to exceed 30 days.

167. “Variance” means a granted request from the Board of Adjustment to an individual or business from certain standards and/or requirements in this Ordinance due to unnecessary hardship of the owner of the lot or parcel of land. One of the following conditions must exist for a variance request to be granted:

A. Dimensional zoning requirements cannot be physically met by an existing lot due to narrowness, shallowness, irregular shape, topography, or natural characteristics of the site inhibit lawful location of a structure or its accessories.

B. The physical hardship is unique and is not shared by neighboring properties in the same zone.
C. The hardship or practical difficulty was not created by an action of the applicant and existed at the time of adoption of the requirement from which the variance is requested or is necessary as the result of governmental action such as road widening.

D. The appellant must show that a variance:

1. Will not be contrary with the intent and purpose of this Ordinance;
2. Will not cause a substantially adverse effect upon adjacent properties;
3. Will relate only to the property under control of the appellant;
4. Will not jeopardize the preservation of a substantial right, although the spirit of this Ordinance shall be observed, public safety secured and substantial justice done;
5. Will not essentially alter the character of the surrounding area;
6. Will not increase the hazard from fire, flood, or similar dangers;
7. Will not increase traffic congestion; will not produce nuisance conditions to occupants or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke, or lights; and
8. Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the City.
9. Is the minimum necessary to permit reasonable use of the land and buildings.

E. Reason for which variance sought will not change the condition existing at the time of the adoption of requirement, condition shall not include use.

168. “Video rental store” means an establishment primarily engaged in the retail rental or lease of videotapes, films, DVDs, electronic games, cassettes, or other electronic media and equipment.

169. “Waterfront” means any site providing any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, lake, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear, or side.

170. “Yard” means an open space other than a court on a lot unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this Ordinance.

171. “Yard, front” means the yard area lying to the front of the principal building or between the front building line and the front lot line.

172. “Yard, rear” means the yard area lying to the rear of the principal building or between the rear building line and the rear lot line.

173. “Yard, side” means the yard area lying to the sides of the principal building or between the side building lines and the side lot lines.
174. “Zone” means any one of the classes of districts established by this Ordinance.

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CHAPTER 166

ZONING REGULATIONS
ZONING DISTRICTS

166.01  DESIGNATION OF DISTRICTS. For the purpose and intent of this Zoning Ordinance, the City is hereby divided into seven zoning district classifications as follows:

A  Agricultural District
C-1  Central Business District
C-2  General Commercial District
I-1  General Industrial District
R-1  Low Density Residential District
R-2  Medium Density Residential District
R-MH  Mobile Home Residential District

166.02  BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Wayland, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Zoning Ordinance as if fully described and set forth herein. The Official Zoning Map shall be file in the Office of the City Clerk in the City Hall. The Official Zoning Maps shall be identified by the Mayor and attested by the City Clerk under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 166.02 of the Wayland Zoning Ordinance of the City of Wayland, Iowa, adopted on this eighth day of January, 2003.” Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending Ordinance No.20-2003. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. (See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.)

166.03  INTERPRETATION OF DISTRICT BOUNDARIES. The district boundaries are either lot lines or the centerlines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot lines or the center lines of streets and alleys shall be construed to be the boundary of the district.

166.04  REPLACEMENT OF OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may by resolution adopt a new Official Zoning Map, which shall supersede the prior
Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on this eighth day of January, 2003, as part of the Zoning Ordinance of the City of Wayland, Iowa.”
166.05 A DISTRICT REGULATIONS. The intent of the A District is to preserve land best suited for agriculture from the encroachment of incompatible uses and to preserve agricultural land suited to eventual development in other uses until such time as streets, utilities, and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

1. Permitted Principal Uses. The regulations set forth in this Zoning Ordinance which are applicable shall apply in the A District. A building or premises shall be used only for the following purposes:
   
   A. Agriculture and the usual agricultural buildings and structures.
   
   B. Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains 10 or more acres.
   
   C. Mining and extraction of minerals or raw material, subject to prior recommendation from the Planning and Zoning Commission and approval by the Council.
   
   D. Forest and forestry.
   
   E. Non-commercial parks, playgrounds, golf courses (both public and private) and recreational uses.
   
   F. Any use erected or maintained by a public agency.
   
   G. Public utility structures and equipment necessary for the operation thereof.
   
   H. Transmitting stations and towers, subject to prior recommendation from the Planning and Zoning Commission and approval by the Council.
   
   I. Dumping of non-combustible materials for landfill purposes, subject to prior recommendation from the Commission and approval by the Council.
   
   J. Outdoor advertising signs and billboards in accordance with the provisions of Chapter 167, and providing in addition that prior recommendations must be obtained for such signs and/or billboards from the Commission and approval granted by resolution of the Council.
   
   K. Schools.
ZONING REGULATIONS

ZONING DISTRICTS

CODE OF ORDINANCES, WAYLAND, IOWA
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166.06 R-1 DISTRICT REGULATIONS. The intent of the R-1 District (Low Density Residential) is to provide for certain low density residential areas now developed with single-family dwellings and areas where similar residential development seems likely to occur in the City.

1. Permitted Principal Uses. The regulations set forth in this Ordinance which are applicable shall apply in the R-1 District. A building or premises shall be used only for the following purposes:

   A. Single-family attached and detached dwellings.
   B. Modular homes.
   C. Public parks, playgrounds, golf courses, and other outdoor recreational facilities.
   D. Private non-commercial recreational areas, including country clubs, swimming pools, tennis courts, and golf courses.
   E. Family homes as permitted by and as limited by Section 414.22, Code of Iowa.
   F. Cemeteries, including mausoleums.
   G. Agricultural crops, including truck gardening, but not the raising of poultry, pets, or livestock for commercial purposes, or on a scale that would be objectionable because of noise or odor to surrounding residences.
   H. Churches, chapels, temples, and similar places of worship.
   I. Schools, libraries, and community centers.
   J. Publicly owned and operated buildings and facilities; excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations.

2. Permitted Accessory Uses.

   A. Use of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
   B. Normal accessory buildings and structures for a dwelling such as: private garages, swimming pools, children's playhouses (shall not be used for dwelling purposes), radio and television receiving antennas, antennas, barbecue pits, playground equipment, tennis courts, carport, decks, porches, and patios.
   C. Normal accessory buildings and structures for public recreation areas.
   D. Domestic animals such as cats, dogs, birds, tropical fish, etc., which are normally allowed to run free or are housed within the dwelling. Horses, cows, sheep, chickens, etc., normally considered farm or wild and untamed animals shall be excluded except as otherwise provided in this Ordinance.
   E. Home occupations of a professional, talented or artistic nature such as doctor, engineer, lawyer, real estate agent, insurance agent, tailor, seamstress, watchmaker, dentist, beautician, designer, ceramics. However, those occupations normally classified as a trade and requiring the substantial use of contractors or mechanics tools or equipment such as carpenters, electricians,
monument cutters, painters, plumbers, etc., shall be excluded. (See definition of home occupation under Section 165.20.)

F. Child care facilities and nursery schools with fewer than six children.

G. Temporary buildings for uses incidental to construction work, which buildings shall be moved upon the completion or abandonment of the construction work.

3. Maximum Height.

A. Principal Buildings. No principal building shall exceed 35 feet in height.

B. Accessory Buildings. (See Chapter 167.)

4. Bulk Regulations. The following minimum requirements shall be observed:

A. Principal Use, Dwellings.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>9,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Frontage</td>
<td>70 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>10 feet*</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>5 feet**</td>
</tr>
</tbody>
</table>

* No part of any structure, including eaves and overhangs, may be closer than 10 feet to a property line.

** Said 5 feet shall be calculated as being the shortest distance from the rear property line to the dwelling, excluding any portion of said distance between the property line and the dwelling that is encumbered by any easement of any kind.

B. Non-Dwellings.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>one acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Frontage</td>
<td>150 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

5. Open Space Requirements. (See Chapter 167.)

6. Off-Street Parking Requirements. (See Chapter 167.)

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166.07  R-2 DISTRICT REGULATIONS. The intent of the R-2 District (Medium Density Residential) is to provide for residential areas within the city for development of two-family, multiple-family, and single-family dwellings which are compatible in character and density with the medium density residential environment.

1. Permitted Principal Uses. The regulations set forth in this Ordinance which are applicable shall apply in the R-2 District. A building or premises shall be used only for the following purposes:

   A. Any use permitted in the R-1 District, provided such use shall comply with the minimum requirements of the R-2 District.

   B. Two-family dwellings.

   C. Multi-family dwellings. Individual buildings shall contain no more than four dwelling units and land use density shall not exceed eight dwelling units per acre of land under ownership, exclusive of road right-of-way.

   D. Boarding and lodging houses.

   E. Professional and semiprofessional buildings.

2. Permitted Accessory Uses.

   A. Any use permitted in the R-1 District providing such use shall comply with the minimum requirements of the R-2 District.

   B. Playground areas and equipment accessory to multi-family dwellings.

   C. Multi-family entertainment and service centers, providing such areas shall not be located to the front of the principal building at ground level or above and such areas shall be screened from public view.

   D. Storage garage accessory to the principal building.

3. Maximum Height.

   A. Principal Buildings. No principal building shall exceed 45 feet in height.

   B. Accessory Buildings. (See Chapter 167.)

4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modified requirements. The lot area requirements will not apply to lots platted prior to March 30, 2002.

   A. Principal Use, Single-Family Detached Dwellings.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>6,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Frontage</td>
<td>60 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>5 feet*</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>5 feet**</td>
</tr>
</tbody>
</table>

* No part of any structure, including eaves and overhangs, may be closer than 5 feet to a property line.

** Said 5 feet shall be calculated as being the shortest distance from the rear property line to the dwelling, excluding any portion of said distance between the property line and the dwelling that is encumbered by any easement of any kind.
B. Single-Family Attached Dwellings. When a single-family attached dwelling is divided by a lot line coinciding with the common wall separating the two units, these minimum requirements shall be applied.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>3,750 square feet</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>30 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>12 feet*</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>5 feet**</td>
</tr>
</tbody>
</table>

* A dwelling unit with a zero side yard on one side shall have a minimum width of a side yard of 12 feet from the opposite side lot line.

** Said 5 feet shall be calculated as being the shortest distance from the rear property line to the dwelling, excluding any portion of said distance between the property line and the dwelling that is encumbered by any easement of any kind.

C. Two-Family Dwellings.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>7,200 square feet</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>60 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>10 feet*</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>5 feet**</td>
</tr>
</tbody>
</table>

* No part of any structure, including eaves and overhangs, may be closer than 10 feet to a property line.

** Said 5 feet shall be calculated as being the shortest distance from the rear property line to the dwelling, excluding any portion of said distance between the property line and the dwelling that is encumbered by any easement of any kind.

D. Multi-Family Dwellings and Offices.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Lot Area per Dwelling Unit</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>80 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yards*</td>
<td>3 stories or fewer: up to 35 feet; minimum of 10 feet on each side. More than 3 stories, up to 45 feet: minimum of 15 feet on each side.</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

* No part of any structure, including eaves and overhangs, may be closer than 10 feet to a property line.

