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CHAPTER 1

CODE OF ORDINANCES

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Adel, Iowa, 2007.

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 Adel, Iowa.
3. “Clerk” means the city clerk of Adel, 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 Adel, Iowa.
7. “County” means Dallas 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 “Ordinances” means the ordinances of the City of Adel, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity,
and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or
CHAPTER 1

CODE OF ORDINANCES

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

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

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

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

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

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

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

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

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

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

(Ord. 260 – Jan. 10 Supp.)

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CHAPTER 2

CHARTER

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

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

   (Code of Iowa, Sec. 372.4)

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

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

   (Code of Iowa, Sec. 376.2)

2.05  TERM OF MAYOR.  The Mayor is elected for a term of two (2) 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. 104 adopting a charter for the City was passed and approved by the Council in 1973.
CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 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])

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

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

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

3.03 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 plus Court costs
   B. Each Repeat Offense – Not to exceed $1,000.00 plus Court costs

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

2. Schedule of Penalties.
   A. Unsafe Buildings
      First Offense - $500.00 plus Court costs
      Next Repeat Offense - $750.00 plus Court costs
B. Nuisances

First Offense - $250.00 plus Court costs
Second Offense - $500.00 plus Court costs
Repeat Offenses - $750.00 plus Court costs

C. Other Municipal Infractions (dog at large, urinating in public, etc.)

First Offense - $25.00 plus Court costs
Second Offense - $50.00 plus Court costs
Repeat Offenses - $100.00 plus Court costs

3. 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 one thousand dollars ($1,000.00) for each day a violation exists or continues.

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

1. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

2. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

3. The violation does not continue in existence for more than eight (8) hours.

3.04 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.


(Ord. 261 – Jan. 10 Supp.)

3.05 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])

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

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

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

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

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

   (Code of Iowa, Sec. 63.1)

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

   (Code of Iowa, Sec. 63.10)

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

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

   (Code of Iowa, Sec. 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])
Chapter 5

OPERATING PROCEDURES

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

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

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

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

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

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

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

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

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

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

   *(Code of Iowa, Sec. 21.4)*

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

   *(Code of Iowa, Sec. 21.3)*

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

   *(Code of Iowa, Sec. 21.3)*

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

   *(Code of Iowa, Sec. 21.5)*

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

   *(Code of Iowa, Sec. 21.7)*

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

   *(Code of Iowa, Sec. 21.8)*
5.07 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

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

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

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

(Code of Iowa, Sec. 362.5[2])

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.5[10])
11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.  
(Code of Iowa, Sec. 362.5[12])

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser or obligee of the contract.  
(Code of Iowa, Sec. 362.5[13])

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.  
(Code of Iowa, Sec. 372.13[9])

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days after the date the request is filed, unless the person removed requests a later date.  
(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council’s option, by one of the two following procedures:  
(Code of Iowa, Sec. 372.13 [2])

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.  
(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.  
(Code of Iowa, Sec. 372.13 [2b])

5.11 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person’s immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a “restricted donor” as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.  
(Code of Iowa, Sec. 68B.22)
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 ten (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])

6.07 Precinct Boundaries. In accordance with Chapter 49 of the Code of Iowa, the boundary between Precinct No. 1 and Precinct No. 2 shall be described as follows:

Greene Street from the east corporate limits to the west corporate limits of the City of Adel, Iowa, with that portion north of Greene Street, except for the census block containing Rodenbaugh-Van Fossen Cemetery (namely 050700-2022), be known as Precinct No. 1, and that portion south of Greene Street, along with the census block containing Rodenbaugh-Van Fossen Cemetery (namely 050700-2022) and the unincorporated territory in Adel Township that is not contiguous to the remainder of Adel Township, be known as Precinct No. 2.
This boundary shall pertain to the corporate limits as they change in the future as annexed territory population is certified by the State Treasurer.

(Ord. 279 – Aug. 11 Supp.)

[The next page is 35]
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 Administrator is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

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

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

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

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

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

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

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

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.
   
   *(IAC, 545-2.5 [384,388], Sec. 2.5[2])*

4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.
   
   *(IAC, 545-2.5[384,388] Sec. 2.5[3])*

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.
   
   *(IAC, 545-2.5[384,388] Sec. 2.5[4])*

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:
   
   A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and
   
   B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.
   
   *(IAC, 545-2.5[384,388], Sec. 2.5[5])*

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

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

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

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

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council no later than February 15 of each year.

4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the City Administrator or Deputy Clerk and the Mayor following Council approval, except as provided by subsection 5 hereof. The Mayor’s signature stamp may be used at the Mayor’s discretion.

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.

2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.

4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses
and distribution centers is eligible to receive a partial exemption from taxation for a period of five (5) years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 427B.6)
CHAPTER 9

URBAN RENEWAL

EDITOR’S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.

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<tr>
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<td>136</td>
<td>June 11, 1991</td>
<td>Adel Urban Renewal Area</td>
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<tr>
<td>183</td>
<td>October 14, 1997</td>
<td>Adel Urban Renewal Area</td>
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<tr>
<td>302</td>
<td>November 18, 2014</td>
<td>Adel Urban Renewal Area Amendment #4</td>
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CHAPTER 10

URBAN REVITALIZATION

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.

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<td>268</td>
<td>January 24, 2011</td>
<td>Adel Urban Revitalization Area</td>
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<tr>
<td>287</td>
<td>November 13, 2012</td>
<td>Adel Urban Revitalization Area</td>
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<tr>
<td>295</td>
<td>November 12, 2013</td>
<td>Amendment No. 4 to Adel Urban</td>
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<td>Revitalization Area</td>
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CHAPTER 15

MAYOR

15.01 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.  
(Code of Iowa, Sec. 376.2)

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, except for supervisory duties delegated to the City Administrator, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.  
(Code of Iowa, Sec. 372.14[1])

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.  
(Code of Iowa, Sec. 372.14[2])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.  
(Code of Iowa, Sec. 372.14[1])

4. Mayor’s Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.  
(Code of Iowa, Sec. 380.5 & 380.6[2])

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

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

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

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

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

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

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Police Chief
3. Library Board of Trustees
4. Park and Recreation Board
5. Historic Preservation Commission
6. Cable Television Commission
7. West Metro Regional Airport Authority

15.04 COMPENSATION. The salary of the Mayor is two thousand dollars ($2,000.00) per annum.

(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)
CHAPTER 16

MAYOR PRO TEM

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is vice president of the Council.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 38.10)

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

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

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

(Code of Iowa, Sec. 372.13[8])
17.03 EXERCISE OF POWER. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment or an ordinance in the following manner:

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

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of twenty-five thousand dollars ($25,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member’s vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)
17.04 COUNCIL MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

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

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
   
   (Code of Iowa, Sec. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.
   
   (Code of Iowa, Sec. 372.13[1])

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

5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Administrator
2. City Clerk
3. Finance Officer
4. City Attorney
5. Planning and Zoning Commission
6. Zoning Board of Adjustment

(Ord. 251 – Mar. 09 Supp.)

17.06 COMPENSATION. The salary of each Council member is twelve hundred dollars ($1200.00) per annum.

(Code of Iowa, Sec. 372.13[8])
CHAPTER 18A

CITY CLERK

18A.01 Appointment and Compensation. The Council shall appoint by majority vote a City Clerk (hereafter referred to as the “Clerk”). The Clerk shall receive such compensation as established by resolution of the Council.

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

18A.02 Qualifications. The City Clerk shall have a degree in administration or human resources or a minimum of four years’ experience in municipal administration or equivalent combination of education and experience. International Institute of Municipal Clerk (IIMC) certification is preferred.

18A.03 Powers and Duties: General. The Clerk, or in the Clerk’s absence or inability to act, the Finance Officer, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

18A.04 Recording and Publication of Meeting Minutes. The Clerk shall attend all regular and special Council meetings and shall make an accurate record of all proceedings, rules, ordinances and resolutions passed by the Council, in the proper books kept for that purpose, which shall at all times be open to the public. Within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim and the total expenditure from each municipal fund.

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

18A.05 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])

18A.06 Publication. The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

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

(Code of Iowa, Sec. 362.3[1])
2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

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

18A.07 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])

18A.08 CERTIFY MEASURES. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

18A.09 RECORDS. The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Keep in a file or loose leaf record a copy of the code of Ordinances and promptly place in said record all amendments or additions thereto as to readily show the existing ordinances in their current form, and also keep a similar record of other ordinances, if any, not published as part of the Code of Ordinances. The original of such records shall not be removed from the custody of the Clerk, but copies for public use may be supplied upon receipt of the costs thereof.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.13[4])
18A.10 **ATTENDANCE AT MEETINGS.** At the direction of the Council or the City Administrator, 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])

18A.11 **ISSUE LICENSES AND PERMITS.** The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.  
* (Code of Iowa, Sec. 372.13[4])

18A.12 **NOTIFY APPOINTEES.** The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.  
* (Code of Iowa, Sec. 372.13[4])

18A.13 **ELECTIONS.** The Clerk shall perform the following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.  
* (Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.  
* (Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.  
* (Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.  
* (Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o’clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.  
* (Code of Iowa, Sec. 376.4)

18A.14 **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 “ADEL, IOWA” and around the margin of which are the words “CITY SEAL.”

18A.15 **OTHER DUTIES.** The Clerk shall perform such other duties as specified in the position description or by the Council or City Administrator.  
* (Ch. 18A – Ord. 252 – Mar. 09 Supp.)
CHAPTER 18B

FINANCE OFFICER

18B.01 Appointment and Compensation
The Council shall appoint by majority vote a Finance Officer to serve at the discretion of the Council. The Finance Officer shall receive such compensation as established by resolution of the Council.

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

18B.02 Powers and Duties: General
The Finance Officer, or in the Finance Officer’s absence or inability to act, the City Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

1. To conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

2. To keep the Council fully advised of the financial and other conditions of the City and of its future needs.

3. To compile and maintain current and up-to-date information regarding all funding sources of the City, including State and Federal grant and loan programs; to plan, develop, prepare and submit, with approval and at the direction of the Council, applications for grants, loans and other sources of funding and to administer all such funding.

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

18B.03 Qualifications
The Finance Officer shall have a degree in accounting or a minimum of four years’ experience in municipal budgeting/accounting or equivalent combination of education and experience. International Institute of Municipal Clerk (IIMC) certification is preferred.

18B.04 Budget
Assist in the preparation and administration of the City’s annual operating budget. Prepare budget amendments as required.

18B.05 Custody of Funds and Investments
Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction. Invest available idle funds according to the City’s Investment Policy.

18B.06 Audit
Perform internal audit of all City accounts on a quarterly basis. Maintain accounting procedures required for proper internal control. Coordinate the annual audit.

18B.07 Debt Service
Serve as Bond Registrar, keeping a register of all bonds outstanding and record all payments of interest and principal.
18B.08  **ABSTRACT OF BILLS.** The Finance Officer shall present an abstract of bills to the Council at all regular Council meetings for their approval. Checks for approved bills shall be issued by the following Friday.

18B.09  **ATTENDANCE AT MEETINGS.** At the direction of the Council and/or the City Administrator, the Finance Officer shall attend meetings of committees, boards and commissions. The Finance Officer shall record and preserve a correct record of the proceedings of such meetings.

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

18B.10  **RECORDS.** The Finance Officer, working with the City Clerk, shall maintain all finance related City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellations, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations.

18B.11  **OTHER DUTIES.** The Finance Officer shall perform such other duties as specified in the position description or by the Council or City Administrator.

(Ch. 18B – Ord. 253 – Mar. 09 Supp.)

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CHAPTER 19
CITY TREASURER

19.01 Appointment. The Finance Officer is the Treasurer and performs all functions required of the position of Treasurer.

19.02 Compensation. The Finance Officer receives no additional compensation for performing the duties of the Treasurer.

19.03 Duties of Treasurer. The duties of the Treasurer are as follows:

(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 of Fund. Keep the record of each fund separate.

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

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

5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.

6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer’s custody and belonging to the City, deposit the same in depositories selected by the Council.

7. Reconciliation. Reconcile depository statements with the Treasurer’s books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

(Ch. 19 – Ord. 254 – Mar. 09 Supp.)
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. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the 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 which may be required for the use of the City.

(Code of Iowa, Sec. 372.13[4])
CHAPTER 21

CITY ADMINISTRATOR

21.01 APPOINTMENT AND TERM. The Council shall appoint by majority vote of all members the City Administrator, who shall hold office at the discretion of the Council.

21.02 COMPENSATION. The City Administrator shall receive such annual salary and benefits as the Council shall from time to time determine and payment shall be made from the treasury of the City in the manner provided for the payment of compensation and allocation of benefits to other officers and employees of the City.

21.03 QUALIFICATIONS. The City Administrator shall be a person competent by education and/or experience to perform the duties imposed upon such person by this chapter. The City Administrator:

1. Shall possess a college degree in public administration or a related field and have three (3) years of experience in city administration or an equivalent combination of education and experience, as the Council may determine.
2. Following appointment, shall reside within the corporate limits of the City.
3. Shall devote full time to the diligent and faithful performance of duties hereunder and shall not, during the term as City Administrator, engage in any other employment or self-employment activities or endeavors or hold any other office or position, except with the approval of the Council, by motion.
4. Shall not, during the term as City Administrator, hold any position as officer or director of any “for-profit” organization which does business or carries on any activities in the City, nor shall the City Administrator own more than five percent (5%) of the outstanding stock of any corporation which does business or carries on activities within the City.

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

1. Supervise enforcement and execution of the City ordinances and resolutions and applicable State and Federal laws and regulations within the City.
2. Attend all meetings of the Council unless excused by the Mayor or a majority of Council members.
3. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
4. Have the general supervision and direction of the administration of the City government.
5. Supervise and conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
6. Supervise the performance of all contracts for work to be done for the City, supervise all purchases of material, supplies and equipment, and insure that such material, supplies and equipment are received and are of the quality and character called for by the contract.

7. Supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.

8. Be directly responsible to the Council for the administration of municipal affairs as set forth in this chapter. All departments of the City shall report and be responsible to the City Administrator except for the Police Department, which shall report to the Mayor. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council policy, concerning administration, shall be coordinated through the City Administrator.

9. Supervise and direct, through established procedures, all officers, departments and employees of the City, specifically including but not limited to fire, streets, sewers, waste disposal and central administration. To effectuate this responsibility, the City Administrator shall have the power and authority to employ such assistants and other employees for the City for which the Council has approved the position generally.

10. Represent the City, as directed by the Council, in all negotiations and relations with employees, contractors, consultants, other governmental units and civic organizations in which the City may have an interest.

11. Cooperate with, assist and advise all administrative agencies, City boards, and commissions and act as the Council’s liaison and representative to such entities, and to assign staff to attend and/or attend City boards and commissions meetings and assure a correct record of the proceedings are taken.

12. Investigate the performance and conduct of any department agency, officer or employee of the City, as deemed appropriate.

13. Supervise and assist City boards, commissions and all City departments in the preparation, administration and operation of the City’s annual budget.

14. Make to the Council periodic reports on the general condition of the City in writing at such intervals as the Council directs.

15. Advise, assist and consult with the City Attorney on all City legal matters.

16. Formulate and recommend employment and personnel policies, compensation schedules and benefits; to prepare and maintain job descriptions for all City employees, all with the approval of the Council.

17. Make recommendations to the Council and to participate in projects and endeavors to support and promote economic growth and development in the City.

18. Represent faithfully the Council and the City in intergovernmental relations.

19. Have the power to employ, reclassify, discipline or suspend any employee under the City Administrator’s direct control. The City Administrator shall also have the power to employ, reclassify, discipline, suspend or discharge any employee under the supervision and control of any department head, but only with the concurrence of the department head. The City Administrator shall not have the authority to employ or appoint, reclassify, discipline, suspend or discharge the Police Chief, Fire Chief, or the
City Attorney. However, the City Administrator shall, when appropriate, recommend to the Council or Mayor action regarding such appointed officers or employees of the City and shall also recommend to and seek direction from the Council or Mayor when the City Administrator and a department head are not in agreement in regard to the employment, reclassification, suspension, discipline or discharge of a City employee.

20. Perform the duties of the Zoning Administrator, issue and collect fees for building permits, coordinate and record the actions of the Planning and Zoning Commission and the Board of Adjustment.

21. Coordinate the activities of the Public Works Department, including streets, water, wastewater, park, cemetery, and pool and work with department heads in planning, coordinating, and budgeting for each department. Be responsible to coordinate the day to day activities and work assignments.

22. Appoint, subject to Council approval, the Building Official.

23. Perform such other duties as the Mayor or Council may direct.

21.05 COUNCIL RELATIONS. The City Administrator shall not participate in campaign activities in any City election, except by casting his or her vote, and shall not appoint an elected City official to any City office or employment.
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CHAPTER 22
LIBRARY BOARD OF TRUSTEES

22.01 Public Library
22.02 Library Trustees
22.03 Qualifications of Trustees
22.04 Organization of the Board
22.05 Powers and Duties
22.06 Contracting with Other Libraries
22.07 Nonresident Use
22.08 Expenditures
22.09 Annual Report
22.10 Injury to Books or Property
22.11 Theft
22.12 Notice Posted

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

22.02 LIBRARY TRUSTEES. The Mayor, with the approval of the Council, shall appoint six (6) Library Board resident Trustees, and, with approval of the County Supervisors, shall appoint one (1) Library Board nonresident Trustee. (Ord. 241 – Jan. 08 Supp.)

22.03 QUALIFICATIONS OF TRUSTEES.
1. General. The resident Trustees must be eligible electors and residents of the City. The nonresident Trustee must be an eligible elector for County elections and a resident of the County who is not a resident of any city.
2. Other Office. No person while serving on the Board shall serve on the City Council or County Board of Supervisors, or be an employee of the City. (Ord. 241 – Jan. 08 Supp.)

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

22.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:
1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.

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

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

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

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

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

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

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

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

(Code of Iowa, Ch. 661)

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

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

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

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

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

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

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

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

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:
1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)
CHAPTER 23

PLANNING AND ZONING COMMISSION

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

(Code of Iowa, Sec. 414.6 & 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)
CHAPTER 24
PARK AND RECREATION BOARD

24.01  PARK AND RECREATION BOARD CREATED. A Park and Recreation Advisory Board is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other forms of recreation. It shall also plan and oversee City programs and encourage other programs to enhance the leisure time activities of the City’s residents of all ages.

24.02  BOARD ORGANIZATION. The Board shall consist of seven (7) members, appointed by the Mayor, subject to the approval of the Council. Regular three-year terms shall commence July 1 of the year of appointment and shall be staggered. The Board shall annually choose its Chairperson. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term. Members must be residents of the City during the period of their respective terms.

24.03  DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans from time to time, the Board shall have oversight of the properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for park and recreation operations. The Board shall cooperate with the Mayor and City Administrator in the allotment of time of City employees for park and recreation purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payment will be made by warrant-check written by the City Administrator for invoices submitted and approved by the Board. The City Treasurer shall have custody of park monies which shall be kept in the General Fund.

24.04  CITY TREE BOARD. It is the responsibility of the Board to act as the City Tree Board and in that capacity to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Council and upon acceptance and approval shall constitute the official comprehensive City Tree Plan for the City. The Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work as City Tree Board.

24.05  REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk’s report to the Council.

24.06  RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval
of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

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CHAPTER 25
HISTORIC PRESERVATION COMMISSION

25.01 PURPOSE AND INTENT. The purposes of this chapter are to:

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

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

1. “Commission” means the Adel Historic Preservation Commission, as established by this chapter.

2. “Historic district” means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:

   A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
   B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
   C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
   D. Is associated with the lives of persons significant in our past; or
   E. Has yielded, or may be likely to yield, information important in prehistory or history.
3. “Historic site” means a structure or building which:
   A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
   B. Is associated with the lives of persons significant in our past; or
   C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
   D. Has yielded, or may be likely to yield, information important in prehistory or history.

25.03 STRUCTURE OF COMMISSION.

1. The Commission consists of five (5) members who are residents of the City.

2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

3. The Commission members are appointed for staggered terms of three (3) years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.

4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.

5. Members shall serve without compensation.

6. A simple majority of the Commission shall constitute a quorum for the transaction of business.

7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.

8. The Commission shall meet at least three (3) times a year.

25.04 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
4. In addition to those duties and powers specified above, the Commission may, with Council approval,

A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;

B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;

C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;

D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;

E. Contract with State or Federal government or other organizations;

F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;

G. Provide information for the purpose of historic preservation to the Council; and

H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
CHAPTER 26
CABLE TELEVISION COMMISSION

26.01 PURPOSE. The purpose of this chapter is to provide for the harmonious resolution of complaints between citizen subscribers and the City’s cable television franchise and to promote compliance with the City’s cable television franchises and regulatory ordinances.

26.02 ORGANIZATION. There is created a Cable Television Commission consisting of five (5) members, to be appointed by the Mayor with the approval of the Council for staggered terms of three (3) years. Vacancies shall be filled for the unexpired term of the member whose term becomes vacant. Members shall be residents of the City, have personal knowledge of the technical qualitative issues with which the Commission will deal and shall serve without pay and may be reimbursed for actual and reasonable expenses. All terms shall be served on a calendar year basis with each year commencing July 1.

26.03 JURISDICTION. The Commission is established for the purpose of and limited to providing subscriber complaint resolution (both technical and programming) and franchise compliance oversight in relation to the City cable television franchisees and their subscribers. The Commission shall investigate and review any unresolved complaints against the franchisees brought by any subscriber and said franchisee. Upon such investigation and review, the Commission shall render a decision thereon subject to further review as hereinafter provided. The Commission shall assist and advise the Council in regard to compliance with the terms of the City franchise and cable television regulatory ordinances by subscribers and franchisees.

26.04 RULES AND PROCEDURES. The Commission shall adopt such rules and procedures necessary to conduct its affairs in keeping with the provisions of this chapter and the laws of the State of Iowa subject to approval of the Council. Meetings shall be held at the call of the Chair and at such other times as the Commission may determine. The Commission shall elect its own Chair and Vice Chair and may administer oaths and compel attendance of witnesses. All meetings shall be open to the public subject to the provisions of Chapter 21 of the Code of Iowa. The Commission, through its Secretary to be appointed by the Commission, shall keep minutes of proceedings, showing the vote of each member on each question or if absent or failing to vote, indicate such fact. It shall keep records of its examinations and other official acts which shall be filed with the office of the City Administrator and shall be a public record.

26.05 APPEAL. Any person aggrieved by a decision of the Commission may seek review of that decision by filing an appeal therefrom with the Council within twenty (20) days of the date of said decision. The Council shall hold a public hearing thereon and upon holding said hearing, may reverse or affirm the decision of the Commission. Any person aggrieved by a decision of the Council may seek review of that decision as by the laws of Iowa provided.

26.06 REPORTS. The Commission shall make written or oral reports to the Council of its activities from time to time as it deems advisable or upon Council request.
CHAPTER 27

WEST METRO REGIONAL AIRPORT AUTHORITY

(Chapter 27 Repealed by Ordinance No. 266 – Oct. 10 Supp.)
CHAPTER 28
ECONOMIC DEVELOPMENT COMMISSION

28.01 Purpose. The purpose of the chapter is to establish an Economic Development Commission for the City of Adel, which shall serve as an advisory board to advise and assist the City Council and City Administrator with the promotion and economic development within the City. The Economic Development Commission shall research and study contemporary trends, identify development opportunities and funding sources, develop and recommend to Council economic development initiatives and strategies and an overall economic development plan. The Commission shall prepare recommendations for the City Council regarding matters of economic development within the City of Adel that are referred to it by City Economic Development staff or the City Council. The Economic Development Commission is an advisory board with no authority to act independent of the City Council. The City Council reserves the right to act on any matter of economic development without involvement from the Commission at its sole discretion.

28.02 Appointment and Term of Office. The Economic Development Commission shall consist of nine (9) members whose term of office is three (3) years on a staggered basis. Members shall be appointed by the Mayor subject to approval of the City Council. The Mayor shall appoint members who represent different perspectives that are relevant to economic development in Adel. Members of the Economic Development Commission may include nonresidents who work in or own a business within the City of Adel; however, not more than two (2) members may be nonresident. Two City Council representatives shall be included in the membership of nine (9).

28.03 Organization. Members of the Economic Development Commission shall act by consensus through meetings facilitated by City staff.

28.04 Compensation. Economic Development Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses incurred in performing any duty described in this chapter, in accord with City of Adel polices and subject to prior Council approval.

28.05 Powers and Duties. The duties of the Economic Development Commission include, but are not limited to:

1. Develop and recommend an economic development action plan for the City to include long-term strategies for enhancing the City’s economic development.

2. Recommend economic development policies and programs to the City Council.

3. Work with the City Administrator, Chamber Director and other City economic development staff in promoting the City, attracting economic growth and development, and retaining businesses in the community.
4. Provide individualized assistance with specific projects and strategy development.

5. Review and recommend to the Council the uses of all economic development funds provided by the City and/or other agency partners in financing economic development opportunities in Adel.

28.06 REGULAR MONTHLY MEETINGS. The Commission shall hold regular monthly meetings at a date, time and place as determined by the Commission. Special meetings may be called by the Secretary. All meetings shall be open to the public and properly noticed with the exception of those outlined by the current Code of the State of Iowa. A quorum shall consist of a majority of the Commissioners.

28.07 SECRETARY. The City Administrator or his designee shall serve as the Secretary of the Commission and be responsible for preparation of agendas, completing the minutes and making proper public notice of all meetings.

(Chapter 28 – Ordinance No. 286 – Sep. 12 Supp.)
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 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council, and the Police Chief shall select the other members of the department.

(Code of Iowa, Sec. 372.4)

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the police chief by law or ordinance.

2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to the Police Chief.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.

7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, 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 which are capable of causing bodily harm which the arrested person may have within such person’s control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.
3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department’s duties.

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

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

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)
12. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

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

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

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

35.10 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker’s compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.  
(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

35.11 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.  
(Code of Iowa, Sec. 670.2 & 517A.1)

35.12 CALLS OUTSIDE FIRE DISTRICT. The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District.  
(Code of Iowa, Sec. 364.4 [2 & 3])

35.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.  
(Code of Iowa, Sec. 364.4 [2 & 3])

35.14 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.  
(Code of Iowa, Sec. 100.41)

35.15 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services and the accidental injury and liability insurance provided for herein shall include such operation.
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CHAPTER 36
RAPID ENTRY SYSTEM

36.01 APPLICABILITY. The provisions of this chapter apply to all buildings within the City that are used for public buildings, restricted business, industrial, commercial, or limited commercial use, and:

1. Which contain a fire alarm system that uses an automatic dialer, or;
2. Which contain an automatic fire suppression system, or;
3. Which is a facility that is required to prepare and have available material safety data sheets and/or hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title II);
4. To multi-family residential structures, including senior citizen apartment/condo complexes, that have restricted access through locked doors and have a common corridor for access to the living units;
5. To governmental structures and nursing care facilities;
6. To all high-rise buildings, i.e., structures having floors above 50 feet above ground level;
7. To commercial and industrial buildings identified by fire officials as difficult to access during emergencies.

However; any building or structure having on-site 24-hour security personnel may be exempt from the requirements of this section at the discretion of the Fire Chief or his designee.

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

1. “Automatic dialer” means a device that automatically dials and relays a pre-recorded message to a central station, the Dallas County Dispatch Center or the Adel Fire Department.
2. “Automatic fire suppression system” means a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the NFPA standards, which utilize water, foam, CO2, or others gas to automatically react to suppress fire.
3. “Central system” means an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.
4. “Fire alarm system” means equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke, abnormal rise or decrease in temperature, or activation of a sprinkler system or manually activated device.
5. “Fire District” means the normal fire protection district both incorporated and unincorporated covered by the Adel Fire and Rescue Department.

6. “Fire Official” means the Fire Chief or his/her designee.

7. “Key box/lock box” means a high security key vault, which is listed under UL 1610 and UL 1037 standards, master keyed with a Medeco Biaxial Level 7 or equivalent lock. Locks shall be approved by the Fire Official and meet specific requirements and use the same security key code adopted by the Fire Department.

8. “Key switch” means an electrical switch that uses the same security key code adopted by the Fire Department and used for emergency access to gated communities, electrically operated doors, and industrial gated areas. It can also control emergency power shutoff systems.

9. “Lock box document vault” means a high security steel plate vault a minimum of fourteen inches by twelve inches wide by two inches deep, constructed to the same standards as the lock box, for the storage of documents.

10. “Remodeling construction” means any construction or renovation to an existing structure, other than repair or addition, which requires a permit. Also, a change in a mechanical system that involves an extension, addition, or change to the arrangement, type, or purpose of the original installation of the system and that requires a permit.

11. “Responsible party” means the person(s) charged with the responsibility for the occupancy, building or business owner.

12. “Security cap” means a Fire Department Connection (FDC) Plug and Cap approved for use in the City of Adel by the Fire Official utilizing 2 ½” National Standard thread pattern.

36.03 INSTALLATION REQUIREMENTS.

1. The owner of applicable buildings, as described above, shall install or cause to be installed a lock box system and/or lock box documents vault prior to the issuance of a Certificate of Occupancy for any portion of the building for new or remodeling construction or within eighteen months of the adoption date of the ordinance codified by this chapter if no new construction or remodeling takes place.

2. The owner or occupant is responsible for ordering and installing the lock box.

3. The Fire Chief shall designate the type of key lock box system to be implemented within the City and shall have the authority to require all structures to use the designated system.

4. The lock box shall be installed at or near the front of the building near the main entry door, on the right-hand side, between six and eight feet above the ground, unless approved at a higher or lower level, by the building inspector of the City or the Fire Official.

5. The lock box is not required to be attached to or monitored by your alarm system, but it is recommended.

6. The lock box shall contain the key(s) for the exterior doors, the keys for all interior doors within the building, and a scaled floor plan of the building. In lieu of having the interior keys at this location, a second lock box may be located within the main lobby of the building to hold these keys. Contents that are to be provided by the owner and/or occupant that are to be placed into the box are:
A. Marked and tagged keys for access to central core of the building.
B. Keys to fire alarm and/or sprinkler control panels.
B. A current telephone list of contact people for each business.
C. A map or diagram showing locations of sprinkler room and/or alarm panel.
D. Keys to an elevator or elevator system that is intended to serve the needs of the public and emergency personnel for the fire-fighting or rescue purposes.

7. Where a building contains a business that is required to maintain material safety data sheets, a lock box document vault shall be installed. The lock box document vault shall be installed on the front of the building, near the main entry door, on the right-hand side, between six and eight feet above the ground, unless approved at a higher or lower level by the building inspector of the City or the Fire Official. The vault shall contain copies of the material safety data sheets that are required to be on file within the building, as well as a floor plan or written description that indicates the location of the general areas of these materials.

8. When a property or neighborhood is accessed through a gate or cross arm that impedes ingress through required fire lanes by means of a key, code, or swipe card, the Fire Official may require a key switch to be installed at a location approved by the Fire Official.

9. The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system and the Fire Chief will review annually with the City Council the key lock box system and also report to the City Council how the key lock box system has been used in the preceding year.

**36.04 ONE AND TWO FAMILY RESIDENTIAL DWELLINGS.** This chapter shall not apply to owner occupied one and two family dwellings. Owners of single and two family occupancies are encouraged to participate voluntarily utilizing a residential security box.

**36.05 KEY BOX MAINTENANCE.** The operator of the building shall immediately notify a Fire Official and provide a new key(s) when a lock(s) is changed or re-keyed. The key(s) to such lock(s) shall be secured in the key box within 48 hours.

**36.06 PENALTIES FOR OFFENSES.** Any violation of this chapter is hereby declared to be an offense punishable pursuant to Chapter 3, Municipal Infractions.

*(Ch. 36 – Ord. 255 – Aug. 09)*
CHAPTER 40
PUBLIC PEACE

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

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

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

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

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

   (Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

   (Code of Iowa, Sec. 708.7)

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

   (Code of Iowa, Sec. 708.7)

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

   (Code of Iowa, Sec. 708.7)
D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.  
(Code of Iowa, Sec. 708.7)

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

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.  
(Code of Iowa, Sec. 723.4 [1])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.  
(Code of Iowa, Sec. 723.4 [2])

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

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.  
(Code of Iowa, Sec. 723.4 [4])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.  
(Code of Iowa, Sec. 723.4 [5])

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

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.  

(Ord. 244 – Mar. 08 Supp.)

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

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

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:
   A. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
   B. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
   C. Disturb or disrupt the funeral, memorial service, funeral procession or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)
CHAPTER 41
PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances

41.02 False Reports to or Communications with Public Safety Entities

41.03 Refusing to Assist Officer

41.04 Harassment of Public Officers and Employees

41.05 Interference with Official Acts

41.06 Abandoned or Unattended Refrigerators

41.07 Antenna and Radio Wires

41.08 Barbed Wire and Electric Fences

41.09 Discharging Weapons

41.10 Throwing and Shooting

41.11 Urinating and Defecating

41.12 Fireworks

41.13 Drug Paraphernalia

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.

2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 727.3)

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

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

41.08 BARBED WIRE AND ELECTRIC FENCES. (Repealed by Ordinance No. 288 – Mar. 13 Supp.)

41.09 DISCHARGING WEAPONS.

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

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

41.10 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])

41.11 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.

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

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City
CHAPTER 41

PUBLIC HEALTH AND SAFETY

authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

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

(Code of Iowa, Sec. 727.2)

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

(Code of Iowa, Sec. 727.2)

41.13 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

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

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

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

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell or possess drug paraphernalia.
CHAPTER 42
PUBLIC AND PRIVATE PROPERTY

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

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

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

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

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

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

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

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

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

(Code of Iowa, Sec. 716.1)
42.03 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)
CHAPTER 43

NOISE CONTROL

43.01 Purpose. The purpose of this chapter is to establish standards for the control of noise pollution in the City thereby protecting the public’s health, safety and general welfare.

43.02 Scope of Regulations. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases:

1. A State or Federal agency has adopted a different standard or rule than prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable, or;

2. The Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

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

1. “A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-Weighted filter network. The A-Weighting filter deemphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear. A numerical method of rating human judgment of loudness.

2. “Adverse impact” means a state of facts as would lead a reasonable person of normal sensitivity acting prudently to conclude that the economic, entertainment and philanthropic benefits to the community do not reasonably outweigh the quiet use and enjoyment of the affected property.

3. “Amplified sound” means the production or reproduction of sound from amplification equipment.

4. “Application” means the application submitted to the City requesting a noise permit.

5. “Decibel” (dB) means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micro-pascals.

6. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
7. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.

8. “L10”: The A-Weighted sound level exceeded ten percent (10%) of the sample time. Similarly L50, L90, L99, etc.

9. “Motorcycle” means any two or three-wheeled motor vehicle.

10. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: “motor vehicle” includes most motorcycles.)

11. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

12. “Noise disturbance” means those sounds defined as “sounds not allowed” Section 43.05 of this chapter.

13. “Noise sensitive land use” means those specific land uses which have associated indoor and/or outdoor human activities that may be subject to stress and/or significant interference from noise produced by community sound sources. Such human activity typically occurs daily for continuous periods of twenty four (24) hours or is in such a nature that noise is significantly disruptive to activities that occur for short periods. Specifically, noise-sensitive land uses include: hospitals, rest homes, convalescent care facilities, places of worship and schools.

14. “Person” means, unless used in such a manner to denote only a human being, any firm, partnership, domestic or foreign corporation, association, joint stock company, trust or other association or entity, City, County or State government and subdivisions or agencies thereof, and the Federal government and subdivisions and agencies thereof.

15. “Powered model vehicle” means any self-propelled, airborne, waterborne or land borne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.

16. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

17. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.

18. “Recreational vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a “motor vehicle” (or “motorcycle” if two or three-wheeled) and not a “recreational vehicle.” (Examples of recreational vehicles are snowmobiles, mini-bikes, stockcars or motorboats.)

19. “Residential property” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

20. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
21. “Sound equipment” means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except; however, “sound equipment” does not include sirens and other equipment used to alert persons to the existence of an emergency; equipment used by law enforcement and other public safety officials in the performance of their official duties; church carillons, bells or chimes; mobile radio or telephone signaling devices; and automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted there from is not audible for more than fifty (50) feet from such automobile or truck.

22. “Sound level” (noise level) means the weighted sound pressure level obtained by use of a sound level meter having a standard frequency-filter for attenuating part of the sound spectrum.

23. “Sound level meter” means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement and determination of noise and sound levels.

24. “WN” means weekday nights. (Sunday thru Thursday)

25. “WEN” means weekend nights. (Friday and Saturday)

43.04 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND. For the purposes of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:

1. The sound must be measured at or within the property boundary of the receiving land use.

2. The sound shall be measured on a sound level meter of standard design and quality operated in “A” slow response weighing scale.

3. A sound measured or registered in excess of the maximum permitted levels shall be declared unlawful.

43.05 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make, continue, cause or allow any noise disturbance within the City.

43.06 SOUNDS NOT ALLOWED. The term “noise disturbance” means any of the following sounds:

1. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately-owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of 7:00 p.m. and 8:00 a.m. (WN & WEN).

2. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or compact disk player, or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants while such vehicle is on the public right-of-way if the sound emitted there from is audible for more than 50 feet, at all times.
3. **Chain Saws.** The sound emitted by motor-powered tree trimming equipment operated between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN).

4. **Construction Noise.** The sound made by privately-owned and operated tools or equipment in erection, demolition, excavation, drilling, or other such construction work which is received between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN) at the real property boundary of residential property.

5. **Engine Brake Noise.** The sound made by an engine brake device of a diesel engine truck, at all times.

6. **Engine Repairs and Testing.** The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle or recreational vehicle which is received between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN) at the real property boundary of residential property.

7. **Injurious or Disturbing Sounds Generally.** Any sound which endangers or injures the health, safety, or welfare of a human being, disturbs a reasonable human being of normal sensitivities, or causes or tends to cause, an adverse physiological or physical effect on human beings, or devalues or injures property, at all times.

8. **Lawn and Garden Equipment.** The sound emitted by motor-powered, muffler-equipped lawn and garden equipment operated between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN).

9. **Loading and Unloading.** The sound made by outdoor loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, trash cans, containers, receptacles, and/or dumpsters which are received at the real property boundary of residential property between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN).

10. **Musical Instruments.** The sound made by a drum, horn, reed and/or string instrument, or other musical instrument or device which is received between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN) at the real property boundary of residential property.

11. **Noisy Exhaust System.** The sound made by a motor vehicle or a recreational vehicle whose exhaust system is defective or has been modified by the installation of a muffler cutout or bypass, at all times.

12. **Off-road Motorcycle and Recreational Vehicle Noise.** The sound made on private or City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN) at the real property boundary of residential property, provided; however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a “noise disturbance” unless made so by some provisions of this section.

13. **Powered Model Vehicles.** The sound made by the operation of a powered model vehicle which is received between the hours of 10:00 p.m. and 7:00 a.m. (WN); 12:00 a.m. Midnight and 7:00 a.m. (WEN) at the real property boundary of residential property.
14. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized, at all times.

15. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle, at all times.

16. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial, at all times.

17. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way, or in any building, or upon any public or private premises, if plainly audible from any public right-of-way within the City.

43.07 SOUNDS LEVELS BY RECEIVING LAND USE. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, the following are maximum permissible sound levels allowed at or within the property boundary of a receiving land use:

<table>
<thead>
<tr>
<th>Category of Receiving Land Use</th>
<th>Time of Day</th>
<th>Maximum Sound Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>7:00 a.m. to 10:00 p.m. (WN)</td>
<td>65dB</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. to 7:00 a.m. (WN)</td>
<td>55dB</td>
</tr>
<tr>
<td>Residential</td>
<td>7:00 a.m. to 12:00 a.m. (WEN)</td>
<td>65dB</td>
</tr>
<tr>
<td></td>
<td>12:00 a.m. to 7:00 a.m. (WEN)</td>
<td>55dB</td>
</tr>
<tr>
<td>Commercial</td>
<td>7:00 a.m. to 10:00 p.m.</td>
<td>70dB</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. to 7:00 a.m.</td>
<td>65dB</td>
</tr>
<tr>
<td>Industrial</td>
<td>7:00 a.m. to 10:00 p.m.</td>
<td>80dB</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. to 7:00 a.m.</td>
<td>80dB</td>
</tr>
<tr>
<td>Noise Sensitive Area</td>
<td>At all times</td>
<td>65dB</td>
</tr>
<tr>
<td>Floodplain or Floodway</td>
<td>At all times</td>
<td>Use specific limit from above in view of character of land use</td>
</tr>
</tbody>
</table>

WN = Week Day Nights  WEN = Weekend Nights

If the volume of sound exceeds the maximum permissible sound level by a measurement of L10, during a fifteen (15) minute meter reading, the sound is prohibited and declared unlawful in violation of this chapter.

43.08 EXCEPTIONS TO THIS CHAPTER. This chapter shall not apply to the following:
1. The emission of sound for the purpose of alerting persons to the existence of an emergency. This is to include the public address systems.

2. The emission of sound in the performance of emergency work.

3. Rail and air transportation and public mass transportation vehicles.

4. The emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty.

5. The emission of sound from activities in the discharge of weapons, fireworks displays, or parades permitted by the City Council.

6. The emission of sound from activities where the state or federal agency has adopted a different standard or rules than that prescribed within this chapter.

7. The emission of sound during nonprofessional athletic and school events or practices.

8. The emission of sound from on-site stationary trash compactors, municipal or municipally contracted compacter trucks loading or unloading of yard waste, recyclable material, trash, and garbage. In cases where the sound originates within 300 feet of a residential area land use or noise sensitive land use exemption shall only apply between the hours of 7:00 a.m. to 10 p.m.

9. The emission of sound during the operation, maintenance, repair, and cleaning of public streets and facilities. Work performed by or for public utilities.

10. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds.