E. Non-Dwellings.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>one acre</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>150 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

5. Standards for Single-Family Attached Dwellings. The following are additional standards for single-family attached dwellings:

A. Effective Date. A single-family attached dwelling divided by a lot line coinciding with a common wall shall only be allowed for new construction completed subsequent to the adoption of this Zoning Ordinance.

B. Construction Requirements.
(1) A dwelling unit with a zero side yard shall have no openings on the side abutting the common lot line.

(2) The common wall dividing a single-family attached dwelling shall be constructed with a minimum of two separate two inches by four inches stud walls with five-eighths-inch drywall on each side of each two-inch by four-inch stud wall to the roof line.

(3) All zero lot line development or two-family dwellings requesting zero lot line development approval shall provide for separate water, sewer and utility lateral service and metering. If separate sewer laterals are not practicable, the owners and/or future owners of the living units shall execute a cross access and maintenance/repair sharing agreement in a form acceptable to the City.

6. Open Space Requirements. (See Chapter 167.)

7. Off-Street Parking Requirements. (See Chapter 167.)
166.08 R-MH DISTRICT REGULATIONS. The intent of the R-MH District (Mobile Home Residential) is to provide for mobile home subdivisions in areas of the City where such use is compatible with existing and future development. This District shall be well served by arterial streets to provide adequate access and planned development that is compatible with the character of the neighboring land uses.

1. Permitted Principal Uses. The regulations set forth in this Ordinance which are applicable shall apply in the R-MH District. A building or premises shall be used only for the following purposes:

   A. Mobile homes located within planned mobile home subdivisions and with the provisions of this chapter, regulations of the Henry County Board of Health, applicable State statutes, and City standards and this Code of Ordinances.

   B. Publicly owned and operated buildings and facilities excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations.

2. Permitted Accessory Uses.

   A. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions:

      (1) Accessory structures and uses may include, but are not limited to, mobile home park management offices and related facilities, maintenance and garden sheds, storage units, detached garages, decks, porches, patios, gazebos, swimming pools, kennels, satellite receiver dishes, wood piles, compost piles, and gardens.

      (2) Maintenance or garden sheds strictly for residential uses shall be no larger than 100 square feet. Setbacks requirements for residential sheds and storage units are two feet side setback and five feet rear setback.

      (3) Maximum height of accessory structures and uses in residential properties shall not exceed 15 feet.

   B. Temporary building for uses incidental to construction work, which buildings shall be moved upon the completion or abandonment of the construction work.

   C. Home occupations.

   D. Sale of mobile homes for use on the premises only, provided that such mobile homes are suited and connected to all utilities.

3. Bulk Regulations. The following minimum requirements shall be observed in the R-MH District:

   | Lot Area     | 5 acres |
   | Lot Width    | 300 feet |
   | Front Yard Depth | 35 feet |
   | Side Yards  | 30 feet  |
   | Rear Yard Depth | 30 feet |
   | Maximum Height | 35 feet |
4. Individual Trailer Lot Requirements.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>4,000 square feet or a maximum of six mobile home units per gross acre, whichever is greater.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>35 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>5 feet</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>5 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

5. Existing Mobile Home Parks. Mobile home parks in existence at the time of passage of this Zoning Ordinance, which are zoned R-MH by this Ordinance, shall be considered as having met all of the requirements of this section. However, any enlargements, additions or extensions to such mobile home parks shall be in accordance with the provisions of this Ordinance.

6. Off-Street Parking Requirements. (See Chapter 167.)

[The next page is 689]
166.09 C-1 DISTRICT REGULATIONS. The intent of the C-1 District (Central Business Commercial) is to provide for a commercial area to serve the general shopping needs of the trade area and to permit uses, which will strengthen the central business area as the center of trade, service, governmental, and cultural activities.

1. Permitted Principal Uses. The regulations set forth in this Ordinance which are applicable shall apply in the C-1 District. A building or premises shall be used only for the following purposes:
   
   A. Any use permitted in the C-2 District providing such use shall comply with the minimum requirements of the C-1 District.
   
   B. Antique shops.
   
   C. Art shops.
   
   D. Bakery, retail.
   
   E. Barber shop, beauty parlor.
   
   F. Billiards, pool hall.
   
   G. Bookstore.
   
   H. Camera shop.
   
   I. Candy store.
   
   J. Catering.
   
   K. City buildings.
   
   L. Clothing or apparel shop.
   
   M. Dwelling units located above the first floor of a business.
   
   N. Electrical equipment, appliances supply and repair.
   
   O. Florist store.
   
   P. Gift shop.
   
   Q. Hardware store.
   
   R. Heating-air conditioning supplies.
   
   S. Hospital, clinics, and infirmaries.
   
   T. Jewelry store.
   
   U. Music store.
   
   V. Office equipment and supply store.
   
   W. Optical goods store.
   
   X. Paint store.
   
   Y. Public parking lots.
   
   Z. Pharmacy.
   
   AA. Printing, newspaper, commercial.
   
   BB. Professional offices.
CC. Shoe store and repair shop.

DD. Theater.

EE. Upholstery shop.

FF. Variety store.

2. Permitted Accessory Uses.

A. Any exterior or roof sign, the height of which shall not exceed 40 percent of the building height above the roofline, but not to exceed 50 feet above the roofline in any case. For buildings less than 40 feet in height, the maximum height above the roof line for any exterior or roof sign shall be 16 feet.

B. Storage of merchandise incidental to the principal use.

3. Maximum Height. No building shall exceed 75 feet.

4. Bulk Regulations. The following minimum requirements shall be observed:

A. Principal Use, All Uses.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>None*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>None*</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>None*</td>
</tr>
<tr>
<td>Side Yard</td>
<td>None**</td>
</tr>
<tr>
<td>Width Sum of Both Side Yards</td>
<td>None***</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>None***</td>
</tr>
</tbody>
</table>

* Unless the proposed right-of-way of a thoroughfare shown on an Official Major Thoroughfare Plan, in which case the building setback lines shall be the proposed right-of-way line.

** Unless adjacent to an R District, in which case not less than 10 feet.

*** Unless abutting an R District, in which case 25 feet.

5. Open Space Requirements. None Required.


7. Buffer Requirements. None required.

[The next page is 695]
166.10 C-2 DISTRICT REGULATIONS. The C-2 District (General Commercial) is intended to provide space for commercial areas located outside the Central Business District. This District accommodates a wide range of facilities that include much of the commercial frontage along the major transportation arteries. These uses are also characterized by the need for larger lot sizes and the need to supply their own off-street parking.

1. Permitted Principal Uses. The regulations set forth in this Ordinance which are applicable shall apply in the C-2 District. A building or premises shall be used only for the following purposes:

   A. Any use permitted in an R-1 and R-2 District, except that residential dwellings may be permitted by special permit only.

   B. Any use permitted in the C-1 District providing such use shall comply with the minimum requirements of the C-2 District.

   C. Automobile service station.

   D. Automobile washing.

   E. Bank, including drive-through establishments, savings and loan.

   F. Book magazine publishing and sales.

   G. Bowling alley.

   H. Broadcasting and receiving station.

   I. Carpenter shop.

   J. Commercial nurseries and greenhouses.

   K. Commercial recreation or amusements.

   L. Convenience store.

   M. Dairy store.

   N. Discount department store.

   O. Drive-in establishment.

   P. Drug store.

   Q. Dry cleaning and coin operated laundry.

   R. Eating and drinking establishments.

   S. Furniture store.

   T. Garden supplies store.

   U. Hotel.

   V. Lumber and building materials.

   W. Motels.

   X. Printing and Publishing Houses.

   Y. Private clubs.

   Z. Private parking lots.
AA. Professional offices.
BB. Publicly owned and operated buildings and facilities excluding substations, treatment facilities, pumping stations, storage facilities, and regulator stations.
CC. Retail pet shop.
DD. Sporting goods store.
EE. Supermarket, grocery store.
FF. Woodworking shop, small.
GG. Veterinary clinics.

2. Permitted Accessory Uses. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures.

3. Maximum Height.
   A. Principal Buildings. No principal building shall exceed 45 feet.
   B. Accessory Buildings. (See Chapter 167.)

4. Bulk Regulations. The following minimum requirements shall be observed:
   A. Principal Uses, All Uses.
   
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>80 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yard*, Least Width any one side</td>
<td>10 feet</td>
</tr>
<tr>
<td>Width Sum of Both Side Yards</td>
<td>30 feet</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

   * All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard. Side yards may be waived by the Council, for coordinated plans of adjacent properties under separate ownership; providing, however, that such waiver shall be predicated on an approved Site Plan (See Chapter 167.)

5. Open Space Requirements. (See Chapter 167.)
6. Off-Street Parking Requirements. (See Chapter 167.)
7. Buffers Requirements. (See Chapter 167.)

[The next page is 701]
166.11 I-1 DISTRICT REGULATIONS. The intent of this I-1 District (General Industrial) is to provide space for commercial and a wide range of light industrial uses which are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions.

1. Permitted Principal Uses. The regulations set forth in this Ordinance which are applicable shall apply in the I-1 District. A building or premises shall be used only for the following purposes:

   A. Any business or service establishment permitted in a C-2 District which is incidental to an industrial or manufacturing use and permitted uses from a C-2 District, except anything permitted in an R-1 or R-2 District, and further excepting uses listed in paragraphs C, D, G, L, M, O, R, U, W, Y, CC, EE, and GG of Section 166.10(1).

   B. Industrial, manufacturing, major repair, processing, storage and wholesale establishments and services such as the following:

      (1) Automobile construction, assembly or factories specializing in the re-work or re-building of automobile components.

      (2) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

      (3) Concrete mixing, concrete products manufacture, and ready-mix plants.

      (4) Contractor's equipment and materials storage yard.

      (5) Flammable liquids, underground storage only, not to exceed 25,000 gallons and located not less than 200 feet from any “R” District.

      (6) Lightweight manufacturing of non-ferrous metals, which do not cause noxious fumes or odors.

      (7) Manufacturing or assembly of electrical appliances, instruments, and devices, which do not cause noxious fumes or odors.

      (8) Laboratories - experimental, film or testing.

      (9) Storage and sale of feed or grain, providing dust is effectively controlled.

      (10) Wholesale storage and warehouse establishments.

      (11) Lumber and building supply yards.

      (12) Motor freight terminal.

      (13) Sawmill, planning mill, including manufacture of wood products.

   C. Any residential use shall be prohibited, except for caretaker’s quarters incidental to a permitted industrial use.

   D. Outdoors advertising signs and billboards in accordance with the provisions of Chapter 167.
2. Accessory Uses. Any accessory use customarily accessory and incidental to a permitted principal use.

3. Special Use Permitted Uses. Transmitting stations and towers, subject to prior considerations by and recommendation of the Commission, and approved by the Board of Adjustment.

4. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, offensive or pollute the air or water due to emission of cinders, dust, gas fumes, noise, odor, smoke, refuse matter or water-carried waste.