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

(Ch. 43 – Ord. 256 – Jan. 10 Supp.)
CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place.
3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. (See Section 62.07 of this Code of Ordinances.)
CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency

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

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

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

(Code of Iowa, Sec. 709A.1)
[The next page is 231]
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, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

47.03 Fires. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

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

47.05 Park Hours. No person shall enter or remain within Evans Park or Kinnick-Feller Park between the hours of eleven o’clock (11:00) p.m. and six o’clock (6:00) a.m. or in Island Park between the hours of ten o’clock (10:00) p.m. and seven o’clock (7:00) a.m. except for registered campers in Island Park.

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

47.07 Solicitations. No person shall solicit in any manner or for any purpose or sell or offer for sale any goods, wares, or merchandise in any park without prior approval from the Park Board.

47.08 Offensive Acts. No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

47.09 Privately Owned Animals. No privately owned animal shall be allowed in a City park unless accompanied and controlled by owner or person having custody of said animal. The owner or person having the custody of said animal shall be responsible for any damage caused in any event by such animal.

47.10 Amplified Sounds. The use and/or set up of any system for amplifying sounds whether for speech, music, communications, or otherwise in a park is prohibited without first obtaining an official permit from the Park Board.

(47.07–47.10 Added by Ord. 234 – Apr. 07 Supp.)
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 which are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

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

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

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

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

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

6. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.08)

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

8. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard. (See also Chapter 152)
10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. (See also Chapter 151)

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

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

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

1. Junk and Junk Vehicles (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)
4. Trees (See Chapter 151)
5. Grass and Weeds (See Chapter 152)

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

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

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

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

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

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

5. 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 such person.

50.07 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])

50.08 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.

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

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

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

50.11 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars ($100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

   (Code of Iowa, Sec. 364.13)

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

50.14 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. A failure to abate a nuisance as defined in this chapter or a failure to perform an action required herein, following notice as provided in this chapter, shall constitute a municipal infraction and the requirements
of this chapter may be enforced under the procedures applicable to municipal infractions in lieu of the abatement procedures set forth in this chapter.

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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 which has any of the following characteristics:
   A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
   B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
   C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
   D. Inoperable. Any motor vehicle which lacks an engine or is not capable of being driven under its own power without the addition of parts or repair thereon; and in addition, any automobile not equipped with four (4) inflated tires.
   E. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

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

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a
threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner 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 the following:

1. Any junk or a junk vehicle stored within a garage or other enclosed structure; or

2. Junk vehicles located on commercially zoned property that is used primarily for automotive repair and/or vehicle towing business. Said business shall be limited to one junk vehicle per 1,000 square feet, with a maximum number of 15 junk vehicles per business, and said junk vehicles shall be stored only on a minimum of 4 inches of asphalt or concrete base.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances or proceed under Chapter 3 of this Code of Ordinances.

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

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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, rhea and emu; 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.
“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.

“Vicious dog” means:

A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;
B. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
C. Any dog that snaps, bites or manifests a disposition to snap or bite;
D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the Police Department, a law enforcement agency of the State or United States or a branch of the armed forces of the United States.

(Ord. 237 – Oct. 07 Supp.)

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.
55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

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

55.09 VICIOUS DOGS.

1. Confinement. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet in height and at least six inches taller than any internal structure. All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any porch of a house or structure that would allow the dog to exit such building on its own volition.

2. Leashing. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

3. At Large. A vicious dog which is found, more than twice in any calendar year, not to be confined as herein required, shall be destroyed by the City pursuant to this chapter.

4. Unlicensed. All unlicensed vicious dogs shall be deemed illegal animals. Said dog will be destroyed by the City pursuant to this chapter.

(Ord. 237 – Oct. 07 Supp.)

55.10 OWNER’S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.11 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 ten (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)

55.12 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.

55.13 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) 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 or unlicensed dog or cat, by having it immediately vaccinated and licensed. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven (7) days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.14 IMPOUNDING COSTS. Impounding costs include a $25.00 fine plus those charges assessed by the veterinary clinic.

(Code of Iowa, Sec. 351.37)

55.15 RIGHT TO KILL UNLICENSED OR LICENSED DOG OR CAT. It is lawful for any peace officer or designee of the Mayor to kill any unlicensed dog or cat that is unable to be caught by said peace officer or designee of the Mayor, or to kill any licensed dog or cat when such animal is attacking or attempting to bite a person.

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

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

2. Exceptions. This section does not apply to any of the following:
   A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen’s Federation.
CHAPTER 56

DOG AND CAT LICENSES REQUIRED

56.01 ANNUAL LICENSE REQUIRED. Every owner of a dog or cat over the age of six (6) months shall procure a license from the Clerk on or before the first day of May of each year.

56.02 LICENSE FEE. The license fee for spayed and neutered animals is five dollars ($5.00) per year. For animals that are not spayed or neutered, the annual license fee is fifteen dollars ($15.00). Such license fee shall be due and payable between January 1 and May 1 of each year. Licenses become delinquent May 1 of each year and the delinquent license fee penalty shall be one dollar ($1.00) per month, except in those cases where by reason of residence or age the dog or cat was not subject to licensing during January 1 to May 1.

56.03 LICENSE ISSUED. Upon payment of the license fee, the Clerk shall issue to the owner a license which shall contain the name of the owner, the owner’s place of residence and a description of the dog or cat. The Clerk shall keep a duplicate of each license issued as a public record.

56.04 LICENSE TAG. Upon issuance of the license, the Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog or cat for which the license is issued. Any dog or cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

56.05 IMMUNIZATION. All dogs and cats six (6) months or older shall be vaccinated against rabies. Before issuance of the license, the owner shall furnish a veterinarian’s certificate showing that the dog or cat for which the license is sought has been vaccinated, and that the vaccination does not expire within six months from the effective date of the license. It is a violation of this chapter for any dog or cat not to be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog and cat when not confined.

56.06 KENNEL DOGS AND CATS. Kennel dogs and cats which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, and dogs and cats temporarily at the veterinary facilities, are not subject to the licensing provisions of this chapter.
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CHAPTER 57

DANGEROUS AND ILLEGAL ANIMALS

(CHAPTER 57 REPEALED BY ORDINANCE NO. 242 – JAN. 08 SUPP.)
CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

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**60.01 TITLE.** Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Adel Traffic Code.”

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

*Code of Iowa, Sec. 321.1*

1. “Business District” means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

7. “Stop” means when required, the complete cessation of movement.

8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. “Suburban district” means all other parts of the city not included in the business, school or residence districts.

10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

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

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

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

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

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

(Code of Iowa, Sec. 321.273 & 321.274)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

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

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

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.
CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 TRAFFIC CONTROL DEVICES. The Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

61.02 INSTALLATION. The Council shall cause to be placed and maintained traffic control devices to carry out the provisions of the Traffic Code of the City under State law or to regulate, guide or warn traffic. The City shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254 & 321.255)

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

(Code of Iowa, Sec. 321.256)

61.04 CROSSWALKS. The Council is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or road-way, and at such other places as traffic conditions require.


61.05 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.


61.06 NECESSITY OF SIGNS. No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in a viewable position and sufficiently legible to an ordinarily observant person.
61.07  **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)*
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 Tampering with Vehicle
62.07 Open Containers in Motor Vehicles
62.08 Obstructing View at Intersections
62.09 Reckless Driving
62.10 Careless Driving
62.11 Milling
62.12 Engine Brakes

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.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.
12. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
14. Section 321.194 – Special minor’s licenses.
15. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
16. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
17. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 – Permitting unauthorized minor to drive.
21. Section 321.222 – Renting motor vehicle to another.
22. Section 321.223 – License inspected.
25. Section 321.234A – All-terrain vehicles.
27. Section 321.247 – Golf cart operation on City streets.
29. Section 321.259 – Unauthorized signs, signals or markings.
30. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
31. Section 321.262 – Damage to vehicle.
32. Section 321.263 – Information and aid.
33. Section 321.264 – Striking unattended vehicle.
34. Section 321.265 – Striking fixtures upon a highway.
35. Section 321.275 – Operation of motorcycles and motorized bicycles.
36. Section 321.278 – Drag racing prohibited.
37. Section 321.288 – Control of vehicle; reduced speed.
38. Section 321.295 – Limitation on bridge or elevated structures.
39. Section 321.297 – Driving on right-hand side of roadways; exceptions.
40. Section 321.298 – Meeting and turning to right.
41. Section 321.299 – Overtaking a vehicle.
42. Section 321.302 – Overtaking and otherwise.
43. Section 321.303 – Limitations on overtaking on the left.
44. Section 321.304 – Prohibited passing.
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46. Section 321.307 – Following too closely.
47. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
48. Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.
50. Section 321.312 – Turning on curve or crest of grade.
51. Section 321.313 – Starting parked vehicle.
52. Section 321.314 – When signal required.
53. Section 321.315 – Signal continuous.
54. Section 321.316 – Stopping.
55. Section 321.317 – Signals by hand and arm or signal device.
56. Section 321.319 – Entering intersections from different highways.
57. Section 321.320 – Left turns; yielding.
58. Section 321.321 – Entering through highways.
59. Section 321.322 – Vehicles entering stop or yield intersection.
60. Section 321.323 – Moving vehicle backward on highway.
61. Section 321.323A – Approaching certain stationary vehicles.
63. Section 321.324A – Funeral processions.
64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
65. Section 321.330 – Use of crosswalks.
66. Section 321.332 – White canes restricted to blind persons.
68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.
70. Section 321.342 – Stop at certain railroad crossings; posting warning.
71. Section 321.343 – Certain vehicles must stop.
72. Section 321.344 – Heavy equipment at crossing.
73. Section 321.344B – Immediate safety threat; penalty.
74. Section 321.354 – Stopping on traveled way.
75. Section 321.359 – Moving other vehicle.
76. Section 321.362 – Unattended motor vehicle.
77. Section 321.363 – Obstruction to driver’s view.
78. Section 321.364 – Preventing contamination of food by hazardous material.
79. Section 321.365 – Coasting prohibited.
80. Section 321.367 – Following fire apparatus.
81. Section 321.368 – Crossing fire hose.
82. Section 321.369 – Putting debris on highway.
83. Section 321.370 – Removing injurious material.
84. Section 321.371 – Clearing up wrecks.
85. Section 321.372 – School buses.
86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
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89. Section 321.383 – Exceptions; slow vehicles identified.
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91. Section 321.385 – Head lamps on motor vehicles.
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119. Section 321.431 – Performance ability.
120. Section 321.432 – Horns and warning devices.
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123. Section 321.436 – Mufflers, prevention of noise.
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**62.02 PLAY STREETS DESIGNATED.** Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

*(Code of Iowa, Sec. 321.255)*

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

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

62.07 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.
   (Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.
   (Code of Iowa, Sec. 321.284A)

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

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

62.09 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.
   (Code of Iowa, Sec. 321.277)

62.10 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:
   (Code of Iowa, Sec. 321.277A)

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

62.11 MILLING. It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.
62.12 ENGINE BRAKES. No truck being operated on any street or highway within the City shall use the engine back pressure braking system commonly known as “engine brakes” or “compression brakes.” The scheduled fine for the violation of this section is fifty dollars ($50.00) per occurrence.
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CHAPTER 63

SPEED REGULATIONS

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

(Code of Iowa, Sec. 321.285)

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

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

63.03 Parks, Cemeteries and Parking Lots. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

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

(Code of Iowa, Sec. 321.290)

1. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. Greene Street at the west City limits east to South 19th Street where the 25 mph zone begins;
   B. Old Portland Road from the south City limits to the driveway of the City Wastewater Plant where a 25 mph zone begins.
63.05 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

63.06 CONTROLLED ACCESS FACILITIES. Speed limits on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.
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 such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

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

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district and at any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.236[9])

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.
CHAPTER 65
STOP OR YIELD REQUIRED

65.01  STOP OR YIELD. Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Chapter 61 of this Traffic Code.

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

(Code of Iowa, Sec. 321.249)

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

(Code of Iowa, Sec. 321.353)

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

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

(Code of Iowa, Sec. 321.327)
CHAPTER 66
LOAD AND WEIGHT RESTRICTIONS

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.471 & 472)

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

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.473 & 475)

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. When truck routes have been designated in accordance with Chapter 61, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other.

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)
CHAPTER 67

PEDESTRIANS

67.01  WALKING IN STREET. 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. When appropriate signs are in place, as provided for in Chapter 61 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

(Code of Iowa, Sec. 321.236 [4])
CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled
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69.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

69.02 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.03 PARK ADJACENT TO CURB – ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.04 ANGLE PARKING. Angle or diagonal parking is permitted only in the Business District, where so marked.

(Code of Iowa, Sec. 321.361)

69.05 ANGLE PARKING – MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;

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

69.07 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
   (Code of Iowa, Sec. 321.358 [5])

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

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

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

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

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

7. Fire Hydrant. Within five (5) feet of a fire hydrant.
   (Code of Iowa, Sec. 321.358 [4])

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

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

10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
    (Code of Iowa, Sec. 321.358 [9])

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

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

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

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

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

(Code of Iowa, Sec. 321.360)

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

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

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

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

17. 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.

69.08 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

   A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

   B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;

   C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

   A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A (1) of the Code of Iowa when utilizing a wheelchair parking cone.

   B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A (1) of the Code of Iowa.

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

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

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the business district. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of ten o’clock (10:00) p.m. and six o’clock (6:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

3. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal period. The snow parking ban shall continue from the cessation of snowfall to a period twenty-four (24) hours later, except as provided above, upon areas that have been fully opened. Posting of the snow removal notice shall be done at each entrance to the City with an appropriate signage. Any snowfall shall be considered to place this ban into effect where accumulation is apparent. The City Administrator shall determine when there is sufficient depth of snow to commence the snow ordinance into effect. The City Administrator may end the prohibition on parking prior to the expiration of the 24-hours period if the City Administrator determines that the streets have been cleared.

69.11 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

   (Code of Iowa, Sec. 321.236(12))
69.12 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.
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 which are designated by Section 805.8A of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the Code of Iowa.

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars ($15.00) for all violations except improper use of a persons with disabilities parking permit and snow route parking violations. If such fine is not paid within thirty (30) days, it shall be increased by five dollars ($5.00). The simple notice of a fine for snow route parking violations† is twenty-five dollars ($25.00) and the simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars ($100.00).

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

(Ord. 259 – Jan. 10 Supp.)

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

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

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

†EDITOR'S NOTE: A snow route parking violation occurs when the driver of a vehicle impedes or blocks traffic on a designated snow route. (See Section 69.11.)
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

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

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

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

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

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

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

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

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

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES 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 flotation-tire vehicle, with not less than three (3) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
   (Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the Code of Iowa, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.
   (Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.
   (Code of Iowa, Sec. 321I.1)
   (Ord. 263 – Jan. 10 Supp.)

4. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks or treads.
   (Code of Iowa, Sec. 321G.1)
   (Ord. 245 – Mar. 08 Supp.)

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.

(Ord. 245 – Mar. 08 Supp.)

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

1. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
2. The snowmobile is brought to a complete stop before crossing the street;
3. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
4. In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4g])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or
property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving ATVs.
   
   (Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.
   
   (Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
   
   (Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

75.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

   (Code of Iowa, Sec. 321G.18 & 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

   (Code of Iowa, Sec. 321G.10 & 321I.11)
CHAPTER 76

BICYCLE REGULATIONS

76.01 Definitions

1. “Bicycle” means either of the following:
   A. A device having up to four wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
   B. A device having up to four wheels with fully operable pedals and an electric motor of one horsepower or less.

2. “Multi-use trail” means a way or place, the use of which is controlled by the City as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the City Council, and no multi-use trail shall be considered as a street or highway.

76.02 Alteration of Serial Frame Number. It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer’s serial frame number of any bicycle.

76.03 Sirens and Whistles Prohibited. A bicycle shall not be equipped with, and a person shall not use, upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

76.04 Lamps and Reflectors.

1. Every bicycle ridden at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of three hundred feet ahead shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least three hundred feet to the front.

2. Every bicycle shall be equipped with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light.

3. Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.

4. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.
76.05 STOPPING. Every bicycle used upon the City streets, sidewalks, highways, park roads or multi-use trails shall be able to come to a complete stop within a safe distance.

76.06 APPLICABILITY OF MOTOR VEHICLE LAWS. Every person operating a bicycle upon the City streets, highways, park roads, or multi-use trails shall be subject to this chapter and other City traffic ordinances and the state statutes applicable to the drivers of motor vehicles, except as to special regulations in this chapter and except as to those provisions of ordinances and statutes which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

76.07 OBEDIENCE TO SIGNALS. Every person operating a bicycle shall obey the directions of official traffic signals, signs and other control devices applicable to other vehicles, unless otherwise directed by a police officer, and shall obey direction signs relative to turns permitted, unless such person dismounts from the bicycle, when he or she shall then obey the regulations applicable to pedestrians.

76.08 IMPROPER RIDING.

1. A person propelling a bicycle on any street, sidewalk, highway, park road or multi-use recreational trail, shall not ride other than upon or astride a permanent and regular seat attached to the bicycle and shall not use a bicycle to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.

2. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

76.09 CARRYING PACKAGES. No person operating a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

76.10 CONTROL WITH HANDS ON HANDLEBARS. The operator of a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall keep the bicycle under control at all times and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.

76.11 PLACE OF RIDING.

1. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

   A. When overtaking and passing another bicycle vehicle proceeding in the same direction.
   B. When preparing for a left turn at an intersection or into a private road or driveway.
   C. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a “substandard width lane” is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
D. A facility that would allow bicycle traffic on the left side of the roadway.

2. Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

3. When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.

4. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

76.12 BICYCLE LANES.

1. Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway moving in the same direction may ride within the bicycle lane.

2. Any person operating a bicycle within a bicycle lane may move out of the lane when overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.

3. No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.

4. No person shall drive a motor vehicle in a bicycle lane established on a roadway except as follows:
   A. To park where parking is permitted.
   B. To enter or leave the roadway.
   C. To prepare for a turn within a distance of 200 feet from the intersection.

76.13 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

76.14 OPERATION ON SIDEWALK. Bicycles may be operated upon the public sidewalks in a careful and prudent manner and except where signs are erected prohibiting riding on the sidewalk or as noted below. Every person lawfully operating a bicycle upon a public sidewalk, shall yield the right-of-way when approaching a pedestrian and shall give an audible signal before overtaking and passing.

76.15 CLINGING TO OTHER VEHICLES. No person riding upon any bicycle on a street, sidewalk, highway, park road or multi-use trail shall attach the bicycle or himself or herself to any moving vehicle by tow rope, hand grip or otherwise.

76.16 FOLLOWING EMERGENCY VEHICLES. No person riding a bicycle shall follow closer than 500 feet of an emergency vehicle as defined by Iowa Code section 321.1 which has emergency lights and/or siren activated, and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.
76.17 PARKING. No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic. Local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

76.18 RECKLESS OPERATION. No person shall operate a bicycle with willful or wanton disregard for the safety of persons or property.

76.19 VIOLATIONS. Each City shall be allowed to issue a violation pursuant to their own traffic violation ordinance. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person’s bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

(Ch. 76 - Ord. 276 – Aug. 11 Supp.)
CHAPTER 77

BICYCLE LICENSING

77.01 LICENSE REQUIRED. No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided herein. *(Code of Iowa, Sec. 321.236 [10])*

1. License Application. Application for a bicycle license and license plate or decal shall be made upon a form provided by the City and shall be made to the Police Department. A license fee of one dollar ($1.00) shall be paid to the City before each license is granted.

2. Issuance of License. The Police Department, upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately. *(Code of Iowa, Sec. 372.13 [4])*

3. Transfer of License. Upon the sale or other transfer of ownership of a licensed bicycle, a new license shall be applied for. *(Ord. 277 – Aug. 11 Supp.)*

77.02 LICENSE PLATES OR DECALS. License plates or decals are required as follows:

1. Issued. The Police Department, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the City. *(Code of Iowa, Sec. 372.13 [4])*

2. Attached to Bicycle. The Police Department shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly seen from the rear. *(Code of Iowa, Sec. 321.236 [10])*

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued unless said bicycle is dismantled and no longer operated upon any street in the City. *(Code of Iowa, Sec. 321.236 [10])*

4. Lost License. In the event a license plate or decal shall be lost, destroyed or stolen, the owner shall report such to the Police Department immediately. A new license shall be issued upon payment of a fee of twenty-five cents (25¢). *(Code of Iowa, Sec. 321.236 [10])*

77.03 MAINTENANCE OF LICENSE RECORDS. The Police Department shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected. *(Code of Iowa, Sec. 372.13 [4])*. 
# CHAPTER 78

## GOLF CARTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>78.01</td>
<td><strong>Purpose.</strong> The purpose of this chapter is to permit the operation of golf carts on 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.</td>
</tr>
<tr>
<td>78.02</td>
<td><strong>Definition.</strong> “Golf cart” means a three or four wheeled recreational vehicle generally used for the transportation of persons in the sport of golf on a golf course. Golf cart does not include an all-terrain vehicle (ATV) or other similarly designed and operated vehicles.</td>
</tr>
<tr>
<td>78.03</td>
<td><strong>Permit.</strong> Each golf cart operated on City streets shall have attached, to the right rear of the golf cart, a special permit issued by the City of Adel at an annual fee of $50.00. The application for the permit shall set forth that the golf cart meets the requirements of this section and the Code of Iowa and that the owner of the golf cart (and driver) has liability insurance covering the golf cart in the same limits required by Chapter 321 of the Code of Iowa.</td>
</tr>
<tr>
<td>78.04</td>
<td><strong>Traffic Code Applies.</strong> Every person operating a golf cart upon a street or alley shall be granted all of the rights and privileges and shall be subject to all the duties and obligations applicable to the driver of a vehicle and to the laws of the State declaring the rules of the road applicable to the driver of the vehicle, except as to those provisions which by their nature can have no application.</td>
</tr>
<tr>
<td>78.05</td>
<td><strong>Riding on Golf Carts.</strong> The number of riders on a golf cart shall not exceed the number of occupants for which the golf cart is designed. All riders must be seated on a seat designed for that purpose and seats shall not be overcrowded.</td>
</tr>
<tr>
<td>78.06</td>
<td><strong>Prohibited Streets.</strong> Golf carts shall not be operated upon any City street that is a primary road extension through the City, namely Nile Kinnick Drive/Hwy 169 and Greene Street/Hwy 6 all the way through the corporate limits. However, golf carts may cross such primary road extensions. For purposes of this chapter primary road extensions shall include State Highways. Golf carts shall not be allowed to operate on public sidewalks, bike paths, multi-purpose trails, or upon public green spaces such as parks.</td>
</tr>
<tr>
<td>78.07</td>
<td><strong>Minimum Age; Driver’s License.</strong> Any person operating a golf cart upon any City street must be 16 (sixteen) years of age or older and have in his or her possession a valid motor vehicle driver’s license.</td>
</tr>
<tr>
<td>78.08</td>
<td><strong>Equipment.</strong> Golf carts operated upon any street shall be equipped with a slow-moving vehicle sign and a bicycle safety flag and shall have adequate brakes.</td>
</tr>
<tr>
<td>78.09</td>
<td><strong>Hours of Operation.</strong> Golf carts may be operated on City streets only from sunrise to sunset.</td>
</tr>
</tbody>
</table>
78.10 **PENALTY.** A person who violates this chapter is guilty of a simple misdemeanor punishable as a non-scheduled violation under Iowa Code.

*(Ch. 78 – Ord. 278 – Mar. 12 Supp.)*

[The next page is 415]
CHAPTER 80
ABANDONED VEHICLES

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

(Code of Iowa, Sec. 321.89(1))

1. “Abandoned vehicle” means any of the following:
   A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
   B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
   C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
   D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
   E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
   F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. “Demolisher” means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

80.02  Authority to Take Possession of Abandoned Vehicles. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity which is a garage keeper (any operator of a parking place or
establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles) to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority’s initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties’ last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority’s initiative, the notice shall state that the private entity may claim a garage keeper’s lien as described in Section 321.90 of the Code of Iowa, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period. (Ord. 262–Jan. 10 Supp.)

(Code of Iowa, Sec. 321.89[3a])

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])
80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay all towing charges if stored by the City, and towing and storage fees, if stored in a public garage; whereupon, said vehicle shall be released. The amount of towing charges and the rate of storage charges by privately owned garages shall be established by such facility.

(Code of Iowa, Sec. 321.89[3a])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])
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 sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 **CONNECTION CHARGE.** There shall be a connection charge in the amount of two hundred fifty dollars ($250.00) paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.07 **COMPLIANCE WITH PLUMBING CODE.** The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *International Plumbing Code.*

90.08 **PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Clerk shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars ($1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections to the water system or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of two years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars ($1,000.00) may be filed with the City.

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

90.10 **TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:
1. **Independent Services.** No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provisions is made so that each house, building or premises may be shut off independently of the other.

2. **Sizes and Location of Taps.** All mains six (6) inches or less in diameter shall receive no larger than a \( \frac{3}{4} \) -inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. **Corporation Stop.** A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

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

5. **Tapping Fees.** A fee of one hundred fifty dollars ($150.00) shall be charged if a City employee is requested to perform the tap.

**90.11 INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

**90.12 RESPONSIBILITY FOR WATER SERVICE PIPE.** All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

**90.13 FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

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

**90.15 INTERIOR VALVE.** There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

**90.16 INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent...
refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

**90.17 COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber’s bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

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

**90.19 OPERATION OF CURB VALVE AND HYDRANTS.** It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.
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.

91.03 Fire Sprinkler Systems - Exception. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

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

91.05 Meter Setting. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 Meter Costs. The additional 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 Building or Construction Purposes. Water for building or construction purposes or for watering trees will be furnished by meter measurement only after a deposit of one hundred dollars ($100.00) has been made. All water for building or construction purposes must pass through one and the same meter.

91.10 Deduct Water Meters. A deduct water meter may be installed to measure water that is not discharged into the sanitary sewer system. The deduct water meter must be
purchased at City Hall at cost, plus $25.00. Upon purchase it is the owner’s responsibility to install, maintain and replace the meter. Only meters purchased from and registered by the City will be allowed a sewer usage credit.
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.

(Code of Iowa, Sec. 384.84)

92.02 Rates for Service. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

<table>
<thead>
<tr>
<th>Gallons Used Per Month</th>
<th>July 1, 2017 – June 30, 2018 Rate (3% increase)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 5,000 gallons</td>
<td>$7.67 per 1,000 gallons (minimum bill $15.34)</td>
</tr>
<tr>
<td>6,000 – 20,000 gallons</td>
<td>$5.17 per 1,000 gallons</td>
</tr>
<tr>
<td>21,000 – 100,000 gallons</td>
<td>$4.18 per 1,000 gallons</td>
</tr>
<tr>
<td>101,000 gallons and over</td>
<td>$3.27 per 1,000 gallons</td>
</tr>
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<table>
<thead>
<tr>
<th>Gallons Used Per Month</th>
<th>July 1, 2018 – June 30, 2019 Rate (3% increase)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 5,000 gallons</td>
<td>$7.90 per 1,000 gallons (minimum bill $15.80)</td>
</tr>
<tr>
<td>6,000 – 20,000 gallons</td>
<td>$5.33 per 1,000 gallons</td>
</tr>
<tr>
<td>21,000 – 100,000 gallons</td>
<td>$4.31 per 1,000 gallons</td>
</tr>
<tr>
<td>101,000 gallons and over</td>
<td>$3.36 per 1,000 gallons</td>
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</table>

<table>
<thead>
<tr>
<th>Gallons Used Per Month</th>
<th>July 1, 2019 – June 30, 2020 Rate (3% increase)</th>
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</thead>
<tbody>
<tr>
<td>First 5,000 gallons</td>
<td>$8.14 per 1,000 gallons (minimum bill $16.28)</td>
</tr>
<tr>
<td>6,000 – 20,000 gallons</td>
<td>$5.49 per 1,000 gallons</td>
</tr>
<tr>
<td>21,000 – 100,000 gallons</td>
<td>$4.44 per 1,000 gallons</td>
</tr>
<tr>
<td>101,000 gallons and over</td>
<td>$3.46 per 1,000 gallons</td>
</tr>
</tbody>
</table>

(Ord. 316 – Jul. 17 Supp.)
92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates one hundred fifty percent (150%) of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first 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 twentieth (20th) day of the month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

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

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer in whose name the delinquent charges were incurred that service will be discontinued if payment of the combined service account, including late payment charges, is not received within ten (10) days after the date due. Such notice shall be sent by first class mail within five (5) working days after a bill becomes delinquent and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. (Ord. 250 – Oct. 08 Supp.)
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested within forty-eight (48) hours of receipt of notice, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the City Administrator finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A turn-on fee of fifty dollars ($50.00) shall be charged at the time of the turn-off where separate turn-off and turn-on trips are made necessary before payment is rendered and the service is restored to a delinquent customer.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)
92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord’s written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant for residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every residential customer a one hundred dollar ($100.00) deposit intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a ten dollar ($10.00) fee collected for shutting the water off at the curb valve and a ten dollar ($10.00) fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.11 RATE ADJUSTMENTS. Rate adjustments will be considered and computed before the first of July each year by City staff, including consultation with the City’s Engineer and the City’s Financial Advisor. The proposed adjustments shall be submitted to the Council for review and approval. Any adjustments shall go into effect on the July bill, payable July 20th.

(Ord. 316 – Jul. 17 Supp.)
92.12 COMMUNITY WATER INITIATIVE (CWI) SURCHARGE. Every person, firm, or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City Water System shall pay a CWI surcharge in the amount of five dollars ($5.00) per month beginning July 1, 2017, twelve dollars ($12.00) per month beginning July 1, 2018, and twenty-four dollars ($24.00) per month beginning July 1, 2019.

(Ord. 316 – Jul. 17 Supp.)

[The next page is 445]
CHAPTER 93

WATER CONSERVATION PLAN

93.01 Purpose. The purpose of this chapter is to impose a Water Conservation Plan within the City of Adel, Iowa.

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

1. “Customer” means any person, company, or organization using processed potable water supplied by the City of Adel.
2. “Consumed” means water has passed through a customer’s meter or is otherwise furnished by the City’s Water Utility.
3. “Domestic Water Use” means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, or sanitation.
4. “Commercial and Industrial Use” means water used to produce goods or to furnish services by any establishment having financial profit as a primary aim.

93.03 Water Shortages. Under the conditions set forth in this Ordinance, the City Administrator and Public Works Director, in consultation with the Water Department personnel, may find, and by Proclamation declare, a public Water Watch, Water Warning, or Water Emergency, during which time the following measures and provisions shall be in effect to prevent depleting the water supply for human consumption and sanitation and to produce an orderly and equitable reduction of water consumption.

Immediately upon the issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses, regulated or prohibited under the Ordinance, are considered to be non-essential and continuation of such uses during time of water shortage is deemed to constitute a waste of water, subjecting the users to surcharges, disconnection costs and excess consumption fees.

93.04 Conditions.

1. Water Watch: A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include but are not limited to:

   A. System operating at 70% of pumping capacity.
   B. Moderate decrease in the pumping water levels of wells.
   C. Moderate decrease in the recovery rate of water levels in wells.
2. **Water Warning**: A Tier I or Tier II Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future.

Indicators of the need to impose a Tier I Water Warning include but are not limited to:

A. System operating at 80% of pumping capacity.
B. Significant decrease in the pumping water level of wells.
C. Significant decrease in the recovery rate of water levels in wells.

Indicators of the need to impose a Tier II Water Warning include but are not limited to:

A. Severe system emergencies (e.g., chemical spill).
B. Major system failure in feeder mains or treatment plant.
C. Other factors which pose a significant threat to the ability of the Water Utility to furnish adequate supplies of potable processed water.

3. **Water Emergency**: A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include but are not limited to:

A. System operation at 90% of pumping capacity.
B. Serious decrease in the recovery rate of water level in wells.
C. Major system failure in feeder mains or treatment plant.
D. Other factors which pose a significant threat to the ability of the Water Utility to furnish adequate supplies of potable processed water.

**93.05 GENERAL PROCEDURE.** In the time during or following drought conditions or equipment failure, the following procedures shall be followed:

1. **Water Watch**: Under a Water Watch, all customers of the municipal water service are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage.

A. No watering of lawns, shrubs, or gardens between the hours of 8:00 a.m. and 8:00 p.m.
B. Car washing is prohibited except in commercial establishments that provide that service.
C. No water should be used to fill private swimming pools, children’s wading pools, or any other outdoor pool or pond.
D. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
E. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
F. Water should be served at restaurants only upon the request of the customer.
2. **Water Warning – Tier I**: Under a Tier I Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

   A. Outdoor watering or irrigation of lawn is prohibited.
   B. Car washing is prohibited except in commercial establishments that provide that service.
   C. No water shall be used to fill private swimming pools, children’s wading pools, reflecting pools, or any other pool or pond.
   D. No water shall be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
   E. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
   F. Water shall be served at restaurants only upon the request of the customer.
   G. Tank load water sales may be curtailed or eliminated.

   Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

3. **Water Warning – Tier II**: Under a Tier II Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

   A. All outside water use, except for domestic, sanitation, and fire is prohibited.
   B. All commercial and industrial uses of water not essential in providing products or services are prohibited.
   C. Irrigation, or absolutely all forms, is prohibited.
   D. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use is prohibited.
   E. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

4. **Water Emergency**: Under a Water Emergency, Tier I and Tier II Water Warning use restrictions shall be in effect and, in addition, all violations that occur under a water emergency shall fall under, for a first offense, the second violation rule and shall have double the surcharge rates listed. All violations and misuse of public drinking water shall be considered a direct threat to public health and service will be discontinued immediately. Service shall resume only when all fines and fees have been paid for. Any further subsequent violations which are considered a threat to public health shall result in service disconnect and shall only be lifted after requirements for safety assurances have been set in place by the City Administrator and the Public Works Director and met by the owner once all fees and fines have been paid.
5. The City of Adel Water Department has the right, at any given time with just cause, to disconnect service to various non-vital/recreational services for the purpose of water preservation in times of need. These non-vital/recreational services may be, but not limited to:

A. Irrigation for recreational fields and any agreements of irrigation.
B. Public restrooms serviced by the City of Adel.
C. Water fountains and spigots provided by the City of Adel for recreational use.
D. Water supply to camp ground facilities.
E. Water supply to the public pool.

93.06 **SURCHARGES.** The following surcharges shall be applied for violations of Water Warning use restrictions imposed under this chapter. Violations during a Water Emergency are considered a minimum “second violation” and are double the rates listed below.

1. **First Violation:** For a first violation, the Water Utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Watch, Water Warning, or Water Emergency.

2. **Second Violation:** For a second violation within a twelve month period, an administrative surcharge shall be imposed on the customer’s account in an amount of one hundred dollars ($100.00) plus two hundred percent (200%) of the fiscal year’s highest month’s water bill.

3. **Subsequent Violation:** For any subsequent violation within a twelve month period, an administrative surcharge shall be imposed in an amount equal to five hundred dollars ($500.00) plus two hundred percent (200%) of the fiscal year’s highest month’s water bill, and, in addition, the utility shall interrupt water service to the customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the surcharge and the reconnection fee and has provided reasonable assurance that future violations of Water Watch, Water Warning, or Water Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Watch, Water Warning, or Water Emergency use restriction may request a hearing before the Adel City Council. The council may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the administrative surcharge.

93.07 **WATER APPEAL.** The Adel City Council shall oversee appeals of any action taken pursuant to a Water Watch, Water Warning or Water Emergency; however, if a customer is charged with a municipal infraction relating to this ordinance, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa. Appeals shall be requested in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that the directive or surcharge must be followed as ordered. The hearing shall be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if the directive or surcharge are found valid, it shall be ordered and fulfilled within a reasonable time under the circumstances.

93.08 **REDUCTION IN FLOW OF WATER TO ANY PERSON.** The Water Department, under authorization of the City Administrator and the Public Works Director, may reduce or disconnect the flow of water to any customer determined to be using water in any manner not
in accordance with this ordinance during a Water Watch, Water Warning, or Water Emergency or for any matter that may be deemed a risk to public health. All unmetered usage, without absolute consent from the City, is considered a threat to public health and may receive a reduction of flow or disconnect of flow if a Water Watch, Water Warning, or Water Emergency is or is not in affect.

This reduction or potential disconnection may occur with or without notice, as judgement of severity has been decided by the City Administrator and the Public Works Director with the assistance of the Water Department.

(Ch. 93 – Ord. 319 – Jul. 17 Supp.)
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 (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.

2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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

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

5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.
95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.

2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.
95.04  **PROHIBITED ACTS.** No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

   *(Code of Iowa, Sec. 716.1)*

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

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

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

95.05  **SEWER CONNECTION REQUIRED.** The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, 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 sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet (61 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

   *(IAC, 567-69.1[3])*

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

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

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**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 sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner’s control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 CONNECTION CHARGE.** There shall be a connection charge in the amount of two hundred dollars ($200.00) paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

**96.03 PLUMBER REQUIRED.** All installations of building sewers and connections to the public sewer shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewer chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Clerk shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the minimum sum of one thousand dollars ($1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars ($1,000.00) may be filed with the City.

**96.04 CONNECTION REQUIREMENTS.** The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *International Plumbing Code*, the laws of the State and other applicable rules and regulations of the City.
96.05 **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.

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

96.07 **INSPECTION REQUIRED.** No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the *International Plumbing Code*.

96.08 **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.

96.09 **ABATEMENT OF VIOLATIONS.** Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

*(Code of Iowa, Sec. 364.12[3])*
CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges
97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

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

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent (2%)
of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner’s expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).

2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.

3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.


10. Unusual Wastes. Materials which exert or cause:
   A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
   B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
   C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
   D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

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

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

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

98.01 WHEN PROHIBITED. 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

99.01 PURPOSE. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City’s treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

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

1. “Normal domestic wastewater” means wastewater that has a BOD concentration of not more than 200 mg/l, and a suspended solids concentration of not more than 200 mg/l.

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

3. “Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

4. “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.

5. “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 is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
6. “Useful life” means the estimated period during which the wastewater treatment works will be operated.

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

8. “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 and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

99.04 ACCOUNTS DESIGNATED. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in this chapter 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 (excluding replacement) 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 at least annually from the Operation, Maintenance and Replacement Fund in the amount of $15,000.00 annually.

99.05 YEAR-END BALANCES. 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 fiscal 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 of the user charge rates for operation, maintenance and replacement. 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.

99.06 CHARGES BASED ON USAGE. Each user shall pay for the services provided by the City based on said user’s use of the treatment works as determined by water meters acceptable to the City, as follows:

1. For residential customers, monthly user charges will be based on water usage during the month.

2. For industrial and commercial customers, user charges shall be based on water used during the current month. If a commercial or industrial customer has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a
wastewater meter or separate water meter installed and maintained at the customer’s expense, and in a manner acceptable to the City.

99.07 USER CHARGES. Each customer shall pay a user charge in accordance with the following:

July 1, 2017 – June 30, 2018 Rates (3% Increase)

1. Based on water usage:
   A. First 5,000 gallons - $7.30 per 1,000 gallons
   B. Everything thereafter - $5.24 per 1,000 gallons
2. Septic Haulers – minimum 1,500 gallons = $111.75
3. Minimum Sewer Charge - $14.60

In no case shall the minimum user charge be less than $14.60 per month, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility.

July 1, 2018 – June 30, 2019 Rates (3% Increase)

1. Based on water usage:
   A. First 5,000 gallons - $7.52 per 1,000 gallons
   B. Everything thereafter - $5.40 per 1,000 gallons
2. Septic Haulers – minimum 1,500 gallons = $115.10
3. Minimum Sewer Charge - $15.04

In no case shall the minimum user charge be less than $15.04 per month, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility.

July 1, 2019 – June 30, 2020 Rates (3% Increase)

1. Based on water usage:
   A. First 5,000 gallons - $7.75 per 1,000 gallons
   B. Everything thereafter - $5.56 per 1,000 gallons
2. Septic Haulers – minimum 1,500 gallons = $118.55
3. Minimum Sewer Charge - $15.50

In no case shall the minimum user charge be less than $15.50 per month, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility.

(Ord. 317 – Jul. 17 Supp.)

99.08 SPECIAL CHARGES. For those customers who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

$0.40 per pound B.O.D.
$0.40 per pound SS

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

99.10 **APPLICATION.** The user charge rates established in this chapter apply to all users of the City’s treatment works, regardless of their location. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer user charges to the premises. Sewer user 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.

99.11 **BILLING AND PAYMENT.** All users shall be billed under the same terms and conditions provided for payment for water service. The provisions contained in Section 92.08 relating to notices of delinquency and lien notices shall also apply in the event of a delinquent sewer user charge.

99.12 **REVIEW OF RATES.** The City shall review the user charge system at least every two (2) years 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 CHANGE.** The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

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

99.15 **SEWER USAGE CREDIT.** A sewer usage credit shall be issued for water measured through a deduct meter installed per Section 91.10 of this Code of Ordinances, in accordance with the following:

1. During the month of October each year the deduct meter must be brought to City Hall to receive a credit for sewer usage on the water bill.

2. If the meter is not brought in on an annual basis, credit will be based on the following formula, based on amount of water used and number of years since last reading:

\[
\frac{\text{Amount of water used}}{\text{Number of years}} = \text{SewerUsageCredit}
\]
For example, if you do not have the meter read for two (2) years, and you use 16,000 gallons of water through the meter during that period, your sewer usage credit would be 8,000 gallons.

99.16 RATE ADJUSTMENTS. Rate adjustments will be considered and computed before the first of July each year by City staff, including consultation with the City’s Engineer and the City’s Financial Advisor. The proposed adjustments shall be submitted to the Council for review and approval. Any adjustments shall go into effect on the July bill, payable July 20th.

(Ord. 317 – Jul. 17 Supp.)

99.17 COMMUNITY SEWER INITIATIVE (CSI) SURCHARGE. Every person, firm, or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City Sewer System shall pay a CSI surcharge in the amount of seven dollars ($7.00) per month beginning July 1, 2017, twelve dollars ($12.00) per month beginning July 1, 2018, and fifteen dollars ($15.00) per month beginning July 1, 2019.