5. Maximum Height. No building shall exceed 45 feet, transmitting towers no more than 210 feet.

6. Bulk Regulations. The following minimum requirements shall be observed.

A. All Uses.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td>75 feet</td>
</tr>
<tr>
<td>Front Yard Depth*</td>
<td>45 feet</td>
</tr>
<tr>
<td>Side Yards</td>
<td>15 feet**</td>
</tr>
<tr>
<td>Rear Yard Depth</td>
<td>45 feet**</td>
</tr>
</tbody>
</table>

* All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.

** For an I-1 District adjacent to any R District, the minimum setback shall be 50 feet from the I-1 District boundary line, except in such cases where the district line is construed to follow the centerline of the public thoroughfare, when such cases shall be determined by the provisions for the required minimum front yard depth.

7. Open Space Requirements. (See Chapter 167.)

8. Off-Street Parking Requirements. (See Chapter 167.)

9. Buffers Requirements. (See Chapter 167.)
The following ordinances have been adopted amending the Official Zoning Map described in Section 166.02 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
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</thead>
<tbody>
<tr>
<td>36-2006</td>
<td>August 16, 2006</td>
</tr>
<tr>
<td>37-2006</td>
<td>August 16, 2006</td>
</tr>
<tr>
<td>45-2009</td>
<td>September 16, 2009</td>
</tr>
<tr>
<td>50-2012</td>
<td>April 18, 2012</td>
</tr>
<tr>
<td>53-2013</td>
<td>September 18, 2013</td>
</tr>
<tr>
<td>58-2014</td>
<td>August 20, 2014</td>
</tr>
<tr>
<td>61-2015</td>
<td>July 15, 2015</td>
</tr>
</tbody>
</table>
CHAPTER 167

ZONING REGULATIONS

REGULATIONS FOR ALL DISTRICTS

167.01 Special Uses

The regulations set forth in this Zoning Ordinance which are applicable shall apply to the unclassified and special uses listed in this chapter.

1. Regulations. It is recognized that certain uses hold characteristics of such uniqueness and special form as to make impractical their being included automatically in any classes of use as set forth in the various districts established by this Ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this section, and the authority for the location thereof shall be subject to review by the Commission and the issuance of a special use permit by the Board of Adjustment; provided however, a special use permit may not be granted for a use in a zoning district from which it is specifically excluded by the provisions of this chapter.

2. Special Use Permits. The Board of Adjustment may by special use permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Ordinance. Notice of time and place of hearing shall be given to all affected property owners at least 10 days in advance of hearing by placing notices in the United States mail. Before issuance of any special use permit for any of the below buildings or uses, the Board of Adjustment shall refer the proposed application to the Commission, and the Commission shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use below referred to until and unless the report of the Commission has been filed; provided however, if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the said Commission. Said building or uses are as follows:

A. Any public building erected and used by any department of the City, township, County, State, or federal government.
B. Airport or landing field.
C. Community building or recreation center.
D. Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious or philanthropic character, provided that the building is set back from all yard lines a minimum distance of two feet for each foot of building height, but not less than the yard requirements for the district in which located.
E. Public and private cemeteries, including mausoleums.
F. Electrical and natural gas substations and regulating facilities.
G. Water and wastewater treatment facilities.
H. Child care centers that provide services for 12 or more children.

3. Required Conditions.
   A. A special use permit shall not authorize a use that does not comply with the minimum requirements of the district in which it is located.
   B. A special use permit shall not authorize a use that is in conflict with any Ordinance of the city, or law of the State of Iowa regulating nuisance, pollution, or hazardous occupation.
   C. A special use permit shall not authorize a use that does not conform to the Wayland Comprehensive Plan.

A site plan in compliance with Chapter 168 of this Ordinance shall accompany all requests for authorization of a special permit for special uses.

4. Restrictions.
   A. Authorization for a special use permit shall not be granted for failure to comply with the following conditions:
      (1) Buildings involving the large assemblages of people shall not be located less than 300 feet from any existing dwelling site.
      (2) Uses involving nuisances such as noise, vibration, pollution, etc., shall not be located less than 500 feet from an R District or less than 1,000 feet from an existing dwelling.
      (3) Uses involving the large assemblages of people shall not be located in vicinity where the arterial traffic system is inadequate to provide for the increased traffic density.
      (4) Uses involving the extensive use of exterior lighting shall not be located in a vicinity where such lighting may be hazardous to air or ground traffic ways and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any R District boundary.
   B. The following restriction shall be complied with: Uses of a utility or public service, which are located within an R or C District, for the benefit of improved public service, shall be screened from public view by buffer walls or strip parks in accordance with Section 167.03.

5. The procedure for obtaining a special use permit shall be as follows:
   A. Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by such plans as required by the provisions of this chapter in quadruplicate.
   B. The applications shall be referred to the Planning and Zoning Commission. The Commission shall hold a public hearing to review the application for a special use permit and shall make a report to the Board of Adjustment regarding the recommended disposition of the application within 45 days from the date of such public hearing.
C. The Board of Adjustment shall hold a public hearing within 30 days after receiving the certification of said recommended disposition by the Commission.

D. Notice of hearing by the Commission and Board shall be given to all property owners within 500 feet of the boundary of the property on which the special use is to be located. Such notice shall be by United States mail at least 10 days prior to the hearing and shall contain the time and location of such hearing.

E. The special use permit issued may include time limits and other conditions or safeguards deemed necessary or appropriate by the Board. Violations of such conditions and safeguards shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.

F. Whenever an application for a special use permit has been denied by the Board, no new application for a special use permit including the same property or any portion thereof shall be filed or considered by the Board until 6 months shall have elapsed from the date of the official Board denial of the first application.

167.02 NONCONFORMING USES AND STRUCTURES. The lawful use of a building existing at the time of the enactment of this Zoning Ordinance may be continued even though such use may not conform with the regulations of this Ordinance for the district in which it is located. Any use in existence at the adoption hereof which was not an authorized nonconforming use under previous Zoning Ordinances, shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

1. Nonconforming Uses in Any Residential District. No building or land devoted to a use not permitted by this Ordinance in a residential district in which such building or land is located, except when required by law, shall be enlarged, extended, constructed, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building, structure or premises is located, except as follows:

A. Substitution. If no structural alterations are made, a nonconforming use of a building, land, or structure may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to more restricted use or to a conforming use, such use shall not be changed back to a less restricted use.

B. Discontinuance. In the event that a nonconforming use of any building, structure, or land is discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of this Ordinance and the use of land upon which no building is erected or constructed which becomes nonconforming by reason of a subsequent change in this Ordinance, shall be discontinued within one year from the date of the change.

C. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 60 percent of its fair market value, as determined by the Building Inspector, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or
reconstructed or used as before such happening. If the damage above the foundation is less than 60 percent it may be restored, reconstructed, or used as before provided that it be done within six months of such happening.

2. Nonconforming Uses in Any District Other than a Residential District.

A. Structural Alterations and Enlargements. Any building or structure in any district other than an R District devoted to a use made nonconforming by this Ordinance may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard and height requirements of the district in which it is situated, provided such enlargement or alteration of construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of this Ordinance. In the event of such structural alterations or enlargement of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of this Ordinance, other provisions of this Ordinance notwithstanding.

B. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of this Ordinance and the use of land upon which no building is erected or constructed which becomes nonconforming by reason of a subsequent change in this Ordinance, shall be discontinued within two years from the date of the change.

C. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 70 percent of its then fair market value, as determined by the Building Inspector, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening. If the damage above the foundation is less than 70 percent, it may be restored, reconstructed or used as before provided that it be done within six months of such happening.

167.03 BUFFERS REQUIRED. It is recognized that the transition from one district to another district of contrasting and conflicting uses is across a barrier line in theory only. Therefore, it shall be the intent of this section to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one district use may have on an abutting and contrasting district use.

1. Conditions for Requiring a Buffer. The following conditions shall require a buffer between abutting districts:

A. All I Districts that abut any R District shall be buffered as required in this section.

B. Any storage or loading yard in any C or I District that abuts a public thoroughfare shall be restricted from public view by a buffer.

2. Permissive Buffers. A buffer ‘park’ shall accomplish the space required under the provisions of this section or elsewhere in this Ordinance. Such park shall be not less than 25 feet in width. Predominant planting shall be of evergreen type trees, shrubs, and plants so as to assure year-round effectiveness. The density and height of planting shall be adequate to serve as a solid and impenetrable screen.

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3. **Buffer Variance.** The Board of Adjustment may alter the buffer width requirement as it deems appropriate after considering the reason for the buffer and the abutting district uses and any comments from area property owners or other members of the public, provided the Board may not create a better buffer of less than ten percent.

4. **Waiver of Buffer Requirement.** Where the line between two districts requiring a buffer follows a street right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived, providing such waiver does not permit the exposure of undesirable characteristics of land use to public view.

### 167.04 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS.

1. **Structures Permitted Above Height Limit.** The building height limitations of this Ordinance shall be modified as follows:

   A. Chimneys, cooling towers, fire towers, grain elevators, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, silos, water towers, ornamental towers and spires, radio or television towers or essential mechanical appurtenances may be erected to a height in excess of applicable district regulations by a special use permit.

   B. Public, semi-public, or public service buildings, hospitals, sanitariums or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is setback from each property line at least one foot in addition to the minimum yard requirements for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

2. **Other Exceptions to Yard Requirement.** Every part of a required yard shall be open to the sky unobstructed from any building or structure, except for a permitted accessory building in a rear yard. All ordinary projections including overhangs shall not exceed 24 inches from the structure or building.

3. **Accessory Buildings and Garages.** No accessory building or structure that exceeds six feet in height shall be erected in a required yard or court, except as provided in this Ordinance.

   A. An accessory building or structure which is located entirely within the principal building area of the lot (the lot minus the required yards and courts) whether attached or detached to the principal building shall be subject to the regulations applicable to the principal building.

   B. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided said building shall comply with all yard requirements for a principal building.

   C. The garage for any principal building on a lot abutting an alley may be located in a rear or side yard area which abuts the alley; providing however, that such garage building shall comply with the following requirements:

      1. The garage shall be setback a minimum of two feet from the lot line abutting an alley which the garage entrance faces, or shall be located no closer than 15 feet to any garage or principal building which is located on the opposite side of the alley; whichever is the greater requirement.
(2) The garage building shall be considered an extension of the principal building and shall comply with all minimum yard requirements for the principal building other than the exception herein permitting the garage entrance to be located near the alley (i.e., a garage facing an alley which abuts a side lot line shall not encroach into the required front or rear yards). A garage facing an alley which abuts a rear lot line shall be setback from the side lot lines no less than the requirements for the principal building.

(3) Maximum height for a garage is one story or 15 feet.

D. An accessory structure that is adaptable to underground construction (such as a bomb or tornado shelter, garage, wine cellar, etc.) may be constructed beneath the ground surface of any yard area; providing the structure complies with the following requirements:

(1) No portion of the structure shall be located less than two feet, measured horizontally, from any lot line from which a minimum surface yard area is required.

(2) The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.

(3) No portion of the grade of the finished surface area above the structure may exceed a two-foot height increase above the normal finished grade of any required yard.