(Ord. 317 – Jul. 17 Supp.)
[The next page is 495]
CHAPTER 105

SOLID WASTE CONTROL

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

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

2. “Director” means the director of the State Department of Natural Resources or any designee.

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

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

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

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

5. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

   (IAC, 567-100.2)

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

   (IAC, 567-20.2[455B])

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

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

8. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
9. “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.
   \( \text{(IAC, 567-100.2)} \)

10. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including two (2) separate dwelling units.

11. “Residential waste” \( \text{(Repealed by Ordinance No. 235 – Jul. 07 Supp.)} \)

12. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.
   \( \text{(IAC, 567-100.2)} \)

13. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
   \( \text{(IAC, 567-100.2)} \)

14. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.
   \( \text{(Code of Iowa, Sec. 455B.301)} \)

15. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.
   \( \text{(Code of Iowa, Sec. 455B.301)} \)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.
   \( \text{(Code of Iowa, Ch. 657)} \)

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:
   \( \text{(IAC, 567-23.2[455B] and 567-100.2)} \)

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.
   \( \text{(IAC, 567-23.2[3a])} \)
2. **Trees and Tree Trimmings.** The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.
   
   \((IAC, \ 567-23.2[3b])\)

3. **Flare Stacks.** The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.
   
   \((IAC, \ 567-23.2[3c])\)

4. **Landscape Waste.** The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth \((\frac{1}{4})\) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.
   
   \((IAC, \ 567-23.2[3d])\)

5. **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, garbage or litter shall not be burned in a recreational fire.  
   \(\text{(Ord. 235 – Jul. 07 Supp.)}\)
   
   \((IAC, \ 567-23.2[3e])\)


7. **Training Fires.** Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.
   
   \((IAC, \ 567-23.2[3g])\)

8. **Controlled Burning of a Demolished Building.** The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.
   
   \((IAC, \ 567-23.2[3j])\)

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 shall be composted or burned on the premises or placed in acceptable containers and set out for collection. The type of container to be used, collection schedule and manner of collection shall be as established by the collector, subject to Council approval. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

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

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

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

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

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. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)


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

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

   A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

   B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. **Location of Containers for Collection.** Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served.

4. **Nonconforming Containers.** Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

### 105.11 **PROHIBITED PRACTICES.** It is unlawful for any person to:

1. **Unlawful Use of Containers.** Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. **Interfere with Collectors.** Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. **Incinerators.** Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

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

### 105.12 **SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by South Dallas County Landfill are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.
CHAPTER 106

COLLECTION OF SOLID WASTE

106.01  Collection Service. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The City shall provide for the collection of recyclable material from residential and commercial premises in accordance with the provisions of the contract between the City and the collector and in accordance with the rules and regulations of the recycling program as established by resolution of the Council.

106.02  Collection Vehicles. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. (IAC, 567-104.9[455B])

106.03  Loading. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04  Frequency of Collection. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05  Bulky Rubbish. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06  Right of Entry. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07  Contract Requirements. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.
106.08 COLLECTION FEES. The collection, recycling and disposal of solid waste and yard waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor, for each residential premises and for each dwelling unit of a two-family dwelling, in accordance with contracts entered into by resolution of the Council.

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Authority to Establish Rates. The City will fix, establish, maintain – and revise from time to time whenever necessary – such rates, fees, rentals, or other charges for the use and services of the disposal facilities operated by the Agency, as more fully described in the Solid Waste Disposal Service Contract, to always provide in each year revenues sufficient to pay the proportionate share of the City for: (i) operation and maintenance expenses for said disposal facilities; (ii) the principal of and interest on Solid Waste Disposal Revenue Bonds; and (iii) all reserves, renewal and replacement funds and other funds provided for in any resolution authorizing the issuance of such Solid Waste Disposal Revenue Bonds.

2. Fees collected pursuant to contracts entered into by the City include: Solid Waste, Recycling and Yard Waste. Landfill membership fees shall be levied by agreement between the City and the South Dallas County Landfill.

3. Initial Schedule of Rates. An initial schedule of such rates, fees, tolls, and other charges to be levied and collected from the residents of the City for the use and services of said disposal facilities shall be established and put into effect whenever necessary in order for the City to comply with the provisions of its Solid Waste Disposal Service Contract; provided, however, the City may in its discretion apply such other lawfully available moneys it has on hand for such purpose. The applicable monthly rates are identified in the following table:

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consolidated House-Side Service</td>
<td>$11.82</td>
</tr>
<tr>
<td>Recycling (including yard waste)</td>
<td>$3.88</td>
</tr>
</tbody>
</table>

(Ord. 305 – Aug-15 Supp.)

4. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)
CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted

FRANCHISE GRANTED. MidAmerican Energy, a corporation, its successors and assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter†, as provided by law, to acquire, construct, operate and maintain in the City a gas plant or plants, gas transmission, storage and distribution systems and related equipment and appurtenances, used or to be used in the production, storage, transmission or distribution of natural gas, liquefied petroleum gas, or other hydrocarbon gases, or any mixture of gases for public and private use and to construct and maintain such gas utilities over, across and under the streets, highways, avenues, alleys and public places the necessary fixtures and equipment for such purposes; and for the term of this franchise the Company is further granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company.

110.02 Regulatory Power of City

REGULATORY POWER OF CITY. The franchise shall not be exclusive and shall not restrict in any manner the right of the Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

† EDITOR’S NOTE: Ordinance No. 164 adopting a gas franchise for the City was passed and adopted on March 14, 1995.
CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted
111.02 Electrical Safety Code
111.03 Regulatory Power of City

111.01 FRANCHISE GRANTED. MidAmerican Energy, a corporation, its successors and assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter, as provided by law, to acquire, construct, operate and maintain in the City the necessary facilities for the production, distribution, transmission and sale of electric energy for public and private use and to construct and maintain along, upon, across, and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes; and for the term of this franchise the Company is further granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company.

111.02 ELECTRICAL SAFETY CODE. All construction, exclusive of distance from buildings or other structures, shall be in compliance with the standards of the Iowa Electrical Safety Code as adopted by the Iowa Utilities Board. Grantee shall have the right to trim or remove trees when reasonably necessary to efficiently operate its plant and render service.

111.03 REGULATORY POWER OF CITY. The franchise shall not be exclusive and shall not restrict in any manner the right of the Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

†EDITOR’S NOTE: Ordinance No. 163A adopting an electric franchise for the City was passed and adopted on March 14, 1995.
112.01  FRANCHISE GRANTED.  U. S. West Company, a corporation (the “Company”), its successors and assigns are hereby granted the right to use and occupy the streets, alleys and other public places of the City for a term of twenty-five (25) years from the effective date of the ordinance codified by this chapter†, for the purpose of constructing, maintaining and operating a general telephone system within the City.

112.02  POLICE POWER. The rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon the City.

† EDITOR’S NOTE: The ordinance adopting a telephone franchise for the City was passed and adopted on December 13, 1985.
CHAPTER 112

TELEPHONE FRANCHISE

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CHAPTER 113

CABLE TELEVISION FRANCHISE AND REGULATIONS

113.01 Definitions. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Basic cable" is the lowest priced tier of cable service that includes the retransmission of local broadcast television signals.

2. "Cable Act" means Title VI of the Communications Act of 1934, as amended.

3. "Cable services" means (i) the one-way transmission to subscribers of a) video programming or b) other programming service and (ii) subscriber interaction, if any, which is required for the selection or use of such video programming or any other programming service.

4. "Cable system" means the Grantee’s facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple customers within the service area.

5. "FCC" means Federal Communications Commission or successor governmental entity thereto.

6. "Franchising Authority" means the City of Adel, Iowa.

7. "Grantee" means MCC Iowa LLC, or the lawful successor, transferee or assignee thereof.

8. "Gross revenues" means any revenues received from the operation of the cable system received by Grantee from subscribers for basic cable services in the service area, provided, however, that gross revenues shall not include franchise fees, the FCC user...
fee or any tax, fee or assessment of general applicability collected by the Grantee from subscribers for pass-through to a government agency.

9. “Person” means an individual, partnership, association, joint stock company, trust, corporation or governmental entity.

10. “Public way” means the surface of, and the space above and below any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the service area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system.

11. “Service area” means the present boundaries of the Franchising Authority and includes any additions thereto by annexation or other legal means, subject to the exceptions in Section 113.13.

12. “Standard installation” is defined as 125 feet from the nearest tap to the subscriber’s terminal.

13. “Subscriber” means a person who lawfully receives cable service of the cable system with the Grantee’s express permission.

113.02 GRANT. The Franchising Authority hereby grants to the Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system in, along, among, upon, across, above, over, under or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any public way such facilities and equipment as may be necessary or appurtenant to the cable system for the transmission and distribution of cable services, data services, information and other communications services or for any other lawful purposes.

113.03 OTHER ORDINANCES. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this franchise. Neither party may unilaterally alter the material rights and obligations set forth in this franchise. In the event of a conflict between any ordinance and this franchise, the franchise shall control.

113.04 OTHER AUTHORIZATIONS. The Franchising Authority shall not permit any person to provide services similar to those provided by the Grantee in the service area without first having secured a non-exclusive franchise from the Franchising Authority. The Franchising Authority agrees that any grant of additional franchises or other authorizations including OVS authorizations by the Franchising Authority to provide services similar to those provided by the Grantee pursuant to this agreement to any other entity shall cover the entire service area and shall not be on terms and conditions more favorable or less burdensome to the Grantee of any such additional franchise or other authorization than those which are set forth herein. In any renewal of the franchise, the Franchising Authority, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchise(s) or authorizations previously granted and find that the proposed increased obligations in the renewal are not more burdensome and/or less favorable than those contained in any such additional franchise(s) or authorizations.
113.05 **CONDITIONS OF OCCUPANCY.** The cable system installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any such public ways.

113.06 **RESTORATION OF PUBLIC WAYS.** If during the course of Grantee’s construction, operation or maintenance of the cable system there occurs a disturbance of any public way by the Grantee, the Grantee shall replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

113.07 **RELOCATION FOR THE FRANCHISING AUTHORITY.** Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes or any other type of public structures or improvements which are not used to compete with the Grantee’s services. The Grantee shall in all cases have the right of abandonment of its property.

113.08 **RELOCATION FOR A THIRD PARTY.** The Grantee shall, on the request of any person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way as necessary any property of the Grantee, provided: (i) the expense of such is paid by the person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (ii) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this section, “reasonable advance written notice” shall be no less than thirty (30) business days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.

113.09 **TRIMMING OF TREES AND SHRUBBERY.** The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the cable system.

113.10 **SAFETY REQUIREMENTS.** Construction, operation and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable Federal, State and local regulations and the National Electric Safety Code.

113.11 **UNDERGROUND CONSTRUCTION.** In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its cable system underground. Grantee shall participate in and use Iowa One Call and ensure that cable is buried at a depth of a minimum of twelve inches (12”). Temporary drops will be buried within one month of installation, weather permitting. Nothing contained in this section shall require the Grantee to construct, operate and maintain underground any ground-mounted appurtenances.

113.12 **ACCESS TO OPEN TRENCHES.** The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (1) the utility or developer give the Grantee at least ten (10) days advance
CHAPTER 113  CABLE TELEVISION FRANCHISE AND REGULATIONS

written notice of the availability of the open trench, and (2) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

113.13 REQUIRED EXTENSIONS OF THE CABLE SYSTEM. Grantee agrees to provide cable service to all residences in the service area subject to the density requirements specified in this section. Whenever the Grantee receives a request for cable service from a potential subscriber in a unserved area contiguous to Grantee’s existing distribution facilities where there are at least 10 residences within 1320 cable-bearing strand feet (one-quarter cable mile) from the portion of the Grantee’s trunk or distribution cable which is to be extended, it shall extend its cable system to such subscribers at no cost to said subscribers for cable system extension, other than the published standard/non-standard installation fees charged to all subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the cable system into any portion of the service area where another operator is providing cable service, into any annexed area which is not contiguous to the present service area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

113.14 SUBSCRIBER CHARGES FOR EXTENSIONS OF THE CABLE SYSTEM. No subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of Section 113.13, the Grantee shall only be required to extend the cable system to subscriber(s) in that area if the subscriber(s) are willing to share the capital costs of extending the cable system. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1320 cable-bearing strand feet from the Grantee’s trunk or distribution cable, and whose denominator equals 10. Subscribers who request service hereunder shall bear the remaining cost to extend the cable system on a pro rata basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance. Subscribers shall also be responsible for any standard/non-standard installation charges to extend the cable system from the tap to the residence.

113.15 CABLE SERVICE TO PUBLIC BUILDINGS. The Grantee, upon request, shall provide without charge a standard installation and one outlet of basic cable service to those administrative buildings owned or occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its cable system. The cable service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The cable service provided shall not be used for commercial purposes and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee’s cable system or any loss or damage to Grantee’s cable system. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of cable service required by this section. The Grantee shall not be required to provide an outlet to such buildings where a non-standard installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary cable system extension and/or non-standard installation. If additional outlets of basic cable service are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

113.16 EMERGENCY ALERT. Any Emergency Alert System (“EAS”) provided by Grantee shall be operated in accordance with FCC regulations. Any use of such EAS by the Franchising Authority will be only in accordance with the applicable State and local plans as
approved in accordance with such FCC regulations. Except to the extent expressly prohibited by law, the Franchising Authority will hold the Grantee, its employees, officers and assigns harmless from any claims arising out of use of the EAS, including, but not limited to reasonable attorneys’ fees and costs.

113.17 REIMBURSEMENT OF COSTS. If funds are available to any person using the public way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.

113.18 DROP MAINTENANCE. Grantee shall maintain and replace subscriber drops during its normal operation of the cable system that do not meet the standards of the National Electric Safety Code. The cable system shall be designed to allow each subscriber drop to provide service to three (3) outlets.

113.19 LIQUIDATED DAMAGES. The Franchising Authority may assess against the Grantee a penalty of one hundred dollars ($100.00) per day for failure to meet the construction requirements of this Franchise Agreement provided that the due process provisions of Sections 113.33—113.38 of this Agreement are followed in their entirety.

113.20 CONVERSION. Subscribers shall not be charged by Grantee for conversion from the existing system to any upgraded or rebuilt system. In the event that special additional or customized equipment is requested by any subscriber or is required to provide such service to any subscriber, Grantee may charge the subscriber for such equipment.

113.21 PARENTAL CONTROL DEVICES. Grantee shall provide to subscribers, upon request, parental control devices that allow any channel or channels to be locked out. Such devices shall block both the video and the audio portion of such channels to the extent that both are unintelligible. The cost to subscribers for parental control devices is subject to FCC regulations.

113.22 TECHNICAL STANDARDS. The cable communications system permitted to be operated hereunder shall be installed and operated in conformance with the chapter, the Franchise, and FCC rules and regulations. Any FCC technical standards or guidelines related to the cable communications system and facilities shall be deemed to be regulations under this Franchise. At such time as the FCC does not regulate technical standards, Grantee will continue to comply with the FCC standards which were in effect on the effective date of this Franchise.

113.23 PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS. During the term of this Franchise Agreement, the parties may enter into a supplemental Agreement whereby the Grantee will provide the Franchising Authority with one (1) access channel on the cable system designated for public, educational or government access purposes, under terms and conditions (including the provision by Grantee of the equipment necessary to originate cablecast programming) mutually agreeable by the parties. Any access channel made available to the Franchising Authority shall be for the purpose of cablecasting non-commercial programming by City residents, City administration, and educational institutions. The Franchising Authority will not use the access channel to provide commercial or revenue-generating services that may compete with services provided by the Grantee, provided, however, that the Franchising Authority may cablecast acknowledgements of funding sources and the underwriting of programming costs.
113.24 SUBSCRIBER INFORMATION AND POLICY.

1. Subscriber Information. Grantee shall provide subscriber information as required by applicable law and FCC regulation throughout the term of the Franchise.

2. Subscriber Complaints. Pursuant to the franchise, Grantee shall promptly respond to and resolve all subscriber complaints. However, nothing herein shall require Grantee to maintain or repair any equipment not provided by it.

3. Major Outages. Grantee shall maintain records of all major outages defined as a discontinuation of cable service from one or more fiber nodes in the City of Adel. Such records shall indicate the estimated number of subscribers affected, the date and time of first notification or of Grantee knowledge of the outage, the date and time service was restored, the cause of the outage and a description of the corrective action taken. Such records shall be available to the Franchising Authority during normal business hours upon reasonable prior notice and retained in Grantee’s files for not less than five (5) years. Upon written request of the Franchising Authority, a statistical summary of such records shall be prepared by Grantee and submitted to the Franchising Authority annually.

4. Customer Handbook. Grantee shall provide written customer policies or a handbook to all new subscribers and, thereafter, upon request. Grantee’s written customer policies or handbook shall, at a minimum, comply with all notice requirements in the chapter and those promulgated by the FCC. If Grantee’s operating rules are changed subscribers shall be notified in a timely manner. Rate and consumer complaint information will be distributed annually to subscribers. Grantee shall file a consumer handbook with the Franchising Authority annually upon request.

5. Downgrades. Subscribers shall have the right to have cable service downgraded in accordance with FCC rules. No charge shall be made for disconnection of basic service. The billing for such service will be effective immediately and such disconnection or downgrade shall be made as soon as practicable. Nothing contained in this section shall not prohibit Grantee from requiring that subscribers provide advance notice of intent to disconnect services. A refund of unused service charges shall be paid to the customer within forty-five (45) days from the date of termination of service.

6. Outages. For service interruptions of over four (4) hours and up to fourteen (14) days, the Grantee shall provide, at the subscriber’s verbal or written request, a credit of one thirtieth (1/30) of one month’s fees for affected services for each 24-hour period service is interrupted for four (4) or more hours. For service interruptions of over fourteen (14) days, the Grantee shall provide, at the subscriber’s verbal or written request for a rebate, a credit of one month’s fees for affected services. This provision shall not apply if the service interruption is the result of a cable system upgrade or rebuild.

7. Subscriber Contracts. All contracts between Grantee and their subscribers shall be in compliance with this Franchise. Grantee shall file a copy of the Grantee’s subscriber contract with the Franchising Authority annually upon request.

8. Repair Calls. Grantee shall offer subscribers repair service appointments in four-hour or less windows.

9. Installation. Subscriber service shall be installed within seven days of a request during normal operating conditions.
10. Administrative Fee and Disconnects. Administrative fees may be charged on any accounts which have not been paid prior to the next billing cycle. Disconnection of accounts due to non-payment occurs no sooner than after 45 days of due date.

11. Subscriber Bill. Grantee shall include its name, address, and telephone number on the subscriber bill and the portion of the bill retained by the subscriber. Grantee shall have the Franchising Authority’s address and telephone number included on the subscriber’s bills.

113.25 FRANCHISE FEE.

1. The Grantee shall pay to the Franchising Authority a franchise fee of two percent (2%) of annual gross revenues (as defined in Section 113.01 of this chapter). In accordance with the Cable Act, the twelve (12) month period applicable under the franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due and payable within 60 days after December 31 and June 30 of each year. Any fee not paid when due shall bear interest at a rate of one and one-half percent per month from date due. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

2. Limitation on Franchise Fee Actions. The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee is due to the Franchising Authority.

3. Franchise Fee Audit. Grantee will fully cooperate with a franchise fee audit performed by a professional firm that is chosen by the Franchising Authority. The costs associated with the audit will be paid for by the Franchising Authority, except that the Grantee shall pay for the costs if the audit shows an underpayment of franchise fees in excess of five percent (5%) or more for a reporting period.

4. Franchise Fee Increases. The Grantee may request an increase in franchise fees at any time during the term of the franchise, equal to the maximum percentage allowed by Federal law. However, such request shall be made in writing and the Grantee will not be liable for said increase until proper notice, as defined by Federal law, is given to its subscriber. Prior to making a final decision regarding an increase in franchise fees, the Franchising Authority shall conduct a public hearing and shall grant an opportunity to the Grantee to discuss the proposed increased franchise fee.

113.26 RATES AND CHARGES. The Franchising Authority may regulate rates for the provision of basic cable service and equipment as expressly permitted by Federal law.

113.27 RENEWAL OF FRANCHISE.

1. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee’s franchise shall be governed by and comply with the provisions of Federal law.

2. In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the franchise prior to expiration of its term.
3. Notwithstanding anything to the contrary set forth in this section, the Grantee and the Franchising Authority agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of Federal law, the Franchising Authority and Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current franchise and the Franchising Authority may grant a renewal thereof.

4. The Grantee and the Franchising Authority consider the terms set forth in this section to be consistent with the express renewal provisions of the Cable Act.

113.28 CONDITIONS OF SALE. If a renewal or extension of Grantee’s franchise is denied or the franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act. The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the franchise, the Grantee shall be given at least twelve (12) months to effectuate a transfer of its cable system to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its cable system which is reasonably acceptable to the Franchising Authority, the Grantee and Franchising Authority may avail themselves of any rights they may have pursuant to Federal or State law. It is further agreed that the Grantee’s continued operation of its cable system during the twelve-month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee.

113.29 TRANSFER OF FRANCHISE. The Grantee’s right, title or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an entity controlling, controlled by or under common control with the Grantee, without prior written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the Grantee in the franchise or cable system in order to secure indebtedness.

113.30 BOOKS AND RECORDS. The Grantee agrees that the Franchising Authority, upon thirty (30) days written notice to the Grantee and no more than once annually, may review such of its books and records at the Grantee’s business office, during normal business hours and on a nondisruptive basis, as is reasonably necessary to ensure compliance with the terms of this franchise. Such notice shall specifically reference the section of the franchise which is under review, so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority’s representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for franchise compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing cable service in the service area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide subscriber information in violation of Section 631 of the Cable Act.
113.31 INSURANCE REQUIREMENTS. The Grantee shall maintain insurance in full force and effect, at its own cost and expense, during the term of the franchise. The Franchising Authority shall be designated as an additional insured and such insurance shall be noncancellable except upon thirty (30) days’ prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this section.

113.32 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of the Grantee’s construction, operation or maintenance of its cable system in the service area, provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within ten (10) days of receipt of a claim or action pursuant to this section. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

113.33 NOTICE OF VIOLATION. In the event that the Franchising Authority believes that the Grantee has not complied with any material term of the franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

113.34 GRANTEE’S RIGHT TO CURE OR RESPOND. The Grantee shall have thirty (30) days from receipt of the notice described in Section 113.33 to: (i) respond to the Franchising Authority contesting the assertion of noncompliance; or (ii) to cure such default; or (iii) in the event that, by the nature of the default, it cannot be cured within the thirty-day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

113.35 PUBLIC HEARING. In the event that the Grantee fails to respond to the notice as described in Section 113.33 pursuant to the procedures set forth in Section 113.34, or in the event that the alleged default is not remedied within thirty (30) days or the date projected pursuant to Section 113.34(iii) above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least ten (10) days’ prior written notice of such hearing, which specifies the time, place and purpose of such hearing and provide the Grantee the opportunity to be heard.

113.36 ENFORCEMENT. Subject to applicable Federal and State law, in the event the Franchising Authority, after the hearing set forth in 113.35, determines that the Grantee is in material default of any provision of the franchise, the Franchising Authority may:

1. Commence an action at law for monetary damages or seek other equitable relief; or
2. In the case of repeated or ongoing substantial noncompliance with a material term or terms of the franchise, seek to revoke the franchise in accordance with Section 113.37.

113.37 REVOCATION. Should the Franchising Authority seek to revoke the franchise after following the procedures set forth in Sections 113.33 – 113.36, the Franchising Authority shall
give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the repeated or ongoing substantial noncompliance with a material term or terms of the franchise. The Grantee shall have ninety (90) days from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the franchise at a public meeting. The Franchising Authority shall cause to be served upon the Grantee, at least thirty (30) days prior to such public meeting, a written notice specifying the time and place of such hearing and stating its intent to revoke the franchise. At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing. Following the hearing, the Franchising Authority shall determine whether or not the franchise shall be revoked. If the Franchising Authority determines that the franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Franchising Authority de novo. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of the Grantee’s receipt of the determination of the Franchising Authority. The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority’s rights under the franchise in lieu of revocation of the franchise.

113.38 FORCE MAJEURE. The Grantee shall not be held in default under or in noncompliance with the provisions of the franchise or suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which Grantee’s cable system is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary. Furthermore, the parties hereby agree that it is not the Franchising Authority’s intention to subject the Grantee to penalties, fines, forfeitures or revocation of the franchise for violations of the franchise where the violation was a good faith error that resulted in no or minimal negative impact on the subscriber within the service area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or subscribers.

113.39 ACTIONS OF PARTIES. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

113.40 ENTIRE AGREEMENT. This franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this franchise shall be mutually agreed to in writing by the parties.

113.41 RESERVATION OF RIGHTS. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The Franchising Authority acknowledges
that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws. If at any time during the term of this franchise, Federal, State or local law permits any provider of video programming to provide services such as those provided pursuant to this franchise either without obtaining a franchise from the Franchising Authority or on terms or conditions more favorable than those applicable to the Grantee, then this franchise shall at the sole discretion of the Grantee: a) cease to be in effect; or b) be deemed to expire at a date prior to the original expiration date selected by the Grantee; or c) will be automatically reformed to grant to the Grantee the more favorable terms, benefits and conditions available to the other provider.

113.42 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response required by this franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: a) upon receipt when hand delivered with receipt/acknowledgment, b) upon receipt when sent certified, registered mail, c) within five (5) business days after having been posted in the regular mail, or d) the next business day if sent by express mail or overnight air courier.

The notices or responses to the Franchising Authority shall be addressed as follows:

City of Adel
City Administrator
301 South 10th Street
Adel, IA  50003-0248

The notice of responses to the Grantee shall be addressed as follows:

MCC Iowa LLC
Attn: Government Relations
2195 Ingersoll Avenue
Des Moines, IA  50312-5289

With a copy to:

MCC Iowa LLC
Mediacom Communications Corporation
Attn: Legal Department
100 Crystal Run Road
Middletown, NY  10941
The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this section.

113.43  TERM AND EFFECTIVE DATE. The effective date of this franchise is the date of final adoption by the Franchising Authority, subject to Grantee’s acceptance by countersigning where indicated on the ordinance. This franchise shall be for a term of ten (10) years from such effective date†. The agreement shall have the option of one renewable five (5) year term, subject to approval by both the Franchising Authority and the Grantee.

† EDITOR’S NOTE: Ordinance No. 232 adopting a cable television franchise for the City was passed and adopted on December 12, 2006.
CHAPTER 114

REGULATION OF CABLE TELEVISION RATES

114.01 Regulation of Rates
114.02 Administration of Rate Regulation
114.03 Rate Regulation Proceedings

114.01 REGULATION OF RATES. The Council shall be authorized to engage in the regulation of rates for cable service of a cable system operated within the City, provided that such regulation shall only be conducted in a manner which is consistent with 47 U.S.C. §543 and FCC Report and Order in Docket 92-266, FCC 93-177, the terms of which, including all subsequent amendments, are incorporated herein by reference.

114.02 ADMINISTRATION OF RATE REGULATION. The Council may, for purposes of administration of such rate regulation, delegate the authority granted above to any qualified and acting committee or commission created by the Mayor or the Council.

114.03 RATE REGULATION PROCEEDINGS. The Council, or its duly authorized delegate, shall, in all rate regulation proceedings, provide a reasonable opportunity for consideration of the views of interested parties.
[The next page is 575]
CHAPTER 115

CEMETERY

115.01  DEFINITION.  The term “cemetery” means the Oakdale Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the Code of Iowa and which shall be operated under the provisions of Chapter 523I of the Code of Iowa and this chapter.

(Code of Iowa, Sec. 523I.501)

115.02  TRUSTEESHIP.  Pursuant to Section 523I.502 of the Code of Iowa, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

115.03  CEMETARY SUPERINTENDENT.  The Cemetery Superintendent is the Public Works Director and shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

115.04  DUTIES OF SUPERINTENDENT.  The duties of the Cemetery Superintendent are as follows:

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

1.  Supervise Openings.  Supervise the opening of all graves and be present at every interment in the cemetery;

2.  Maintenance.  Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Council.

115.05  RECORDS.  It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership.  The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1.  Sales or Transfers of Interment Rights.
   A.  The name and last known address of each owner or previous owner of interment rights.
   B.  The date of each purchase or transfer of interment rights.
   C.  A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.

2.  Interments.
   A.  The date the remains are interred.
115.06 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the Code of Iowa. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

(Code of Iowa, Sec. 523I.310)

115.07 PERPETUAL CARE. The Council, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

115.08 CEMETERY LOTS WITHOUT PERPETUAL CARE. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the City of the perpetual care charges at the rates specified in the rules and regulations.

115.09 ANNUAL CARE. An annual care charge as specified in the rules and regulations shall be made by the City on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The City reserves the right to refuse to furnish maintenance service, or to permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.

115.10 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery’s obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism.

(Code of Iowa, Sec. 523I.304)
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 which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person’s or club’s agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o’clock (2:00) a.m. and six o’clock (6:00) a.m. on a weekday, and between the hours of two o’clock (2:00) a.m. on Sunday and six o’clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or
wine between the hours of eight o’clock (8:00) a.m. on Sunday and two o’clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class “B” beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o’clock (8:00) a.m. on Sunday and two o’clock (2:00) a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of eight o’clock (8:00) a.m. on Sunday and two o’clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year’s Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee’s place of business.

(Code of Iowa, Sec. 123.49 [2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

11. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.
12. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class “C” beer permit only.

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.
CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01  Definitions

For use in this chapter the following terms are defined:

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.

5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.

6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

(Ord. 246 Mar. 08 Supp.)

121.02  PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.
2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

<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, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars ($300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) or the retailer’s permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer’s permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500.00) and the retailer’s permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four (4) years, the retailer’s permit shall be revoked.

The Clerk shall give ten (10) days’ written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)
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, merchandise or offering services who sells or offers for sale such goods, merchandise, or services from house to house or upon the public streets including any person who takes orders house to house for goods, merchandise or services for later delivery.

2. “Peddling” means the selling or offering for sale services, goods or merchandise which are carried by a person from house to house or upon the public streets including the taking of orders house to house for goods, merchandise, or services for later delivery.

3. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

4. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 License Required. Any person engaging in peddling, soliciting 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 in person with the City Clerk for a license required under this chapter. The applicant shall provide the following information:
1. Applicant’s name, email address, if any, and local phone number or cell phone number;
2. Permanent and local address, business address, business email address and phone number, if any;
3. Physical description and a government-issued photo identification card;
4. Applicant’s employer, if any, and the employer’s address, email address and phone number;
5. The nature of the applicant’s business;
6. The last three places of such business;
7. The length of time sought to be covered by the license;
8. Applicant’s Federal identification number and the Federal identification number for any business applicant is peddling under as an agent, employee or otherwise;
9. An Iowa sales tax permit number or a letter from the Iowa Department of Revenue confirming a sales tax permit is not required;
10. A Department of Criminal Investigation criminal history report/record for applicant from the state of applicant’s residence for the previous five (5) years to include pending charges; such report or record must be dated no more than 30 days prior to the application;
11. Whether applicant has been listed on any sex offender registry within the last five (5) years;
12. Whether applicant has had a peddler’s, solicitor’s, or transient merchant’s license suspended, revoked or denied by this or any other city in the last five (5) years and the reasons therefor;
13. The dates of any pervious peddlers’ licenses issued by the City Clerk.

122.05 ISSUANCE OF LICENSE; FEES. The City Clerk, upon review of the license application with the police department and any other appropriate department or agency, shall determine whether a license will be issued to the applicant. A waiting period of not less than three (3) business days from the date of the application shall be in effect to provide sufficient time for the City Clerk’s fact gathering process to be completed in a reasonable period. In making his/her decision, the Clerk shall consider the following factors:

1. The information in the application is found to be correct;
2. All information required has been provided and the application is complete;
3. The required bond is paid;
4. Applicant does not have a transient merchant, solicitor, or peddler license under suspension or revocation under this chapter.

Upon the City Clerk deciding the factors have been satisfied by the applicant, a license shall be issued upon payment of the bond and the non-refundable fee in advance as set in the schedule of fees adopted by the City Council by resolution annually.
122.06  **BOND REQUIRED.**

1. **Transient Merchant.** Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

2. **Peddlers.** No peddler’s license shall be issued until the applicant has delivered to the City Clerk a cash bond for no less than $200.00 per license or $1,000.00 for an employer employing a group of five (5) or more license applicants.

   A. The bond shall be held to indemnify and pay the City any penalties or costs incurred in the enforcement of any of the sections of this chapter and indemnify or reimburse any purchaser of services, goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such services, goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares, merchandise, services or any part thereof.

   B. The balance of the bond shall be released by the City Clerk and returned to the applicant or employer upon request by the applicant or employer at any time more than four months after expiration of the peddler’s license(s) for which the cash bond was provided, unless the City Clerk has received notice of appending action in the State or Federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the City Clerk shall not release any bond during the pendency of any such action.

122.07  **REPEALED; RESERVED FOR LATER USE.**

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 eight o’clock (8:00) a.m. and seven o’clock (7:00) p.m.

122.11  **SUSPENSION, REVOCATION OR DENIAL OF LICENSE.** Any license issued pursuant to this chapter shall be either summarily suspended or revoked by the City Clerk for violation of this chapter, conducting business in an otherwise unlawful manner, misrepresentation of facts in the application, failing to meet the factors set forth in this chapter including Section 122.05, and/or conducting business in such a manner as to endanger the public welfare, safety, order or morals.
122.12 NOTICE. A summary suspension, revocation or denial shall be promptly communicated to the applicant or the applicant’s representative by phone at the phone number provided in the application. Written notice shall also be mailed by U.S. mail to the applicant at the business address identified in the application informing the applicant of the suspension, revocation or denial, the reasons therefor, and the applicant’s right to appeal to a hearing before the City Council. The only issue on the appeal to the Council shall be whether the suspension, revocation or denial is supported by a preponderance of the evidence.

122.13 HEARING; APPEAL. Upon receipt of the applicant’s suspension, revocation or denial of license, the applicant or applicant’s representative may request in writing a hearing before the Council within 30 days of receiving notice of the suspension, revocation or denial. The Council shall convene a hearing at its next regularly scheduled meeting following receipt of applicant’s request for a hearing.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law at the hearing and shall carry out the decision of the Council.

122.15 REPEALED; RESERVED FOR LATER USE.

122.16 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.

122.17 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Persons making door-to-door sales for the purpose of a community improvement of benefit approved by the City Council on behalf of non-profit, tax-exempt corporations.

2. Club Members. Members of local civic and service clubs, including, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.


4. Route Sales. Route delivery persons who deliver and sell goods, services, or merchandise to established customers and who only incidentally solicit additional business.

5. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purpose 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 504A 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 this chapter.

122.19 PROHIBITED ACTS. No solicitor or peddler shall conduct any soliciting or peddling in the following manner:

1. With any person situated in a motor vehicle upon any public street, alley, driveway access, or public way;
2. Upon any part of the public right of way along a parade route on the day of any permitted parade;
3. Within one thousand (1,000) feet of the perimeter of a street closure, or inside such perimeter, for an event where a street use permit/special event permit has been issued unless written permission is obtained for the permit holder;
4. Conduct soliciting or peddling between the hours of 7:00 p.m. and 8:00 a.m.;
5. Conduct business or attempt to conduct business upon any property on which has a posted notice prohibiting soliciting or peddling;
6. Harass, intimidate, coerce or threaten any individual to induce a sale;
7. Falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale or sell any unwholesome or tainted food or foodstuffs.

(Ch. 122 – Ord. 294 – Sep. 13 Supp.)
CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 Permit Required. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 Application. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, Public Works Director and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 Bond Required. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars ($5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - $50,000 per person; $100,000 per accident.
2. Property Damage - $50,000 per accident.

123.06 Permit Fee. A permit fee of twenty-five dollars ($25.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.
123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder’s bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.
CHAPTER 124
LICENSING OF JUNK DEALERS

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

1. “Junk dealer” means any person engaged in the business of collecting, storing, buying or selling junk, including the activity known as “auto salvage.”

2. “Junk” means old or secondhand vehicles, machinery, iron or other materials, rope, rags, glass, fabric, cordage, wood or paper not suitable for sale for the purpose for which the same was originally fabricated, but which is salvageable so as to be used again in some manner.

3. “Junked automobile” means any automobile not capable of being driven from the place of its location under its own power without the addition of parts or repair thereon, and in addition, any automobile not equipped with four inflated tires is considered a junked automobile.

124.02  LICENSE REQUIRED. It is unlawful for any person to engage in the vocation of junk dealer in the City without having a license as herein provided.

124.03  PERSONS ENTITLED TO BE LICENSED. Any person who satisfies the conditions prescribed for a license and satisfies the Council that said person’s operation does not and will not endanger the public welfare, order, safety, health or morals is entitled to a license upon filing of proper application and paying the full fee required.

124.04  APPLICATION. Application for a license shall be made in writing, setting out the true names of the owners of said business, the exact description of the premises upon which the applicant intends to operate the business, the nature and kinds of material and junk which will be bought, sold and stored, and the said application shall be accompanied by a deposit in the amount of the required license fee. The said application shall also contain a statement by the applicant to the effect that the applicant will abide by and conduct the business in accordance with all regulations of the City.

124.05  LICENSE FEE. The license fee is fifty dollars ($50.00) per annum, and said license shall expire one year after date of issue.

124.06  POWER TO INVESTIGATE AND INSPECT. The City Administrator shall have the power to inspect and investigate the conduct of the occupation licensed or to be licensed under this chapter or to cause such an inspection or investigation to be made by a peace officer.

124.07  ISSUANCE OF LICENSE. Said application for license shall be promptly considered by the Council, which shall determine, within sixty (60) days after filing thereof with the City.
Administrator, whether and if the said application is approved by the Council. A license, as herein referred to, shall be issued by the City Administrator immediately following the approval thereof by the Council.

124.08 REQUIREMENTS AND REGULATIONS. Applicants for a license under this chapter shall comply with the following requirements and regulations:

1. Fence Required. All junk yards shall be enclosed by a board or metal fence at least eight (8) feet in height, so constructed and built as to completely remove and obstruct the interior of said junk yard from the view of persons on the outside thereof and with gates solid in construction which shall, when closed, completely obstruct and remove from view the interior of the said junk yard, which gates or gate shall at all times be kept closed when not in actual use.

2. Storage. No old iron, tin, fencing, wire, scrap metal, rubber tires, rags, papers or other junk shall be stored outside the confines of a building or the required enclosing fence.

3. Junked Automobiles. No wrecked, junked, dismantled or abandoned automobiles shall be placed, parked, stored, maintained or left upon any public street or alley or upon any parking along said street or upon any public, private or railroad property or pieces of land outside the required enclosing fence.

4. Burning Restricted. The burning of materials giving off offensive odors or smoke in quantities which are objectionable is prohibited.

5. Dismantling. No person in the junk business shall engage in the dismantling, wrecking or breaking up of any automobile, piece of machinery or article outside of the confines of the required enclosures.

124.09 TRANSFER PROHIBITED. In no case shall a license issued hereunder be transferable to another person or used for any purposes other than that for which it was issued.

124.10 REVOCATION OF LICENSE. The Council may, by a two-thirds vote of the entire Council following hearing, revoke any license issued hereunder if the holder thereof has been convicted of three (3) or more violations within one year from the date of issuance of said license, of any of the requirements and regulations as set out in Section 124.08.

124.11 NOTICE OF HEARING. The notice of hearing on revocation of a license shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure at least five (5) days prior to the date of hearing. The notice shall state the time and place of hearing and the reasons for the intended revocation.

124.12 CONTINUING VIOLATION. Upon the conviction of any person of a violation of any of the sections of this chapter, the peace officer shall immediately notify said person or persons so convicted to remove the junk or junk materials or cars complained of and constituting the basis of said conviction and upon the failure of said person or persons to remove the same within a period of seven (7) days, the maintenance of such accumulation of junk shall constitute a separate and distinct offense in the same manner as if no previous conviction has been obtained.
CHAPTER 125
LOCAL HOTEL AND MOTEL TAX

125.01  PURPOSE. The purpose of this chapter is to impose a local hotel and motel tax within the City of Adel, Iowa.

125.02  DEFINITIONS. As used in this Chapter, the terms “lodging”, “renting”, “rent”, and “sales price” shall have the meanings assigned to them, respectively, in Chapter 423A of the Code, as amended.

125.03  TAX IMPOSED. There is hereby imposed a local hotel and motel tax at the rate of seven percent (7%) upon the sales price from the renting of lodging within the City of Adel, Iowa.

125.04  EXEMPTIONS. The exemptions set forth in Section 423A.5(2), Code of Iowa (2015), as amended, are hereby adopted by reference and made a part hereof.

125.05  RESTRICTIONS ON USE OF TAX REVENUE. The revenue derived from the imposition of the local hotel and motel tax shall be used as follows:

1. At least fifty percent (50%) of the revenues derived therefrom for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City of Adel, Iowa for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the City of Adel, Iowa and surrounding areas.

2. The remaining revenues may be spent by the City of Adel, Iowa for any city operations authorized by law as a proper purpose for the expenditure within statutory limitations of city revenues derived from ad valorem taxes.

125.06  EFFECTIVE DATE. The local hotel and motel tax set forth herein shall be imposed on all sales prices received on or after July 1, 2017.

125.07  COLLECTION. The local hotel and motel tax imposed herein shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

(Ch. 125 – Ord. 314 – Jan. 17 Supp.)
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## CHAPTER 135

### STREET USE AND MAINTENANCE

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### 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.
CHAPTER 135  STREET USE AND MAINTENANCE

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 unless such person first obtains permission therefor as hereinafter provided:

1. Notice. Before permission is granted, the person shall file with the City a written notice giving the following information:
   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. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street

3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the contractor/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 contractor/property owner.

5. Backfilling and Resurfacing. All backfilling and resurfacing of any street or alley shall be done by the City at the expense of the contractor/property owner.

6. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the contractor/property owner.

7. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the contractor and/or property owner. The contractor 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 forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not
be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

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

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street 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 DRIVEWAY ACCESS. Property owners shall by building permit obtain approval for additional driveway access to properties within the City. The manner of curb removal shall be approved by the Public Works Director. All new driveway approaches on improved or brick streets shall be hard surface (asphalt or concrete) to the property line.
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 Sidewalks Required.
1. The intent and purpose of this section is to establish a procedure which will enable the City to insure the orderly and harmonious development of a City-wide sidewalk system in such a manner as will safeguard the public’s health, safety and general welfare.

2. Notwithstanding any other provisions of this Code of Ordinances, all dwellings, business buildings, and commercial buildings, whether occupied or unoccupied, shall have a permanent sidewalk built for the entire width and/or length of the lot or lots upon which the dwelling, business building, or commercial building is located, and the sidewalks shall be built for the entire width and/or length of all sides of the lot or lots which abut a street.

3. In the event that no grade has been set or there is no curb and gutter on the street upon which the sidewalk is to be placed, the Council may waive the sidewalk requirement on application of the affected property owner and upon the affected property owner signing an agreement to install such a sidewalk within one hundred twenty (120) days after the property owner has been notified that a curb and gutter has been installed and/or that the grade has been set. The agreement shall be verified and placed on record in the office of the Dallas County Recorder, and shall be a covenant running with the land binding the heirs and assigns of the property owner.

4. When the strict application of standards or requirements established by this section would cause substantial hardship or impose unreasonable restrictions regarding the installation of a sidewalk because of natural or physical conditions or limitations not created by the owner or developer, the Council may grant such waivers and/or variances from these standards or requirements as may be necessary pursuant to the following procedure. At such time when the conditions or limitations are eliminated, the owner or developer will be required to install such sidewalk within one hundred twenty (120) days after notification by the City.

5. The applicant under this subsection shall prepare an application to the Planning and Zoning Commission for review of the required sidewalk. The applicant may
request a waiver of the sidewalk requirement or a variance of the sidewalk requirement. Within forty-five (45) days after receiving the application, the Planning and Zoning Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove the request. Failure by the Planning and Zoning Commission to act within forty-five (45) days shall be deemed a recommendation for approval of the request.

6. The Council shall establish criteria and specific design standards to assist it and the Planning and Zoning Commission when considering applications for waivers and/or variances. All such criteria and specific design standards shall be established in such a way as to insure the orderly and harmonious development of a City-wide sidewalk system in such a manner as will safeguard the public’s health, safety and general welfare.

7. Upon recommendation from the Planning and Zoning Commission to the Council, the applicant’s request will be put on the agenda for the next regularly scheduled Council meeting for final approval or disapproval by the Council. If the Council rejects the request, the Council will advise the applicant of any changes which are desired or that should have consideration before approval will be given. The applicant shall then submit the revised original for certification by the Council. The Planning and Zoning Commission and the Council, in approving or disapproving any requests and in making requests for alterations or amendments to the request as presented, shall be governed by the general policies as set out by this section and by the criteria and specific design standards established by the Council.

8. The enforcement of this section shall be by special assessment pursuant to Division IV of Iowa Code Chapter 384.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

2. “Defective sidewalk” means any public sidewalk exhibiting one or more of the following characteristics:
   A. Vertical separations equal to three-fourths (¾) inch or more.
   B. Horizontal separations equal to one (1) inch or more.
   C. Holes or depressions equal to three-fourths (¾) inch or more and at least four (4) inches in diameter.
   D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half (½) inch or more.
   E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (¾) inch or more.
   F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
   G. A sidewalk with any part thereof missing to the full depth.
   H. A change from the design or construction grade equal to or greater than three-fourths (¾) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.

4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.


7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.

8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

9. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.04 REMOVAL OF ACCUMULATIONS OF SNOW AND ICE. It is the responsibility of the abutting property owners to remove all accumulations of snow and ice promptly from sidewalks. If a property owner does not remove all accumulations of snow and ice within twenty-four (24) hours after a snowfall, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

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

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

136.06 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])

136.07 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)

136.08 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.
136.09 SIDEWALK SPECIFICATIONS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be constructed in accordance with specifications therefor adopted by resolution of the Council. A copy of said specifications shall be kept on file in the office of the Clerk.

136.10 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it 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.

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

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

136.13awnings. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.14 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.

136.15 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.
136.16 **FIRES OR FUELS ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.17 **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)

136.18 **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])

136.19 **MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.20 **SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.
CHAPTER 137
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 thirty (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 dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

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.

(Code of Iowa, Sec. 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.

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
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<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
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<tr>
<td>130</td>
<td>February 5, 1991</td>
<td>143</td>
<td>December 3, 1991</td>
</tr>
<tr>
<td>147</td>
<td>June 9, 1992</td>
<td></td>
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</tbody>
</table>
CHAPTER 138

STREET GRADES

138.01 Established Grades

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

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

<table>
<thead>
<tr>
<th>ORDINANCE NO.</th>
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<th>ORDINANCE NO.</th>
<th>ADOPTED</th>
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<tbody>
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<td>154</td>
<td>April 13, 1993</td>
<td>172</td>
<td>October 23, 1995</td>
</tr>
<tr>
<td>189</td>
<td>April 26, 1999</td>
<td>230</td>
<td>May 9, 2006</td>
</tr>
</tbody>
</table>

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.
CHAPTER 139

NAMING OF STREETS

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.

2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.

3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: “This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Adel, Iowa.”

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: “On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description),” which entry shall be signed by the Mayor and attested by the Clerk.
CHAPTER 140

CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power

This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

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

(Code of Iowa, Sec. 306A.2)

1. “Controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

2. “Primary Road No. 90” means that public highway which has been renumbered as U.S. Highway No. 6.

140.03 Right of Access Limited. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

140.04 Access Controls Imposed. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Project No. P-1118. On the Primary Road System extension improvement, Project No. P-1118, Primary Road No. 90, within the City, described as follows:

   West end of Raccoon River Bridge (Sta. 21+00) to east corporation line (Sta. 23+25)

   regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. P-1118, on file in the office of the Clerk.

140.05 Unlawful Use of Controlled Access Facility. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. **Turns.** Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. **Use of Lanes.** Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.

4. **Enter Facility.** Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

**140.06 SPEED LIMITS.** The maximum speed limit on U.S. Highway No. 6 is thirty-five (35) miles per hour from Station 21+00 to Sta. 23+25.

**140.07 PARKING RESTRICTED.** Parking of any nature is prohibited on both sides of U.S. Highway No. 6 from Station 21+00 to Station 23+25.

[The next page is 661]
CHAPTER 145

DANGEROUS BUILDINGS

145.01  ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02  GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

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 (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04  NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight
(48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

(Code of Iowa, Sec. 364.12 [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 ADEL, IOWA.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

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

† 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.
assessment against the land on which the building or structure is located, and shall be certified
to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])
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
   (3) or more mobile homes or manufactured homes, or a combination of any of these
   homes, are placed on developed spaces and operated as a for-profit enterprise with
   water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to
include manufactured or mobile homes, buildings, tents or other structures temporarily
maintained by any individual, educational institution or company on their own premises and
used exclusively to house their own labor or students. The manufactured home community or
mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02  CONVERSION TO REAL PROPERTY. A mobile home or manufactured home
which is located outside a manufactured home community or mobile home park shall be
converted to real estate by being placed on a permanent foundation and shall be assessed for
real estate taxes except in the following cases:
(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as
   part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is
   located outside of a manufactured home community or mobile home park as of January
1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)
CHAPTER 147

FIRE ZONE

147.01 Fire Zone Established
147.02 Plans Submitted
147.03 Buildings Prohibited
147.04 Construction Standards
147.05 Reconstruction Prohibited
147.06 Special Permit
147.07 Removal of Buildings
147.08 Storage of Materials Restricted

147.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all of the following territory:

Commencing at a point which is the center of the intersection of Eleventh Street and the center of the alley running east and west through Block 6 of the original town of Adel, thence east to the center of Tenth Street, thence north along the center of Tenth Street to the center of Rapids Street, thence east along the center of Rapids Street to the center of Seventh Street, thence south along the center of Seventh Street to the center of the alley running east and west through Blocks 11 and 12 of the original town of Adel, thence east along the center of said alley to the center of Sixth Street, thence south along the center of Sixth Street to the center of Main Street, thence west along the center of Main Street to the center of Seventh Street, thence south along the center of Seventh Street to the center of Prairie Street, thence west along the center of Prairie Street to the center of Tenth Street, thence north along the center of Tenth Street to the center of the alley running west through Blocks 15 and 16 of the original town of Adel, thence west to the center of Eleventh Street, thence north along the center of Eleventh Street to the point of beginning, and comprising parts of Blocks 6, 11, 15, and all of Blocks 7, 8, 9, 12, 16, 17 and 18 and what is known as the Court House Square, all in the original town of Adel.

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

147.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

147.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III - 1 hour fire resistant - construction, as specified in the Uniform Building Code.

147.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.
147.06 **SPECIAL PERMIT.** The Council may, by four-fifths (4/5) vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six (6) months from the date of such permission.

147.07 **REMOVAL OF BUILDINGS.** Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within thirty (30) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 **STORAGE OF MATERIALS RESTRICTED.** No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

[The next page is 681]
CHAPTER 150

BUILDING NUMBERING

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

1. “Owner” means the owner of the principal building.

2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 Owner Requirements. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 Building Numbering Map. The Clerk shall be responsible for preparing and maintaining a building numbering map.
CHAPTER 151

TREES

151.01 Definitions. For use in this chapter, the following definitions are given.

1. “Parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

2. “Park trees” are trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City to which the public has free access as a park.

3. “Street trees” are trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

151.02 City Tree Board. The Park and Recreation Board serves as City Tree Board for the City.†

151.03 Street Tree Species to be Planted. No person shall plant any tree in the parking or street without written permission of the Council, after recommendation by the City Tree Board. The following list constitutes the official street tree species for the City.

<table>
<thead>
<tr>
<th>SMALL TREES</th>
<th>MEDIUM TREES</th>
<th>LARGE TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crabapple, Flowering</td>
<td>Hackberry</td>
<td>Coffeetree, Kentucky</td>
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<tr>
<td>Spring Snow</td>
<td>Honeylocust (thornless)</td>
<td>Maple, Silver</td>
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<td>Profusion</td>
<td>Linden, Basswood</td>
<td>Oak, Bur</td>
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<td>David</td>
<td>Oak, English</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Red Jewel</td>
<td>Oak, Red</td>
<td>Sycamore, London planetree</td>
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<td>Professor Springer</td>
<td>Birch, River</td>
<td>Cottonwood (cottonless, male)</td>
</tr>
<tr>
<td>Donald Wyman</td>
<td>Ginkgo Biloba (male)</td>
<td></td>
</tr>
<tr>
<td>Mary Potter</td>
<td>Saucer Magnolia</td>
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</tr>
<tr>
<td>Fuji</td>
<td>Pear, Flowering</td>
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<td>Adams</td>
<td>Aristocrat</td>
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<td>Ormiston Roy</td>
<td>Chanticleer</td>
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<td>Plum, Purpleleaf</td>
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<tr>
<td>Serviceberry</td>
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</table>

(Ord. 247 – Sep. 08 Supp.)

†EDITOR’S NOTE: See Section 24.04 for duties and responsibilities of City Tree Board.
CHAPTER 151

TREES

151.04 SPACING. The spacing of street trees will be in accordance with the three species size classes listed in Section 151.03, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings designated or approved by a landscape architect.

151.05 DISTANCE FROM SIDEWALK. The distance trees may be planted from sidewalks will be in accordance with the tree species size classes listed in Section 151.03 and no trees may be planted closer to any sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

151.06 DISTANCE FROM STREET CORNERS AND FIRE PLUGS. No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten (10) feet from any fireplug.

151.07 UTILITIES. No street trees other than those species listed as small trees in Section 151.03 may be planted under or within ten (10) lateral feet of any overhead electrical wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

151.08 PUBLIC TREE CARE. The City has the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property owner for collection in the same manner as a property tax. The City Tree Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter.

151.09 TREE TOPPING. It is unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Tree Board.

151.10 PRUNING, CORNER CLEARANCE. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of fifteen (15) feet above the surface of the street or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device.
or sign. It is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.11 **DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.** The City has the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees within the City. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner’s property tax notice.

151.12 **REPLACEMENT OF TREES.** If the City has cause to remove a tree or trees for any reason, the City will plant three (3) trees for each tree removed. The trees will be planted in accordance with the comprehensive City Tree Plan.

151.13 **REMOVAL OF STUMPS.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

151.14 **INTERFERENCE WITH CITY TREE BOARD.** It is unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private ground, as authorized in this chapter.

151.15 **REVIEW BY COUNCIL.** The Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the Council who may hear the matter and make final decision.

151.16 **PENALTY.** Any violation of the provisions of this chapter is hereby declared a nuisance, subject to appropriate penalties and actions as provided in Chapter 50 of this Code of Ordinances.
[The next page is 691]
CHAPTER 152
GRASS AND WEEDS

152.01  PURPOSE.  The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

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

1. “Curb,” “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

152.03  CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner’s property, to a uniform height as defined in Section 152.04.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner’s property.

152.04  UNIFORM HEIGHT SPECIFICATIONS.  Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas – not to exceed eight inches (8”).
2. Undeveloped Residential Areas – not to exceed ten inches (10”).
3. Business and Industrial Areas – not to exceed eight inches (8”).
4. Agriculture Areas – not to exceed twenty-four inches (24”).

Grass, weeds and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter.
152.05 **NOXIOUS WEEDS.**

1. Every owner shall cut and control noxious weeds upon the owner’s property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner’s property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds. Failure of a property owner to cut and control noxious weeds as herein provided shall be deemed and found to be a health, safety and fire hazard in violation of this chapter.

2. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

152.06 **NOTICE TO ABATE.** Upon discovery of any violations of this chapter, the City may initiate abatement procedures pursuant to Chapter 50 of this Code of Ordinances or proceed under Chapter 3 of this Code of Ordinances.

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CHAPTER 153

VACANT BUILDING PERMIT AND INSPECTION

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153.01 DEFINITIONS. The following definitions shall apply in this chapter:

1. Accessory building/structure. A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; i.e., a garden house, greenhouse, garage, carport, shed, fence, or retaining wall.

2. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

3. Exterior premises. The open space on the premises or the portion of the premises upon which there is not a structure.

4. Good repair. “Good Repair” shall mean free from blighting and hazardous conditions, clean and sanitary, and in safe condition.

5. Imminent hazard. A condition which could cause serious or life-threatening injury or death at any time.

6. Mixed occupancy. Occupancy of a structure in part for residential use and in part for some other use not accessory thereto.

7. Occupant. An occupant is any person who leases or lawfully resides in a building or premises, or a portion of a building or premises.

8. Owner. Any person having a title to the premises, as recorded in the Office of the Recorder for Dallas County, or as recorded on the Dallas County assessment rolls.

9. Partially vacant. A multi-storied building or structure that has one (1) or more stories vacant, including the ground level store front. For the purpose of this chapter the ground floor store front must be vacant to be deemed partially vacant.

10. Responsible person. A natural person who is the owner, operator or manager of any building, structure, or premises and is responsible for the property’s maintenance and management.

11. Rubbish. Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

12. Structure. Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
13. Vacant. A commercial or industrial building or structure shall be deemed to be vacant if it is unoccupied and / or no person or persons currently operate a lawful business open regularly for business with the exception of holidays and seasonal businesses, and meets one or more of the following:
   A. Unsecured or secured by means other than those used in the design of the building;
   B. Declared unfit for occupancy as determined by the Building Inspector;
   C. Non-compliant with International Property Maintenance Code or other City and State Building Codes as adopted by the City;
   D. Existence of housing, building, fire, health and safety, or zoning code violations; or
   E. Not receiving service by public utilities.


15. Weeds. “Weeds” or “Noxious Weeds” shall mean Canada thistle, leafy spurge, field bindweed (Creeping Jenny), Ambrosia trifida (Giant Ragweed), Arubosia trifida (Common Ragweed), and such other weeds as are defined in “Weeds of the North Central States, North Central Regional Research Publication No. 281, Bulletin 772”, published by the University of Illinois at Urbana-Champaign, College of Agriculture, Agriculture Experiment Station, and in all applicable sections of current codes at the time as adopted by the City Council (e.g. Iowa Code, International Property Maintenance Code, etc.).

153.02 APPLICABILITY.

1. General. The provisions of this chapter shall apply to all manufacturing, commercial, industrial and mixed occupancy buildings vacant for one hundred eighty (180) consecutive days, and all manufacturing, commercial, industrial and mixed occupancy buildings, which have been partially vacant for one hundred eighty (180) days, in any commercial or industrial zoned district.

2. Conflict. In any case where a provision of this chapter is found to be in conflict with a provision of the Zoning Code or any other provisions of the Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety, and welfare shall prevail.

3. Application of Other Ordinances. Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances or the Zoning Code. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of State law, applicable chapters of this Code of Ordinances and NFPA 70 (National Electric Code). Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the City Zoning Code or Building Code.

4. Existing Remedies. The provisions in this chapter shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or this Code of Ordinances, including the Zoning Code, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.
CHAPTER 153 VACANT BUILDING PERMIT AND INSPECTION

5. Historic Buildings. The provisions of this chapter shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with current International Building Code as adopted by the City.

153.03 VACANT BUILDING PERMIT REQUIRED.

1. Vacant Building Permit. The owner of any vacant building or structure to which this chapter applies shall obtain a Vacant Building Permit within thirty (30) days of becoming vacant. Upon enactment of this chapter of the City Code, any building vacant must apply for a Vacant Building Permit no later than June 30, 2013.

2. Application for a Vacant Building Permit shall be made by completing a Vacant Building Registration Form, which shall be submitted to the Building Inspector. The owner must maintain a valid Vacant Building Permit for any building or structure to which this chapter applies and must continue to renew the permit as long as the building or structure remains vacant, subject to this chapter.

3. Vacant Building Permit Process. When completing the Vacant Building Registration Form, which is available to be downloaded from the City website, or obtained from the Building Inspector / City Hall, applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers, and safe for entry by police officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:

   A. Contact Information for Each Owner. If the owner does not reside within the State of Iowa, the owner shall provide the name, address and telephone number of an agent who is available for service of process within the State of Iowa. If the owner is other than a natural person or persons, the following shall apply, as appropriate:

      (1) If the owner is a corporation, limited liability company, limited or general partnership, the registration statement shall provide the names and residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to Iowa Code.

      (2) If an estate, the name and business address of the personal representative of the estate.

      (3) If a trust, the names and addresses of the trustee or trustees.

      (4) If a partnership, the names and residence addresses of the partner or partners.

   B. Contact information for a responsible person, as defined by this chapter, who is a natural person who may be contacted at all times for inspections, emergency repairs, or maintenance, and who can respond to the vacant building or structure when requested.

   C. Any rehabilitation or demolition plans for the building or structure.

   D. An acknowledgement by the owner that grass and weeds shall not exceed a height of eight inches (8") and a plan for how the owner will comply with this requirement.
E. An acknowledgement by the owner that snow and ice shall be removed from the public right-of-way within twenty-four (24) hours of snowfall and a plan for how the owner will comply with this requirement.

F. An acknowledgement by the applicant that the owner is aware of and understands the Vacant Building Maintenance Standards in this chapter.

4. Vacant Building Permit Renewal. Any applicant seeking to renew a permit must submit an updated Vacant Building Registration Form and shall pay the required fee as established by the City Council.

153.04 VACANT BUILDING PERMIT REQUIREMENTS. A permit may only be issued or renewed if the building or structure which is subject to the application satisfies the following requirements:

1. Code Compliant. All buildings or structures subject to the application shall comply with all building, fire, property maintenance, zoning, and other applicable sections of the Code of Ordinances, and shall apply for all necessary building, fire prevention and zoning permits, if any are required to bring the building into compliance, upon application for a Vacant Building Permit.

2. Vacant Building Maintenance Standards. All buildings or structures subject to the application shall adequately protect the building from intrusion by trespassers and pests, and from deterioration by the weather. The buildings must also comply with the following Vacant Building Maintenance Standards:

   A. Building Openings. Doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired / replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors and openings shall be free of any posters, paper or fabric coverings.

   B. Waste Removal. All waste, debris, rubbish, and garbage shall be removed from the interior of the building or structure and surrounding premises.

   C. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain, or roof draining and shall allow for sufficient drainage to prevent dampness or deterioration in the interior of the building.

   D. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

   E. Building Structure. The building shall be maintained in good repair and structurally sound. The building shall be maintained in a sanitary manner and in a manner that does not pose a threat to the public health, safety and welfare.

   F. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

   G. Foundation Walls. The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which
normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rat-proof.

H. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

I. Decorative Features. The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

J. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

K. Appurtenance. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof shall be of sufficient strength or stability, and anchored so as to be capable of resisting wind pressure of one-half (1/2) of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

L. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

M. Walkways. Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed within twenty-four (24) hours of a snowfall.

N. Accessory Building/Structures. Accessory buildings / structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and, shall comply with these Vacant Building Maintenance Standards.

O. Exterior Premises. The surrounding premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, shall not be used for exterior storage, and shall not pose a threat to public health, welfare or safety.