(4) Ingress - egress to the underground structure shall be located within the allowable surface building area of the lot and shall not be located in any required yard area.

E. Accessory buildings and structures, regardless of height that are constructed above the normal ground surface in any required yard area shall not occupy more than 30 percent of the yard area in which it is located. This regulation shall not prohibit the construction of a two-car garage which has a maximum of 550 square feet gross building area.

4. Corner Lots. For corner lots platted after the effective date of this Ordinance the street side yard shall be equal in width to the minimum required side yard for the district in which it is located, plus 20 feet (e.g., for a minimum required side yard of 10 feet the street side yard shall be a minimum of 30 feet). This regulation shall not be interpreted as to require a side street yard of greater width than the minimum required front yard width. For corner lots platted after the effective date of this Ordinance the minimum required lot width shall be increased by an amount not less than 20 feet to allow for the additional required street side yard (e.g., for a minimum required lot width of 60 feet, the minimum width of a corner lot shall be 80 feet). On corner lots platted and of record at the time of the effective date of this Ordinance the same regulations shall apply; except this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance, to less than 28 feet nor to prohibit the erection of an accessory building. On any corner lot the depth of a front yard or side street yard abutting a major thoroughfare shall be measured from the proposed right-of-way lines shown on a City Street Map.
5. Front Yards. When a lot in an R District comprises 30 percent or more of the frontage within 200 feet of either side lot line is developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed here cannot exceed 50 feet and shall be a minimum of 20 feet in any case. The front yard depth of any lot abutting a major thoroughfare shall be measured from the proposed right-of-way lines shown on the City Street Map.

6. Fences, Walls and Vision Clearances.
   A. On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half feet and 10 feet above the centerline grades of the area described as follows: the area bounded by the street right-of-way lines on a corner lot and a straight line joining points on said right-of-way lines 25 feet from the point of intersection of said right-of-way lines. This regulation does not apply to the C-1 District.
   B. In any district, the maximum height for fences and walls in side and rear yards is seven feet. The maximum height for a fence or wall in front yards is four feet. In the case of retaining walls, the above requirements shall apply only to the part of the wall above the ground surface of the retained embankment.
   C. In any district where a fence or wall is required by a section of this Ordinance, the Subdivision Ordinance, or other Ordinance, to serve as a screening wall, buffer wall or other separating or protective wall, the height restrictions of the specific Ordinance shall apply.
   D. Grade for determining the maximum height above grade for fences and walls:
      (1) For a fence or wall along a street right-of-way the grade shall be the highest point of the pavement lying between the intersection of the centerline and a projection of the side lot lines.
      (2) For a fence or wall between the front lot line and the front building line grade shall be pro-rated between the grade at the front lot line and the grades at the building.
      (3) For a fence or wall along the rear lot line or between the front building line and the rear lot line, grade shall be the grade at the building.
   E. Fences and walls on a corner lot shall comply with the vision clearance requirements of paragraph A of the subsection.

7. Required Yard Cannot Be Reduced. No lot shall be reduced in size to make the width or total area of the lot, or any yard, or any other open space, less than the minimum required by this Ordinance. Off-street parking and loading areas may occupy all or part of any required yard or open space, except as otherwise specified in the Ordinance.
8. Building Lines on Approved Plats. Whenever the plat of a land subdivision is approved by the Commission and on record in the Office of the County Recorder, shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance required a greater setback.

9. Pending Applications for Building Permits. There will be no changes in the overall layout, plans, construction size or designated use of any building, or part thereof, for approvals and required building permits have been granted before the enactment of this Ordinance.

167.05 OFF-STREET PARKING AND LOADING REGULATIONS. It is the intent of this section to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. It is recognized that the requirements of this section are minimum and that in certain uses of land these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking spaces is justified and may be required to preserve the intent of this Ordinance.

1. Street Frontage Requirements. Lots containing any building used in whole or in part for residential purposes shall have a minimum of 40 feet on at least one street, or it has an exclusive unobstructed private easement of access or right-of-way with a minimum width of 20 feet to a street. There is a maximum of one single-family dwelling per frontage or easement, except that a common easement of access with a minimum width of 50 feet shall be provided for two or more such single-family or for one or more two-family or multiple-family dwellings.

2. Off-Street Loading Space Requirements. In any district, except the C-1 District, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more which is occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be a minimum of one off-street loading space plus one additional loading space for each 20,000 square feet or major fraction thereof of gross floor area used in excess of 10,000 square feet on the same lot as the building.

   A. The minimum measurement for each loading space is 10 feet in width and 60 feet in length.

   B. Such space may occupy all or any part of any required yard or court space, except required open space and planting screens under this chapter.

3. Off-Street Parking Schedule Requirements. In all districts, except the C-1 District, in connection with every industrial, commercial, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule; however, no parking area required here shall be less than 1,000 square feet in area, except in the case of dwellings and retail stores and shops under 500 square feet.
A. Parking Schedule for General Uses.

<table>
<thead>
<tr>
<th>General Uses</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile sales and service garages</td>
<td>1 per 300 square feet of floor area and 1 per 4 persons regularly employed on the premises.</td>
</tr>
<tr>
<td>Banks, business and professional offices</td>
<td>1 per 200 square feet of floor area and 1 per office in the principal building or 1 1/4 per person regularly employed on the premises, whichever is greater.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>5 per alley and 1 per 5 spectator seats</td>
</tr>
<tr>
<td>Churches</td>
<td>1 per 4 seats and 1 per classroom</td>
</tr>
<tr>
<td>Dance halls, assembly halls</td>
<td>1 per 100 square feet of floor area or 1 per 4 seats of maximum seating capacity, whichever is the greater.</td>
</tr>
<tr>
<td>Schools and other places of education or instruction</td>
<td>Elementary, junior high, and other places for under driving age students: 1 per person regularly employed on the premises, plus 1 per 20 student desks or classroom seating facilities. High schools: 1 per person regularly employed on the premises, plus 1 per 10 student desks or classroom seating facilities. Colleges, trade schools, and other places of young adult learning: 1 per person regularly employed on the premises, plus 1 per 4 student desks or classroom seating facilities. Parking spaces required as above stated shall be in addition to requirements for sports arenas, auditorium, etc.</td>
</tr>
<tr>
<td>Sports arenas, theaters, auditoriums and other similar places of public assembly</td>
<td>1 per 4 persons of maximum standing and seating capacity.</td>
</tr>
<tr>
<td>Industrial or manufacturing plants</td>
<td>1 per 2 employees on the maximum working shift; or 1 per 1,000 square feet of floor area up to 10,000 square feet and then 1 per additional 1,500 square feet thereafter; whichever is greater.</td>
</tr>
</tbody>
</table>
B. Parking Schedule For Dwellings.

<table>
<thead>
<tr>
<th>A. Dwellings</th>
<th>A. Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential: one- and two-family dwellings</td>
<td>2 per dwelling unit, exclusive of private garages</td>
</tr>
<tr>
<td>Residential: multi-family dwellings</td>
<td>2 for each of the first 12 dwelling units and 1 ¼ spaces for each additional dwelling unit. 1 garage parking space per dwelling unit may be counted as a portion of the parking requirement, or each garage parking space may be counted as a portion of the parking requirement when a separate visitor parking area equal to 1 parking space for each dwelling unit is provided.</td>
</tr>
<tr>
<td>Funeral Homes, Mortuaries</td>
<td>15 spaces or 1 per 4 seats in the principal auditorium, or 4 per service or viewing room; whichever is greater, plus 1 per 2 persons regularly employed on the premises shall be provided.</td>
</tr>
<tr>
<td>Hospitals, sanatoriums and rest homes</td>
<td>1 per 4 patient beds and 1 per 2 persons regularly employed on the premises.</td>
</tr>
<tr>
<td>Hotels, motels, and lodging houses</td>
<td>1 per room or suite of rooms offered for tourist accommodations and 1 per 2 persons regularly employed on the premises.</td>
</tr>
</tbody>
</table>

C. Parking Schedule For Service and Retail Establishments.

<table>
<thead>
<tr>
<th>A. Service/Retail Establishments</th>
<th>A. Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants, taverns, night clubs or similar places dispensing food, drink or refreshments</td>
<td>1 per 50 square feet of floor area devoted to patron use within the establishment, plus 1 space must be provided for each 4 persons regularly employed or intended to be regularly employed on the premises.</td>
</tr>
<tr>
<td>Retail stores, super markets, drug and sundry stores, department stores, etc.</td>
<td>For stores over 2,000 square feet floor area: 1 for each and every 100 square feet of floor area. For stores and shops under 2,000 square feet: 1 for each and every 500 square feet of floor area, and 1 for each person regularly employed on the premises; provided however, there shall not be less than 5 parking spaces.</td>
</tr>
<tr>
<td>Furniture, appliance and other retail stores displaying large and bulky merchandise</td>
<td>1 per 400 square feet of floor area</td>
</tr>
<tr>
<td>Wholesale establishments or warehouses</td>
<td>1 per person regularly employed on the premises</td>
</tr>
</tbody>
</table>
D. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use that is mentioned and to which said use is similar shall apply.

E. Where a lot does not abut upon a public or private alley or easement of access, there shall be an access drive with a minimum width of 10 feet for a dwelling and a access with a minimum width of 20 feet leading to the loading or unloading spaces and parking or storage areas required in this Ordinance to secure the most appropriate development of the property in question; except where provided in connection with a use permitted in a residential district, such easement of access or access drive shall not be located in any residential district.

F. Every parcel of land used as a public or private parking area, including a commercial parking lot shall be developed and maintained in accordance with the following requirements:

   (1) No part of any parking space shall be closer than five feet to any established street right-of-way or alley line. In case the parking lot adjoins an R District, it shall be setback a minimum of five feet from the residential district boundary and shall be effectively screen-planted.

   (2) Any off-street parking area and service drives including any commercial parking lot for more than two vehicles shall be surfaced with an asphalt or Portland cement binder pavement or such other surface approved by the Public Works Director to provide a durable and dustless surface. It shall be graded and drained to dispose of all surface water accumulation within the area, and arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

   (3) Any lighting used to illuminate any off-street parking area, including any commercial parking lot, will be arranged to reflect the light away from adjoining premises in any R District.

G. Off-street parking facilities for all uses, except one- and two-family dwellings fronting a residential street, will be designed to permit entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from an off-street parking facility onto a major thoroughfare, including all thoroughfares designated on the City Street Map other than residential streets, shall be strictly prohibited, regardless of land use type.

4. Persons with Disabilities Parking Requirements. Parking spaces for persons with disabilities are required as defined and outlined in the Code of Iowa, Chapter 321L.5.

   A. Persons with disabilities parking spaces and access loading zones for disabled persons which serve a particular building shall be located on the shortest route to the nearest accessible entrance to the building.

   B. Off-street parking facilities or an entity providing nonresidential parking in off-street public facilities shall provide a minimum of two percent of the total parking spaces in each persons with disabilities parking space rounded to the nearest whole number. However, such parking facilities having 10 or more parking spaces shall set aside at least one persons with disabilities parking space.
All new nonresidential parking facilities that have been completed on or after July 1, 1991, which provide parking for the general public shall provide persons with disabilities parking spaces as designated below:

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Required Minimum Number of Persons with Disabilities Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1,001 and over</td>
<td>20 spaces plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

167.06 SIGN GUIDELINES. The intent of these guidelines is to protect and promote health, safety, general welfare and order within the City through the establishment of comprehensive and uniform standards, regulations and procedures of devices, signs, or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private properties. The provisions in this section are intended to encourage opportunity for effective, aesthetically compatible, and orderly communication by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities.

1. Outdoor Advertising Signs and Billboards. In all districts where billboards are permitted they shall be set back to at least the required front yard depth for a principal building along any street or highway in such district. At the intersection of streets and/or highways, the setback of any outdoor advertising sign or billboard (not including business identification and directional and other incidental signs otherwise permitted under the provisions of this Ordinance), shall not be less than the required front yard depth for a principal building in such district from each street and/or highway.

2. Signs in Residential Districts.
   A. In the R Districts real estate signs, not exceeding six square feet in area, advertising the sale, lease or rental of buildings or land on which said signs are located are permitted. These signs shall be placed a minimum distance of 25 feet from the street lot line and not more than five feet in front of the main building.
   B. In the R Districts announcement signs or bulletin boards may be erected upon the premises of a charitable, religious, or public institution for its own use.
   C. In the R Districts signs not exceeding two square feet in area on which only the occupant’s name and home occupation shall be placed a minimum of 25 feet to the front lot line and not more than five feet in front of the main building.
   D. Boarding and lodging houses in an R District may have one advertising sign not exceeding 12 square feet in area. The sign shall be placed a minimum
distance of 25 feet from the street lot line and not more than five feet in front of the main building.

E. Signs for service clubs and semi-public institutions are permitted within the public right-of-way, provided they are not more than 500 feet inside the corporation limit, and do not exceed three square feet in area. These signs are for the purpose of displaying the emblem of the club or institution, and information on time and location of meetings.

167.07 OPEN SPACE REQUIREMENTS. It is recognized that the extensive use and excessive congestion of land induces the natural elements to become hazardous to the general health and welfare of the community. Therefore, the intent of this section is to require not less open space than that which is necessary to preserve the basic qualities and beauty of nature.

1. Open Space Requirements.

A. All buildings and land uses in any R or C District shall comply with the following:

   (1) Each lot shall provide an open space equal to at least 25 percent of the total lot area in R Districts, and 20 percent in C Districts. This space shall be unencumbered with any structure or off-street parking, and landscaped with well-maintained grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives. Ingress-egress drives shall not exceed two 20 foot lanes that are separated by open space.

   (2) Each individual and unattached principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than 16 feet in width.

   (3) Where doors and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same complex site, there shall be a minimum open space of 30 feet provided. This distance is measured on a line projected at right angles from the opening of the wall containing the opening to the opposite wall.

   (4) Cantilevers and open porches may project from the building wall into the required open space (court only) a maximum of four feet; open stairways may project from the building wall into the required open space (court only) a maximum of seven and one-half feet. Stairways when located in the required open space (court) shall be cantilevered or supported by the necessary columns only support by a wall other than the exterior building wall is strictly prohibited.

   (5) Any commercial use in the C-1 District shall be exempt from these regulations.

B. All buildings and land uses in any I Districts shall comply with the following:

   (1) Each lot shall provide an open space equal to at least 20 percent of the total lot area. This space shall be unencumbered with any structure or off-street parking and landscaped and well maintained with
grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives. Ingress-egress drives shall not exceed two 20 feet lanes that are separated by open space.

(2) Each individual and unattached principal structure of an industrial or office complex shall be separated from any other principal structure in the complex by an open space of at least 16 feet in width.
CHAPTER 168

ZONING REGULATIONS
ADMINISTRATION AND ENFORCEMENT

168.01 CREATION OF BOARD. A Board of Adjustment is hereby established. The Board shall consist of five members to be appointed by the City Council for staggered terms of five years. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member.

168.02 POWERS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review Power; Interpretation of Zoning Ordinance. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the City Council in the enforcement of this Zoning Ordinance.

2. Special Use Exceptions Power. To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, and as provided for in this chapter. The Board of Adjustment shall refer the special use request to the Planning and Zoning Commission for its review and recommendation before deciding on the request. The following are some special use exceptions that may come before the Board:

   A. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

   B. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plat is in more than one district.

   C. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special use exceptions should be granted; and to grant special exceptions with such conditions and safeguards as appropriate under this Ordinance, or to deny special use exceptions when not in harmony with the purpose and intent of this Ordinance. A special use exception shall not be granted by the Board unless or until:
(1) A written application for special use exceptions is submitted indicating the section of this Ordinance under which the special use exception is sought and stating the grounds on which it is requested.

(2) A review and recommendation of the special use exception for nonconforming uses (residential, large-scale commercial and industrial) from the Planning and Zoning Commission.

(3) Notice of public hearing shall be given in advance of the public hearing. The owner of the property for which the special use exception is sought or his agent and any other affected property owners shall be notified by mail. Notice of hearing may also be posted on the property for which special use exception is sought.

(4) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(5) The Board shall make a finding that it is empowered under the chapter of this Ordinance described in the application to grant the special use exception, and that the granting of the special use exception will not adversely affect the public interest.

D. In granting any special use exception the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the special use exception is granted shall be deemed a violation of this Ordinance. The Board may prescribe a time limit within which the action for which the special use exception is required to be begun or be completed, or both. Failure to begin or complete, or both, such action within the time set shall void the special use permit.

3. Variance Power. To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board unless or until:

A. A written application for a variance is submitted demonstrating that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district; or

(2) Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; or

(3) The special conditions and circumstances do not result from the actions of the applicant; or

(4) Granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district,
and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given in advance of the public hearing. The owner of the property for which the variance is sought for, his agent and any other affected property owners shall be notified by mail.

C. The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.

D. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

E. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

F. A fee of $50.00 shall accompany the variance application.

G. In granting any variance the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted shall be deemed a violation of this Ordinance and punishable under this chapter.

168.03 PROCEDURE FOR HEARING CASES. The following rules will apply to all appeals or applications before the Board.

1. Appeals. Appeals to the Board may be taken by any person, group, or by any officer or department of the City affected by any decision of the City Council and by applicants for a special exception or variance.

2. Filing. The Zoning Administrator shall tell the applicant or interested party why the zoning permit was denied or why the application is necessary. Said official shall inform the applicant or interested party of the right to apply or appeal to the Board and that it be made within 15 days. Such appeal shall be filed with the Zoning Administrator and will transmit the completed appeal form along with all papers constituting the record upon which the Board shall act. A fee of $50.00 shall be paid to the City at the time the notice of appeal is filed.

3. Required Forms and Information. The applicant shall complete the required forms providing all information requested by the form and any additional information as requested by the Zoning Administrator.

4. Deadline to the Board. The Secretary of the Board shall reject any such application or appeal that is not filed within 15 days of the Planning and Zoning Commission’s decision. Also, the Secretary shall reject any such application or appeal unless it is made on prescribed forms properly filled out with all required data attached.

5. Notice. The Secretary of the Board shall notify the parties of interest by mail of the time, place, and purpose of the public hearing, and give more than four days’, but less than 20 days’ public notice in a newspaper of general circulation.
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6. Public Hearing. At the time of the public hearing, the applicant may appear in his or her own behalf or be represented by agent or counsel. In the absence of any personal appearance on behalf of the applicant, the Board will proceed to dispose of the matter on the forms and information provided before. The order of the hearing shall be as follows:
   A. The applicant’s or appellant’s side of the case.
   B. City Council’s side of the case.
   C. Interested property owners’ opinions.
   D. Applicant’s rebuttal.

After the hearing the Board shall deliberate the case. The Board may ask the City’s attorney for comments. The applicant or appellant may withdraw his or her application or appeal at any time prior to the decision by the Board of Adjustment.

168.04 DECISION FROM THE BOARD. Final decision of any application or appeal shall be made in the form of a resolution by anyone on the Board. The resolution may affirm, modify, or reverse the refusal of a permit by the decision of the Planning and Zoning Commission. In the case of an application for a variance or special exception, the resolution shall set forth that the application is granted or denied and said resolution shall specifically set forth what variances or special uses are permitted and what conditions, if any, shall be complied with. Within 15 days after the hearing the Board shall notify the parties of interest and the Commission of its decision. A rehearing of any decision of the Board of Adjustment may be made if the following occurs:
   1. The motion to reconsider is made by a member of the Board and carried by not less than four affirmative votes.
   2. New evidence is submitted that could not reasonably have been presented at the original meeting.
   3. At least 90 days have elapsed since the resolution was defeated.
   4. The case is put on the agenda for a rehearing.

168.05 RECOMMENDATION BY COMMISSION. Applications for special use permits shall first be referred to the Planning and Zoning Commission. The Commission shall hold a public hearing to review the application for a special use permit and shall make a report to the Board of Adjustment regarding the recommended disposition of the application within 45 days from the date of such public hearing.

168.06 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action, which was appealed unless the Commission from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him/her that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on the application on notice to the Planning and Zoning Commission from whom the appeal is taken and on due cause shown.

168.07 OFFICERS. The Board of Adjustment shall select from its membership a Chairperson and Vice Chairperson who shall perform the usual duties pertaining to such offices.
1. Selection. At the first regular meeting in January of each year the Board will select its officers from its membership. All officers are eligible for re-election.

2. Tenure. The Chairperson and Vice Chairperson shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.

3. Duties. The Chairperson shall preside at all meetings and hearings of the Board, shall decide all points of order or procedure, and shall appoint any committees that may be found necessary. The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson.

4. Secretary. The Secretary will be a member of the Board. The Secretary shall conduct all official correspondence subject to these rules at the direction of the Board, shall send out all notices required by these rules of procedure, keep the minutes of the Board’s proceedings; and keep a file on each case that comes before the Board. For all appeals and applications the Secretary shall issues the proper forms; see that information maps and plats are compiled and ready for Board’s review; notify any property owner and other interested parties by mail of the time and place of the hearing; and any other duties as determined by the Board. The City Clerk shall assist the Secretary in performing all required duties.

168.08 MEETINGS. The annual meeting of the Board will take place at the first regular meeting in January of each year. Meetings of the Board of Adjustment shall be held in City Hall when needed. The Secretary shall give each member of the Board 72 hours’ notice of such meeting by mail.

1. Special Meetings. Special meetings may be called by the Chairperson or at the request of three members of the Board. Notice of the special meeting shall be given by the Secretary to the members of the Board at least 48 hours prior to such meeting and shall state the purpose and time of the meeting.

2. Quorum. A quorum of the Board shall consist of three members.

3. Public. All regular, special, and subcommittee meetings; public hearings; records; and accounts shall be open to the public.

4. Order of Business. The Secretary shall prepare an agenda for each meeting and send it to each Board member as part of the notification process 72 hours prior to the meeting. The order of business shall be as follows:

   A. Roll call.

   B. Reading the minutes of pervious meeting.

   C. Communications.

   D. Report of committees.

   E. Unfinished business.

   F. New business.

   G. Adjournment.

5. Voting. The concurring vote of three members of the Board is required to reach a decision (no matter how many Board members are present). Voting will be by roll call and will be recorded by yeas and nays. All members of the Board, including the Chairperson, are required to cast a vote for each motion. Minutes will show members
absent for each vote. A member may abstain if he or she feels there is a conflict of interest, particularly if the conflict is of a financial nature. If a member elects to abstain from voting, he or she is required to state the reason for his or her abstention at the time of voting.

6. Unfinished Business. When all appeals or applications cannot be disposed of on the day set (due to length of meeting or extenuating circumstances), the Board may adjourn from day to day or until the next regular meeting as the Board may decide.

7. Board Action. The Board may not vote on an appeal or application until all required information has been set forth on the forms and until the hearing has been conducted.


168.09 RECORDS. The Secretary shall keep books showing the status of all cases and minutes as part of the records of the Board of Adjustment. In addition, the Secretary shall keep a file of all cases including forms and additional information as a part of the legal records. All records of the Board shall be public. The Secretary shall publish the minutes of all meetings in a newspaper of general circulation within 15 days of the meeting.

168.10 INFORMAL ADVICE. The Board will not consider a request (informal or not) for advice on theoretical or actual situations that potentially may later come before the Board as an appeal of application.

168.11 APPEALS FROM DECISION OF THE BOARD. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.

168.12 PLANNING AND ZONING COMMISSION.

1. Creation of Commission. Pursuant to the provisions of statutes and regulations of the State of Iowa, and as hereinafter set forth, there is hereby created and established a Planning and Zoning Commission consisting of five members appointed by the City Council.

2. Membership and Terms of Office. All members shall be citizens and residents of Wayland, provided that at all times a majority of the members shall reside in the City limits. The term of office for the commission members shall be 3 years, except that the initial terms under the provisions of this section shall be two members shall serve for 1 year, two members shall be appointed for 2 years, and one member for 3 years. At the effective date of this ordinance those members whose original date of appointment occurred first shall be given 1-year terms, and the date of the original appointment shall also be used to determine the 2 and 3-year terms. The expiration date for all terms of office shall be the first Monday in July, provided however, that all members shall hold office until their successors are appointed and approved.

3. Zoning Duties of the Commission. The responsibility to plan and zone on behalf of the community rests with the Planning and Zoning Commission. The Commission is appointed by the legislative body and has three basic advisory...
responsible duties on matters affecting local zoning. The legislative body must solicit recommendations from the Commission, but is not required to follow such recommendations. The three basic zoning responsibilities of the Planning and Zoning Commission are as followed:

A. Prepare the Zoning Ordinance. While the legislative body had the power to adopt zoning, it cannot prepare the ordinance for adoption. The law assigns responsibility of preparing the original zoning ordinance to the Zoning Commission. Once the zoning ordinance and district map are prepared and put in final form, the Commission forwards them to the City Council with its recommendation that the ordinance be adopted. As stated previously, the City Council is not bound by the recommendations of the Commission. The City Council may adopt the ordinance as submitted, make changes in the ordinance before adoption, or refuse to adopt it all together.

B. Recommendations on Proposed Changes in Zoning. Once the zoning ordinance has been adopted, it may be changed from time to time. Any proposed change, either in the written text or map, must be submitted to the Commission for consideration. The Commission should study the proposed changes and submit a recommendation to the City Council, approving or disapproving the proposed changes. As in the original adoption of the zoning ordinance, the City Council is not bound by the Commission’s recommendations.

C. Review and Update the Ordinance. The Commission should conduct a review of the zoning ordinance from time to time to assure that it still reflects the needs and desires of the community. If such review reveals a need for changes in the text or district map, a recommendation should be forwarded to the City Council proposing such changes. If these changes are acceptable to the City Council, the same procedure must be followed as required for any other proposed amendment to the zoning ordinance.

4. Additional Duties of the Commission. As an advisory body, the Commission may be assigned other responsibilities, such as the following:

A. Comprehensive Plan. The Commission may prepare, recommend to the governing body, and maintain a comprehensive plan for the physical development of the community.

B. Reviewing Special Types of Development. The Commission may review and make recommendations on special types of development permitted under the ordinance, such as site plan review, planned unit developments, and industrial parks.

C. Subdivision Regulations. The Commission may prepare subdivision regulations for adoption by the governing body. The Commission shall review and make recommendations on all preliminary and final subdivision plat proposals, street layouts, and other developments, which involve expansion of the City-developed area.

D. Supervising Planning Staff. The Planning and Zoning Commission shall work closely with the planning staff or planning consultants to ensure that the local planning work program is acceptable and that technical assistance is being accomplished in a timely fashion.
E. Educating Public. The Commission shall inform and educate the public about the purposes of planning and how specific local problems are being resolved.

5. The Commission shall select from its membership a Chairperson and Vice Chairperson, who will perform the usual duties pertaining to such offices.

A. Selection. At the first regular meeting in July of each year, the Commission will pick its officers from its membership. All officers are eligible for re-election.

B. Tenure. The Chairperson and Vice Chairperson shall take office immediately following their selection and shall hold office for a term of one year or until successors are selected and assume office.

C. Duties. The Chairperson will preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. The Vice Chairperson shall act in the capacity of the Chairperson in his or her absence and if the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice Chairperson for the unexpired term. The City Clerk will perform the duties of Secretary of the Commission, except the execution of documents. The Secretary will record and maintain minutes of the meetings, ensure that the minutes and adopted recommendations are properly published and recorded, and perform such other duties as the Commission may determine.

6. Meetings. The Commission shall meet on a night (to be announced) every month beginning promptly at 7:00 p.m. in the City Hall. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternative day in the same month. There shall be an annual meeting with the City Council to discuss the commission’s proceedings and activities, suggestions for policy and zoning ordinance revisions, and other items relating to the Commission’s duties.

A. Special Meetings. Special meetings will be called at the request of the Chairperson, or of any three members of the Commission. Notice of the special meeting shall be given by the secretary to the members of the Commission at least 72 hours before such meeting and shall state the purpose and time of the meeting.

B. Public. All regular and special meetings, subcommittee meetings, hearings, records, and accounts shall be open to the public.

C. Quorum. A quorum of the Commission shall consist of three members. A quorum shall be required to conduct the business of the Commission.

D. Order of Business – Agenda. The Secretary will prepare an agenda for each meeting and send it to each Commissioner seven days before the meetings. The order of business shall be as follows:

(1) Roll call.

(2) Approval of minutes.

(3) Time open for citizens wishing to address the commission on matters not on the established agenda.
(4) Advertised public hearings. The Chairperson will declare such a public hearing open and state its purpose. The petitioner or his/her representative will be heard first.

(5) Unfinished business of Commission.

(6) Consideration of matters heard under subparagraph 4 above.

(7) Reports from Zoning Administrator, Planning Agency, etc.

(8) New business.

(9) Adjournment.

E. Motions. Motions may be made by anyone on the Commission except the Chairperson. The Chairperson will restate the motion before a vote is taken.

F. Voting. Voting will be by roll call and will be recorded by yeas and nays. Every member of the Commission, including the Chairperson, is required to vote on each motion. However, a member may abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting. During the discussion the matter under consideration, a member who plans to abstain from voting should so inform the Commission so that other Commission members can properly weigh the opinions given by a member who believes a conflict of interest exists.

G. Commission Action. Action by the Commission on any matter on which a hearing takes place will not be taken until the hearing has been conducted.

H. Parliamentary Procedure. Roberts Rules of Order, Revised, will govern the Commission meetings in all cases where these rules do not provide the procedures to be followed.

7. Hearings. Before the adoption or amendment of any part of the comprehensive plan, or recommending approval of an amendment to the zoning ordinance to the City Council, the Commission will conduct a public hearing on the matter. Notice of the time and place of the hearing will be given, and that at least 7 days [Iowa Code Chapter 362, 380, 414] before such hearing by one publication in a newspaper of general circulation. Special notice of a proposed rezoning will be given by mail to all interested parties including the owners and residents of property within 200 feet of the boundaries of the premises under consideration which includes any public easement in the calculation of distance.†

8. Expenses. Commission members may receive payment for actual expenses and mileage incurred only upon approval of the Commission. Mileage shall be paid at the rate allowed by State law.

A. Annual Appropriations. The Commission may request of the City Council an appropriate sum of money from the general fund for payment of the expenses of the Commission. The Commission has full and exclusive authority to expend, on behalf of the City of Wayland, all the money so appropriated. The Chairperson and/or Secretary shall have the authority to expend up to $200.00 for items covered by the Commission’s budget. All expenditures

† Note: This is a courtesy and not required by Iowa law.
above that amount shall first be authorized by vote of a majority of the Commission.

B. Gifts. Gifts, donations, and payments of every kind received by the City for planning purposes shall be appropriated solely for use by the Commission for the benefit of the city planning. Commission members may not receive any type of gift for their personal use or enjoyment.

9. Meeting Attendance. Commission members are expected to attend all regular and special meetings of the Commission. If a member has a valid reason for nonattendance, the member shall notify the Commission Chairperson or Secretary before the meeting. A Commission member will be asked to resign if at any time the member has three consecutive unexcused absences from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed 40 percent of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

10. Removal of Commission Members. The City Council appoints Planning and Zoning Commission members. They serve at the Council’s pleasure and may be removed at the Council’s discretion at any time.

168.13 CHANGES AND AMENDMENTS.

1. Procedures. This Ordinance and the District Map created of said Ordinance may be amended from time to time. However, no amendment shall become effective unless it has been proposed by or first submitted to the Planning and Zoning Commission for review and recommendation.

A. The Commission shall have 45 days in which to submit its report to the City Council. If the Commission fails to submit a report within the 45-day period, it shall be deemed to have approved the proposed amendment.

B. A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing with time and place shall be published not less than 15 days prior to the date established for such hearing. Such notice shall be deemed to have approved the proposed amendment.

C. In case the Commission does not approve the change, or in case of a protest filed with the City Council against a change in district boundaries signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the City Council.

2. Application for Change in Zoning District Boundaries. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the Official Zoning Map.

A. Each application shall be filed with the City Clerk accompanied by a fee of $75.00 and shall contain the following information:

(1) The legal description and local address of the property.

(2) The present zoning classification and the zoning classification requested for the property.
(3) The existing use and proposed use of the property.

(4) The names and addresses of the owners of all property within 200 feet of the property for which the change is requested.

(5) A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.

(6) A plat showing existing and proposed locations, dimensions and use of the applicant’s property and all property within 200 feet thereof including streets, alleys, railroads, and other physical features.

B. All fees shall be deposited to the General Revenue Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

C. Upon receipt of the application by the City Clerk a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The Commission shall prior to making a recommendation determine the following:

(1) Whether or not the current district classification of the property to be rezoned is valid;

(2) Whether there is a need for additional land zoned for the purpose requested;

(3) Whether the proposed change is consistent with the current land use plan, considering such factors as:

   a. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;

   b. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

(4) Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

D. The Commission shall report its determinations and recommendations to the Council within 45 days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. The Council shall then hold a public hearing as provided by law.

168.14 ENFORCEMENT AND PENALTIES.

1. Zoning Administrative Officer. The City Council shall appoint a Zoning Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding another appointive office in the City or in another governmental agency.

2. Compliance. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a permit is issued by the Zoning Administrative Officer, upon
approval from the Council, stating that the building and use comply with the provisions of this Ordinance. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance. Nothing in this part shall prevent the continuance of a nonconforming use unless discontinuance is necessary for the safety of life or property. If the Zoning Administrative Officer finds any of the provisions of this Ordinance are being violated, said officer shall notify in writing the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it.

3. Building Permits Required. Building permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving into, or the structural alteration of a building or structure, including billboards, porches, decks, and patios. Permits shall be kept on file in the office of the Zoning Administrative Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Building permits shall be issued to complying applicants within seven days after application is made, unless the Committee refers to the application to the Planning and Zoning Commission. Fees for building permits shall be as provided by this Ordinance. For a new structure, the fee shall be $1.00 per $1,000.00 (or any part thereof) valuation, with a minimum of $15.00 and a maximum of $15.00 for a building permit.

4. Application for Building Permits. All applications for building permits (including porches, patios, fences, and decks) shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon, and the location and dimensions of the existing or proposed building or alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and other such matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

5. Change of Zoning. The following fees apply for change of zoning:
   A. To residential use $75.00
   B. To any use other than residential $75.00

6. Construction and Use to Be as Provided in Application, Plans And Building Permits. Building permits issued on the basis of plans and applications approved by the Building Permit Committee authorize only that use, arrangement, or construction. Use, arrangement and construction that are not authorized shall be deemed a violation of this Ordinance and punishable as provided by this chapter.

7. Site Plan Permits. Site Plans are required for review and approval for any use in commercial and industrial districts by this Ordinance, shall comply with and illustrate the following:
   A. All site plans shall be drawn at a scale not less than one inch equals 100 feet, and 12 copies of the site plan shall be submitted with the zoning permit application.
   B. Preliminary Site Plan clearly illustrating the general methods, special distribution, location, etc., to be used for compliance with the requirements of
this Ordinance may be submitted for preliminary land use approval, providing that the Final Site Plan required by this chapter shall be submitted, reviewed and approved prior to the issuance of a building or construction permit.

C. The Final Site Plan required shall include the following legal information:

1. Legal property owner’s name and description of property.
2. Appellant’s name, requested land use and zoning.
3. If the appellant is other than the legal owner, the appellant’s interest shall be indicated and the legal owners authority to appeal shall be certified on a legal form.

D. The Final Site Plan shall clearly illustrate and enumerate the following information:

1. Property boundary lines, dimensions and total area.
2. Contour lines at intervals of not more than five feet. Town datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map, and the proposed finished topography shown on the Final Site Plan.
3. The availability and location of existing utilities.
4. The proposed location, size, shape and type of all buildings or structures.
5. The total square feet of building floor area, both individually and collectively.
6. The number of dwelling units, bedrooms, offices, etc., to determine special compliance.
7. A vicinity sketch showing detailed adjacent existing land uses within 500 feet of the property, and general existing land uses within 1,000 feet of the property.
8. Existing buildings, rights-of-way, street improvements, overhead utilities, easements, drainage courses, etc.
9. Parking areas, number of parking spaces proposed, number of parking spaces required by this Ordinance, type of surfacing to be used, etc.
10. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
11. Location and type of all plants, grasses and trees to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated in elevation and prospective as well as plan, with the approximate size and exact name of plants, shrubs or trees to be planted clearly indicated.
12. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and prospective, as well as the proposed height and structural material to be used.
(13) Traffic considerations, architectural themes, pedestrian movement, etc., and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

8. Special Use Exceptions. The Zoning Administrative Officer may issue a permit for a special use exception after approval by the Board of Adjustment.

9. Violations Unlawful. All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this Ordinance.

10. Penalties Assigned. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates, disobeys, omits, neglects or refuses to comply with or with this Ordinance or any of its requirements, shall upon conviction thereof be fined not more than $500.00 or imprisoned for not more than 30 days or both, and in addition shall pay all costs and expenses involved in the case. Each calendar day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintain such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

11. Restraining Order. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City to prevent such unlawful erection, construction, alternation, repair, conversion, maintenance, conduct, business or use in or about said premises.
CHAPTER 170

WASHINGTON AIRPORT AIRSPACE ZONING

170.01 Definitions. As used in this chapter, unless the context otherwise requires:


2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet from sea level; elevation at the Washington Municipal Airport is established as 753.5 feet.

3. “Airport hazard” means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 Federal Code of Regulations section 77.21, Section 77.23 and Section 77.25 as revised October 25, 1989, or which obstructs the airspace required by the flight of aircraft and landing or take-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

4. “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation set forth in this chapter. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

5. “Approach, transitional zones” means these zones as are set forth in this chapter.

6. “Board of Adjustment” means the decision-making body established pursuant to the provisions of Code of Iowa Section 329.12.

7. “Decision height” means the lowest altitude, expressed in feet above mean sea level to which descent is authorized on final approach in execution of a standard instrument approach procedure, where electronic glide slope is provided.

8. “Hazard to air navigation” means an obstruction determined to have an adverse effect to the safe and efficient utilization of the navigable airspace.

9. “Height” means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

10. “Minimum descent altitude” means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
11. “Minimum en route altitude” means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

12. “Minimum obstruction clearance altitude” means the specified altitude in effect between radio fixes on VOR (very high frequency omni-directional radio) airways, off airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

13. “Nonconforming use” means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

14. “Obstruction” means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this chapter.

15. “Person” means an individual firm, partnership, corporation, company, association, joint stock association or governmental entity; includes, a trustee, receiver, an assignee or a similar representative of any of them.

16. “Precision instrument runway” means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR) or a Precision Global Positioning System (GPS) approach. It also means a runway for which a precision approach system is planned and is so indicated on an airport layout plan or any other planning document.

17. “Primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

18. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

19. “Structure” means an object, including a mobile object, constructed or installed by man including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

20. “Transitional surfaces” means these surfaces extend outward at 90-degree angles to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the approach surfaces. Transitional surfaces for the precision approach surfaces extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

21. “Tree” means as commonly defined and also including similar objects of natural growth.

170.02 AIRPORT ZONES. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces and transitional surfaces as they apply to the Washington Municipal Airport. Such zones are shown on the Washington Municipal Airport Zoning Map which is incorporated...
herein and made a part hereof by this reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Precision Instrument Runway Approach Zone (Approach 18/36). The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

170.03 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach Zone. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

2. Transitional Zones. Sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

170.04 PROHIBITIONS.

1. No structure shall exceed or penetrate the approach surfaces or the transitional surfaces as established by this chapter and as depicted on the Washington Municipal Airport Airspace/Zoning Map.

2. Generally, no structure shall be erected that raises the published minimum descent altitude or the decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any federal airway affecting the Washington Municipal Airport.

170.05 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

170.06 NONCONFORMING USES.

1. Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of the
ordinance codified by this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Washington Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the owners of the structure or tree.

170.07 PERMITS.

1. Future Uses. Except as specifically provided in paragraphs A and B of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with this chapter.

A. In areas lying within the limits of the approach zones, no permit shall be required for any tree or structure less than 250 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

B. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than 250 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this chapter.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed. Whenever it is determined that a nonconforming tree or structure has been abandoned or more than 60 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from zoning regulations.
4. **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use property not in accordance with the regulations prescribed in this chapter may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Washington Airport Zoning Commission for advice as to the aeronautical effects of the variance. If the Washington Airport Zoning Commission does not respond to the application within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. **Obstruction Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner’s expense, such markings and lights as may be necessary.

170.08 **ENFORCEMENT.** It shall be the duty of the Washington Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Washington City Zoning Administrator upon a form published for that purpose. Applications for action by the Board of Adjustment shall be made to the Washington City Zoning Administrator.

170.09 **APPEALS.**

1. Any person aggrieved, or any taxpayer affected, by any decision of the Washington Airport Zoning Commission made in the administration of this chapter may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Washington Airport Zoning Commission shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Washington Airport Zoning Commission certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Washington Airport Zoning Commission cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Washington Airport Zoning Commission and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

170.10 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, may appeal as provided in Code of Iowa, Section 414.15.

170.11 PENALTIES.

1. The City Council shall consider any circumstances brought to its attention which appear to demonstrate a noncompliance with any provision of this chapter. A noncompliance with a provision of this chapter shall be deemed a violation of the chapter. The City Council shall refer an alleged violation of this chapter to the Wayland City Attorney’s Office for prosecution only after the person or persons responsible for the non-compliance have been given 20 days to correct the violation. Notice advising said person of the violation shall be by certified mail.

2. Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall constitute a simple misdemeanor; and each day a violation continues to exist shall constitute a separate offense.

170.12 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

[The next page is 791]
CHAPTER 175

SUBDIVISION REGULATIONS

175.01 Purpose. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare in the City.

175.02 Definitions. For use in this chapter, the following terms or words are defined.

1. “Alley” means a public right-of-way, other than a street, 16 feet or more in width, and affording secondary means of access to abutting property.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
3. “Building lines” means a line on a plat between which line and public right-of-way no buildings or structures may be erected.
4. “Cul-de-sac” means a minor street having one end open to traffic and terminated by a vehicular turnaround.
5. “Easement” means a grant of the right to use a strip of land for specific purposes by the general public, a corporation or certain persons.
6. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
7. “Major street” means a street of considerable continuity connecting various sections of the City and designated as a major street on the official major street plan of the City.
8. “Minor street” means a street which is used primarily for access to the abutting properties.
9. “Performance bond” means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City Superintendent of Public Works, and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.
10. “Plat” means a map, drawing or chart on which the subdivider’s plan of the subdivision of land is presented and which the subdivider submits for approval and intends, in final form, to record.

11. “Subdivider” means the person undertaking the subdivision or resubdivision of a tract or parcel of land.

12. “Subdivision” means the division of land into three or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.


175.03 PLATTING REQUIRED. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or, pursuant to Section 354.9 of the Code of Iowa, within two miles from the corporate limits shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

175.04 PROCEDURE. In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

175.05 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall first prepare and file with the Clerk seven copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate crown gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitations.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.

10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.

11. Existing and proposed zoning of the proposed subdivision and adjoining property.

12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

### 175.06 REFERRAL OF PRELIMINARY PLAT

The Clerk shall forthwith refer two copies of the preliminary plat to the Superintendent of Public Works and five copies to the Council.

### 175.07 ACTION BY THE SUPERINTENDENT OF PUBLIC WORKS

The Superintendent of Public Works shall carefully examine said preliminary plat as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit findings in duplicate to the Council, together with one copy of the plat received.

### 175.08 ACTION BY THE COUNCIL AS TO THE PRELIMINARY PLAT

The Council shall, upon receiving the report of the Superintendent of Public Works, as soon as possible, but not more than 60 days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the Council does not act within 60 days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed an additional 60 days.

1. In the event that substantial changes or modifications are made by the Council or disapproval of the preliminary plat, the Council shall give its reasons therefor and may request and cause the revised preliminary plat to be resubmitted in the same manner as the original preliminary plat.

2. If the preliminary plat is approved, the Council shall express its approval as “Conditional Approval” and state the conditions of such approval, if any.

3. The action of the Council shall be noted on five copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other copies retained by the Council.

4. The Conditional Approval by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

### 175.09 FINAL PLAT

The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

### 175.10 REFERRAL OF FINAL PLAT

The subdivider shall, within 12 months of the Conditional Approval of the preliminary plat by the Council, prepare and file seven copies of
the final plat and other required documents with the Clerk as hereinafter set forth, and upon failure to do so within the time specified, the Conditional Approval of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Council. Upon receipt of the final plat and other required documents, the Clerk shall transmit five copies of the final plat to the Council for its approval.

175.11 REQUIREMENTS OF THE FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of not more than 100 feet to one inch with India ink on a reproducible tracing linen. It shall show:

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., County or other official bench marks.
5. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
6. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

175.12 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
3. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
4. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
5. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the...
certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

6. A certificate of dedication of streets and other public property.

7. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

8. A statement by the Auditor approving the name or title on the subdivision plat.

9. A certificate of dedication of streets and other public property.

10. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

11. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a 50-foot horizontal scale and a five-foot vertical scale with west or south at the left.

12. A certificate by the Superintendent of Public Works or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

13. The encumbrance bond, if any.

175.13 ACTION BY THE COUNCIL AS TO THE FINAL PLAT. The Council shall, upon receiving the final plat, as soon as possible, but not more than 60 days thereafter, consider the final plat and either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.

3. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Henry County, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

175.14 GENERAL REQUIREMENTS. The following general requirements shall be followed by all subdividers:

1. Relation to Existing Streets.

   A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

   B. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the
Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. **Acreage Subdivisions.**
   
   A. Where the plat submitted covers only a part of the subdivider’s plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

   B. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

   C. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. **Minor Streets.** Minor streets shall be so planned as to discourage through traffic. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than 500 feet and shall terminate with a turnaround, having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet. The right-of-way width of the straight portion of such streets shall be a minimum of 50 feet. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than 20 feet.

4. **Frontage Streets.**
   
   A. Where a subdivision abuts or contains an existing or proposed arterial street, the Council may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

   B. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Council may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. **Half Streets.** Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

6. **Street Geometrics.**
   
   A. Street jogs with centerline offsets of less than 125 feet shall be avoided.

   B. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet for minor and collector streets, and of such greater radii as the Council shall determine for special cases.

Street right-of-way widths shall be a minimum of 30 feet wide.

Intersections.

- Insofar as is practical, acute angles between streets at their intersection are to be avoided.
- Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
- Property lines at street intersections shall be rounded with a radius of 10 feet, or of a greater radius where the Council may deem it necessary. The Council may permit comparable cutoffs or chords in place of rounded corners.

Street Names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council.

Street Grades. Street grades, wherever feasible, shall not exceed five percent, with due allowance for reasonable vertical curves. No street grade shall be less than one-half of one percent.

Alleys.

- Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- The width of an alley shall be 16 feet.
- Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Council.

Blocks.

- No block may be more than 1,320 feet or less than 200 feet in length between the centerlines of intersecting streets, except where, in the opinion of the Council, extraordinary conditions unquestionably justify a departure from these limits.
- In blocks over 700 feet in length, the Council may require at or near the middle of the block a public way or easement of not less than 10 feet in width for use by pedestrians and/or as an easement for public utilities.
12. Lots.
   A. The lot size, width, depth, shape and orientations shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
   B. Minimum lot dimensions and sizes shall conform to the following requirements:
      (1) Residential lots where not served by public sewer shall not be less than 80 feet wide or less than 9,600 square feet in area.
      (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
      (3) Corner lots for residential use shall have an extra 10 feet of width to permit appropriate building setback from and orientation to both streets.
   C. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
   D. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
   E. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building Lines. Building lines shall be shown on all lots within the platted area. The Council may require building lines in accordance with the needs of each subdivision.

   A. Easements across lots or centered on rear or side lines shall be provided for utilities where necessary and shall be at least 10 feet wide or easements for utilities 10 feet in width may be provided over the portion of the lot abutting the street.
   B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.

15. Plat Markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the Superintendent of Public Works. The markers shall be of such material, size and length as may be approved by the Superintendent of Public Works.

175.15 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and
constructed in accordance with the specifications and under the supervision of the Council and to its satisfaction.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendation of the Superintendent of Public Works.

2. Roadways. All roadways shall be surfaced with Portland cement concrete, asphaltic concrete over a crushed stone base, or gravel as the Council may require.

3. Sidewalks. Sidewalks may be required by the Council if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the Council after receiving the report and recommendations of the Superintendent of Public Works.

4. Water Lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the Water Department standards, procedure and supervision.

5. Sewers.
   A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the Council and the State Department of Health and the construction subject to the supervision of the Superintendent of Public Works.
   B. Where sanitary sewers are not available, other facilities, as approved by the Council and the State Department of Health, must be provided for the adequate disposal of sanitary wastes.
   C. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Council and to the supervision of the Superintendent of Public Works.

175.16 COMPLETION OF IMPROVEMENTS. Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the Superintendent of Public Works shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

175.17 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one year or two years, whichever the Council deems appropriate, from final acceptance of the plat; but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

175.18 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary
hardship to the subdivider because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements and such variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the Council.

175.19 CHANGES AND AMENDMENTS. Any regulations or provisions of this regulation may be changed and amended from time to time by the Council, provided however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published by posting said notice in at least three conspicuous places in the City at least once, not less than four or more than 20 days before the date of the hearing.
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USE AND MAINTENANCE OF THE
CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

**DISTRIBUTION OF COPIES**

1. **OFFICIAL COPY.** The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

**NUMBERING OF ORDINANCES**

**AMENDING THE CODE OF ORDINANCES**

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.
RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as follows:
ORDINANCE NO. ___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF WAYLAND, IOWA, BY ADDING A NEW SECTION
LIMITING PARKING TO 30 MINUTES ON A PORTION OF SOUTH
BOONE STREET

BE IT ENACTED by the City Council of the City of Wayland, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Wayland, Iowa, is
amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES,
which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle
for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and
8:00 p.m. on each day upon the following designated streets:

1. South Boone Street, on the west side, from Forest Avenue to Mason
   Drive.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the
provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance
shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of
the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or
unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final
passage, approval, and publication as provided by law.

Passed by the Council the ___ day of ________________, 20___, and approved this ___ day of
_______________, 20___.

__________________________________________
Mayor

ATTEST:

__________________________________________
City Clerk

First Reading: ________________
Second Reading: ________________
Third Reading: ________________

I certify that the foregoing was published as Ordinance No. ____ on the ___ day of
_______________, 20___.

__________________________________________
City Clerk

CODE OF ORDINANCES, WAYLAND, IOWA
APPENDIX - 3
DELIRIOUS OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSESSIONS, SECTIONS or CHAPTERS as follows:


ORDINANCE NO. ___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAYLAND, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of Wayland, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Wayland, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of ________________, 20___, and approved this ___ day of ________________, 20___.

__________________________________________
Mayor

ATTEST:

_______________________________
City Clerk

First Reading: ________________
Second Reading: ________________
Third Reading: ________________

I certify that the foregoing was published as Ordinance No. ___ on the ___ day of ________________, 20___.

_______________________________
City Clerk
MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed as follows:

ORDINANCE NO. ___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF WAYLAND, IOWA, BY AMENDING PROVISIONS
PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Wayland, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Wayland, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE. Each customer shall pay sewer service charges in the amount of 100 percent of the bill for water and water service attributable to the customer for the property served, but in no event less than $10.00 per month.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of __________________, 20___, and approved this ___ day of __________________, 20___.

___________________________________________
Mayor

ATTEST:

_______________________________
City Clerk

First Reading: _______________________
Second Reading: ____________________
Third Reading: _____________________

I certify that the foregoing was published as Ordinance No. ____ on the ___ day of __________________, 20___.

_______________________________
City Clerk
ORDINANCES NOT CONTAINED IN THE CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ___

AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO RAILROAD ADDITION TO WAYLAND, IOWA

Be It Enacted by the City Council of the City of Wayland, Iowa:

SECTION 1. The alley lying in Block Two, Railroad Addition to Wayland, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of __________________, 20___, and approved this ___ day of ________________, 20___.

_________________________________
Mayor

ATTEST:
_______________________________
City Clerk

First Reading: ____________________
Second Reading: _________________
Third Reading: _________________

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of ________________, 20___.

_________________________________
City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.
FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: ________________________________

City of Wayland, Iowa

By: ___________________________________________

(enforcement officer)
NOTICE OF HEARING ON DANGEROUS BUILDING

TO:  (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Wayland, Iowa, will meet on the ___ day of __________________, 20___, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as __________________, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of Wayland, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: ______________________

City of Wayland, Iowa

By: __________________________________
    (enforcement officer)
BE IT RESOLVED, by the City Council of the City of Wayland, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of ______________________, 20___, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within ___ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ___ days after the service of this Order upon said owner or agent. and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by _____________________ to adopt.
Adopted this ____ day of _____________________, 20___.

_________________________________ Mayor

ATTEST:

_______________________________ City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.
NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _________________________

City of Wayland, Iowa

By: ___________________________________
   (designate officer initiating notice)
NOTICE

REQUIRED SEWER CONNECTION

TO: __________________________________________
    (Name)

_____________________________________________
    (Street Address)

__________________________________________, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the
following described property within ______ (____) days from service of this notice or that you
must file written request for a hearing before the Council with the undersigned office within
said time limit.

Description of Property

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

The nearest public sewer line within _________________ (____) feet of the above described
property is located
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

In the event you fail to make connection as directed, or file written request for hearing within
the time prescribed herein, the connection shall be made by the City and the costs thereof
assessed against you as by law provided.

Date of Notice: ________________________

City of Wayland, Iowa

By: _____________________________________, _______________________________
    (Name) (Title)
NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: ________________________________
   (Name)
   ________________________________
   (Street Address)
   ________________________________, Iowa

You are hereby notified that the City Council of Wayland, Iowa, will meet on the ___ day of ________________, 20___, at ________ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _________________________

City of Wayland, Iowa

By: ________________________________
   (Name)                            (Title)
RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Wayland, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of ________, 20___, on ________________________________, (Name of Property Owner)
through ________________________________, Agent,
(Agent’s Name or “None”)
to make connection of the property described as

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
to the public sanitary sewer located
within _____ (____) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent, ________________________________
(Name of Owner or Agent)
is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and
BE IT FURTHER RESOLVED, that in the event the owner, or agent, ____________________________.

(Name of Owner or Agent)
fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner ____________________________.

(Owner’s Name)
________________________________________, as provided by law.

(Address)

Moved by ____________________________ to adopt.

Seconded by ____________________________.

AYES: ____________________________

NAYS: ____________________________

Resolution approved this ___ day of ____________________, 20___.

_______________________________

Mayor

ATTEST:

_______________________________

City Clerk