**153.05 ISSUANCE OF VACANT BUILDING PERMIT.** The Building Inspector shall issue or renew a Vacant Building Permit upon being satisfied that the building has been inspected and is in compliance with all applicable provisions of this Code and the Vacant Building Maintenance Standards set forth in this chapter, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of three hundred sixty-five (365) days from the date of issuance or renewal.
153.06 VACANT BUILDING PERMIT CONDITIONS. All permits issued are subject to all other applicable conditions of the Code of Ordinances and the following additional conditions:

1. **Consent to Entry.** All applicants and owners holding a permit consent to the entry of duly authorized officials of the City at all reasonable hours and upon reasonable notice for the purpose of inspection. Refusal to consent to entry shall be a violation of this chapter. In addition to issuing a municipal infraction citation in the event of refusal, the City may file a complaint under oath to any Court of competent jurisdiction and said Court shall thereupon issue its order authorizing the appropriate person to enter such establishment to inspect.

2. **Consent to Emergency Inspections / Emergency Repairs.** All applicants and owners holding a permit consent to the entry of duly authorized officials of the City if such official has reason to believe than an emergency situation exists with respect to the building or structure that tends to create an imminent hazard to health, welfare or safety of the general public, in the discretion of such official, then such official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If such official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, then such official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs to alleviate the hazard. City employees will confer with legal counsel prior to entering or causing entry to be made to premises and / or performing any emergency repairs without prior owner notification and consent. Costs incurred in the performance of emergency repairs may be paid by the City and if so paid, the City may levy a special assessment against the property to recover the costs.

3. **Cooperation by Owner or Responsible Person.** All owners holding a permit or responsible persons identified in a permit application shall cooperate with and facilitate inspections of the premises at reasonable times pursuant to reasonable notice to determine compliance with the requirements of this chapter. Obstructing a duly authorized inspection, including refusing entry or access to portions of the building subject to the permit, shall be a violation of this chapter. The owner shall notify the Building Inspector within thirty (30) business days of any changes to the contact information of the owner or responsible person.

4. **Continued Compliance.** For the Vacant Building Permit to remain valid, the building or structure subject to the permit shall continue to comply with all the requirements of the Vacant Building Maintenance Standards.

153.07 ENFORCEMENT.

1. **Authorized Officials.** The Zoning Administrator and the Building Inspector shall have the authority to enforce the provisions of this chapter and to exercise the powers and duties specified in this chapter and may delegate their authority to appropriate City personnel as his/her designee.

2. **Right of Entry.** An authorized official has the right to enter buildings, structures, or premises subject to this chapter at reasonable times, with the express or implied consent of the owner, responsible person, or occupant, to inspect in accordance with the City’s policy and procedure for entering onto private property to conduct administrative interior and exterior inspections for Code administration and
enforcement. If entry is refused, it shall be a violation of this chapter for which a municipal infraction citation may be issued.

3. Inspections. An authorized official may inspect the premises and structures to determine compliance with this chapter at their discretion. All reports of such inspections shall be in writing, signed or initialed and dated. An authorized official may engage any expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with City policy. An authorized official, or his/her designee(s), may conduct inspections made pursuant to the provisions of this chapter in conjunction with other inspectors of the department, police officers, firefighters, or inspectors from other governmental bodies.

4. Issuance of Orders to Repair. Upon inspection, an authorized official or his/her designee, shall issue orders to repair for work needed:
   A. To adequately protect the building from intrusion by trespassers and from deterioration by the weather;
   B. To comply with the Vacant Building Maintenance Standards set forth in this chapter;
   C. To ensure that allowing the building to remain will not be detrimental to public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood; or
   D. To eliminate any hazards to police officers or firefighters that may enter the premises in times of emergency.

   When issuing orders to repair, the authorized official shall specify the deadline for completion of the repair required and shall mail the notice to the owner or responsible person identified in the permit. All work done pursuant to this chapter shall be done in compliance with any applicable Building, Fire, Property Maintenance and Zoning Codes and Ordinances.

5. Reinspections. Reinspections may be conducted after the deadline for repair as stated in the order. Reinspections are subject to applicable reinspection fees.

6. Notices and Orders. An authorized official may issue notices and orders to owners, responsible persons, operators, or occupants to obtain compliance with this chapter.

7. Revocation, Reinstatement Measures. If a vacant building permit is revoked by the Building Inspector for noncompliance with any provisions of this chapter, the owner of the building shall be given thirty (30) days to comply with the provisions of this chapter. Extensions of such thirty (30) day period may be granted at the discretion of the Building Inspector. Upon expiration of the thirty (30) day period, or any extension thereof, if the building continues to be noncompliant, a municipal infraction will be issued.

153.08 PROCESS AND TIMELINE. No later than June 1, 2013, following passage of this chapter, and subsequently within 30 days of a manufacturing, commercial, industrial, or mixed occupancy building becoming vacant as defined herein, a building owner must complete a Vacant Building Registration Form, which serves as an application for a Vacant Building Permit.
1. There is no charge for the initial application as long as the building is in compliance with all applicable building codes.

2. If the building remains vacant for 180 days necessitating the 180-day inspection, the building owner or representative shall pay the permit / inspection fee.

3. Upon completion of the inspection, the building owner or representative shall remedy as ordered. If no repairs are necessary, the permit is valid for one year from the 180-day inspection, at which time the inspection process begins again with the Vacant Building Permit Fee being due annually thereafter.

4. If the inspection results in necessary repairs being ordered, a reinspection will be conducted in accord with the provisions of this chapter.

5. In the case of a necessary reinspection, the annual permit begins upon all necessary repairs being made and bringing the building into compliance with all applicable building codes.

153.09 FEES AND PENALTIES.

1. Vacant Building Permit Fee. The Council shall establish a fee for the 180-day issuance and renewal of a Vacant Building Permit Fee.

2. Permit Fee Due. The Vacant Building Permit Fee is due upon the 180-day inspection.

3. Reinspection Fees.
   
   A. To compensate the City for its inspection and administrative costs reasonably related to the enforcement, an escalating fee established by the Council through resolution, may be charged for any reinspection following the initial inspection which resulted in an order for corrective action, and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee if the inspection indicates full compliance, or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order.

   B. Failure to pay reinspection fees within thirty (30) days of mailing an invoice to the property owner of record shall constitute a violation of this chapter for which a municipal infraction citation may be issued.

4. Violations.
   
   A. Any violation of a provision of this chapter is a municipal infraction for which a municipal infraction citation may be issued. Each day that the violation continues shall constitute a separate violation for which a municipal infraction citation may be issued.

   B. Abatement of Violations. The issuance of a municipal infraction citation shall not preclude the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

(Ch. 153 - Ord. 289 – May 13 Supp.)

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CHAPTER 155

MINIMUM HOUSING STANDARDS

155.01 MANUFACTURED HOME CERTIFICATION. Any manufactured home, as defined in Section 146.01 of this Code of Ordinances, moved into or located within the City shall be certified as evidenced by a certification label attached by the manufacturer, as having been inspected in accordance with the requirements of the Department of Housing and Urban Development and as constructed in conformance with the Federal Manufactured Home Construction and Safety Standards.

155.02 MINIMUM SQUARE FOOTAGE. All on-site built or off-site built residences, dwellings or manufactured homes, built within, moved into or located within the City shall contain a minimum of 900 square feet of enclosed above ground living area, excluding a garage or porch, unless located within an authorized mobile home park.

155.03 MINIMUM HORIZONTAL DIMENSION. All on-site built or off-site built residences, dwellings or manufactured homes built within, moved into or located within the City shall have a minimum horizontal dimension of the main body of the dwelling unit, of not less than twenty (20) feet.
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CHAPTER 156
BUILDING CODE

156.01 SHORT TITLE. This chapter shall be known as the Adel, Iowa, Building Code, may be cited as such and will be referred to herein as the “Building Code.”

156.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes constituting the Building Code.

1. The Building Official shall be appointed by the City Administrator, subject to approval of the Council, for the enforcement of the Building, Electrical, Plumbing, Mechanical and such other codes that may be assigned to such official, and shall perform such other duties as may be required by the Mayor or Council.

2. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code, subject to approval of the Council, as such official may deem necessary in order to clarify the application of the provisions of this Code. Such rules, regulations and interpretations shall be in conformity with the intent and purpose of this Code.

156.03 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by law, the following codes are hereby adopted as the Building Code, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height and area of buildings or structures within the City and the same are by this reference incorporated herein as fully and completely as if set forth in full herein with the name “City of Adel” inserted in Section 101.1 of each code:

   a. Section 108.2 Fees. The permit fee schedule (Exhibit “A”) is established by the City and is on file at City Hall.
   b. Rate Adjustments. Before July 1 of each year, the Clerk shall compute and present to the Council an adjustment to the permit fees based upon the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index (C.P.I.) as calculated by the Iowa League of Cities budget report.
   c. Section 108.3. Valuations. Building valuations shall be determined using the latest Building Valuation Data Sheet.
   d. Section 1612.3. The most current flood map issued by the Federal Emergency Management Agency shall be used.

a. R108.2. Fees. The permit fee schedule (Exhibit “A”) is established by the City and is on file at City Hall.

b. Rate Adjustments. Before July 1 of each year, the Clerk shall compute and present to the Council an adjustment to the permit fees based upon the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index (C.P.I.) as calculated by the Iowa League of Cities budget report for budgeting purposes.


Building requirements of the City Zoning Code shall supersede those requirements in the International Building Codes if they are more restrictive than the adopted Building, Mechanical, Plumbing and Electrical Code.

(Ord. 271 – May 11 Supp.)

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CHAPTER 157

URBAN DESIGN STANDARDS

157.01 Findings
157.02 Purpose
157.03 Adoption of Urban Design Standards
157.04 Adoption of Urban Standard Specifications

157.01 FINDINGS. The Council has authority, as described in Article III, Section 38A of the Constitution of the State of Iowa and in Chapters 354, 362 and 364 of the Code of Iowa, to regulate the standards and specifications of public improvements. The Council deems this chapter appropriate and necessary to protect, preserve and improve the rights, privileges, property, peace, safety, health, welfare, comfort and convenience of the City and its citizens, all as provided for in and permitted by Section 364.1 of the Code of Iowa.

157.02 PURPOSE. The City desires to implement uniform design standards, procedures, and regulations for the design and construction of public improvements and to implement storm water runoff detention. The City Engineers recommend that the Iowa Statewide Urban Design Standards for Public Improvements and the Iowa Statewide Urban Standard Specifications for Public Improvements be approved and adopted as the City’s design standards and specifications and that all existing City policies and ordinances be reviewed and revised accordingly.

157.03 ADOPTION OF URBAN DESIGN STANDARDS. The Iowa Statewide Urban Design Standards for Public Improvements, published by the Center for Transportation Research and Education of Iowa State University, dated 2005, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully by the City as the City’s design standards for public improvements.

157.04 ADOPTION OF URBAN STANDARD SPECIFICATIONS. The Iowa Statewide Urban Standard Specifications for Public Improvements, published by the Center for Transportation Research and Education of Iowa State University, dated 2005, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully by the City as the City’s design standards for public improvements.
CHAPTER 158
PROPERTY MAINTENANCE CODE

158.01 PURPOSE. The purpose of the chapter is to establish minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

158.02 ADOPTION OF 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE. That certain documents which are on file and are open for inspection to the public in the office of the Building Official of the City, being marked and designated the International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code for the City of Adel, Iowa; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter.

158.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

1. Section 101.1 Insert: City of Adel

2. Section 103.6 Insert: Rental Dwelling Licensing Fee Schedule

A. Rental Dwelling Licensing Fee. The Rental Dwelling Licensing Fee shall be $25.00 per unit for single family in a three year inspection cycle and for multi-family units the fee for one building is $25.00 for the first unit and $10.00 for all others with an inspection cycle of every two years. Date of inspections will be at the direction of the Code Compliance Office. All current rental units will need to be registered by March 30, 2012.

B. Delinquent Rental Dwelling Licensing Fee. If the rental dwelling licensing fee is not paid within thirty (30) days of due date the licensing fee becomes delinquent and an additional $25.00 delinquent fee shall be added to the licensing fee.

C. Dwelling Unit Re-inspection Fees. If upon regular rental inspection violations are noted and a notice of violation is served, there shall be no charge for the re-inspection if all violations are corrected within the time allowed. If the violations remain uncorrected at the time of re-inspection, there shall be a $25.00 fee charged per unit for said re-inspection and for every re-inspection thereafter.

D. Any Additional Regular Rental Unit Inspections. Any additional regular rental unit inspections (more than 1 inspection in any 3-years for single family units or 2 years for multi-family units) could have an additional charge at the discretion of the Building Official of $25.00 per inspection. This fee includes inspections for cause because of a complaint or nuisance.
(1) Any single family rental, dwelling, or rooming unit that has been inspected by the City Building Official and passed said inspection with no re-inspection necessary shall be exempt from inspection for a period of three years from date of initial inspection.

(2) Any multi-family rental, dwelling, or rooming unit that has been inspected by the City Building Official and passed said inspection with no re-inspection necessary shall be exempt from inspection for a period of two years from date of initial inspection.

E. Revocation of Rental License for Delinquent Fees. Any rental license may be declared invalid and may be revoked by the Building Official if fees become delinquent and/or are unpaid. Dwelling units and rooming units being let for occupancy without a valid permit may be ordered to be vacated upon revocation of the rental license.

F. Penalty for Failure to Pay Fees. Any person who, without good cause, fails to pay any fee required by this section within thirty (30) days of inspection or re-inspection shall be charged with a municipal infraction and be fined accordingly. Each day payment is delinquent shall be deemed a separate offense and punishable by the appropriate fine.

3. Section 303.14 Insert: When occupied

4. Section 602.3 Insert: When occupied

5. Section 602.4 Insert: When occupied

(Ch. 158 – Ord. 282 – Mar. 12 Supp.)
CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Purpose

It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

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

1. “Base flood” means the flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”
5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.

6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.

13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:
   A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
   B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
   D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
   A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.11(4)(A); and
   B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
   C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and
   D. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

21. “100-Year Flood” means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. “Recreational vehicle” means a vehicle which is:
A. Built on a single chassis;  
B. Four hundred (400) square feet or less when measured at the largest horizontal projection;  
C. Designed to be self-propelled or permanently towable by a light duty truck; and  
D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A on the Flood Insurance Rate Map.

24. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

26. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

27. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”

B. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after the effective date of the Flood Insurance Rate Map, shall be added to any proposed addition.
in determining whether the total increase in original floor space would exceed twenty-five percent.

28. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

29. “Violation” means the failure of a structure or other development to be fully compliant with this chapter.

**160.03 LANDS TO WHICH CHAPTER APPLIES.** The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts. The Flood Insurance Rate Map Panels 195, 310 and 330 prepared as part of the Flood Insurance Study for Dallas County, Iowa and Incorporated Areas, dated December 4, 2007 is hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

*(Ord. 236 – Oct. 07 Supp.)*

**160.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

**160.05 COMPLIANCE.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

**160.06 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

**160.07 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

**160.08 WARNING AND DISCLAIMER OF LIABILITY.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**160.09 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.** The flood plain areas within the jurisdiction of this chapter are hereby divided into the following districts:
1. Floodway District (FW)
2. Floodway Fringe District (FF)
3. General Flood Plain District (FP)
4. Shallow Flooding District (SF).

The boundaries are as shown on the Official Flood Plain Zoning Map. Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.10 FLOODWAY (OVERLAY) DISTRICT - FW.

1. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
   A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
   B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
   C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
   D. Residential uses such as lawns, gardens, parking areas and play areas.
   E. Such other open-space uses similar in nature to the above uses.

2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 160.19. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
   A. Uses or structures accessory to open-space uses.
   B. Circuses, carnivals, and similar transient amusement enterprises.
   C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
   D. Extraction of sands, gravel, and other materials.
   E. Marinas, boat rentals, docks, piers, and wharves.
   F. Utility transmission lines and underground pipelines.
   G. Other uses similar in nature to uses described in subsection 1 and in this subsection which are consistent with the provisions of subsection 3 and the general spirit and purpose of this chapter.
3. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:

A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

B. All uses within the Floodway District shall:

   (1) Be consistent with the need to minimize flood damage.

   (2) Use construction methods and practices that will minimize flood damage.

   (3) Use construction materials and utility equipment that are resistant to flood damage.

C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other facility or system.

D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.11 FLOODWAY FRINGE (OVERLAY) DISTRICT - FF. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

1. All structures shall:

   A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
B. Use construction materials and utility equipment that are resistant to flood damage.
C. Use construction methods and practices that will minimize flood damage.

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

3. Nonresidential Buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures.
   A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
      1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      2. The bottom of all openings shall be no higher than one foot above grade.
      3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

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

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral
movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.
   A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
   B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

   A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
   B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
   C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.
   D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures.
   A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:
      (1) The structure shall not be used for human habitation.
      (2) The structure shall be designed to have low flood damage potential.
      (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
      (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
      (5) The structure’s service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
   B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.
   A. Recreational vehicles are exempt from the requirements of Section 160.11(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
      (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and
      (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
   B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.11(5) of this chapter regarding anchoring and elevation of factory-built homes.
13. Pipeline river and stream crossings shall be buried in the stream bed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.12 GENERAL FLOOD PLAIN (OVERLAY) DISTRICT - FP.

1. Permitted Uses. The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse.

   A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

   B. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

   C. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

   D. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses. Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 160.19. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Performance Standards.

   A. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 160.10).

   B. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe (Overlay) District (Section 160.11).

160.13 SHALLOW FLOODING (OVERLAY) DISTRICT - SF. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure.

2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the Flood Insurance Rate Map.

160.14 ADMINISTRATION. The Zoning Administrator shall administer and enforce this chapter and will herein be referred to as the Administrator. The duties and responsibilities of the Administrator include, but are not necessarily limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State or local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

3. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

4. Notify adjacent communities and/or countries and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

5. Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.

6. Submit to the Federal Insurance Administrator an annual report concerning the community’s participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

7. Notify the Federal Insurance Administration of any annexations or modifications to the community’s boundaries.

8. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Council of potential conflicts.

160.15 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.16 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information.

1. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

3. Indication of the use or occupancy for which the proposed work is intended.

4. Elevation of the 100-year flood.

5. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.17 ACTION ON PERMIT APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

160.18 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.19 CONDITIONALUSES, APPEALS AND VARIANCES. The Board of Adjustment shall hear and decide (i) applications for conditional uses upon which the Board is authorized to pass under this chapter; (ii) appeals, and (iii) requests for variances to the provisions of this chapter; and shall take any other action which is required of the Board.

1. Conditional Uses. Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment.

2. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variances. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public
interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an appeal, an application for a conditional use or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal, conditional use or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 160.21.
160.20 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES IS BASED. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the service provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternate locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

160.21 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
5. Floodproofing measures designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board
of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

160.22 APPEALS TO THE COURT. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

160.23 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:
   A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
   B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
   C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.

2. Except as provided in subsection B above, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

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

[The next page is 765]
CHAPTER 161

STORM WATER MANAGEMENT UTILITY

161.01  PURPOSE. The City of Adel, determines, and declares it to be conducive to the health, welfare, safety and convenience of the City and its residents that a storm water management utility district be established within the city. Consequently, pursuant to I.C. § 384.84(1), a storm water management utility district, to be known as the Storm Water Management Utility, is established that the city shall be and constitute the storm water management utility district, and that the utility shall comprise and include elements of the City’s storm water drainage and flood protection systems which provide for the collection, treatment and disposal of storm water.

It is further found, determined, and declared that the elements of the storm water management utility are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the storm water drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water; the reduction of hazard to property and life resulting from storm water runoff and flooding; improvement in general health and welfare through reduction of undesirable storm water conditions and flooding; and improvement to the water quality in the storm water and surface water system and its receiving waters.

It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the City and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge storm water or surface or subsurface waters, directly or indirectly, to the City storm water drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the storm water drainage and flood protection improvements comprising the storm water management utility.

161.02  DEFINITIONS. The following terms shall mean:

1. “Bonds” means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

2. “Costs of construction” means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of the following:

   A. Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;
B. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;

C. Architectural, engineering, legal and other professional services directly or indirectly related to said construction improvements or the plan and formulation thereof;

D. Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;

E. Any taxes or other charges which become due during construction;

F. Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;

G. Principal and interest on any bonds; and

H. Miscellaneous expenses incidental thereto.

3. “Customers of the storm water utility” includes all persons, properties and/or entities directly or indirectly served by and/or benefiting from the utility’s acquisition, management, maintenance, extension and improvement of the public storm water management system and facilities. A customer shall generally be considered the same person, property and/or entity as currently being served by City water service, unless special conditions or agreements apply.

4. “Debt service” means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.

5. “Developed land” means land that has been altered from its natural state by construction and/or installation of more than five hundred (500) square feet of “impervious surface area” as defined in this section.

6. “Equivalent Service Unit” (ESU) means the median average impervious coverage of a detached dwelling unit property in the City as determined by the City, and shall be used as the basis for determining storm water service charges. For the City of Adel, three thousand (3,000) square feet of impervious surface area shall be one equivalent unit.

7. “Exempt property” means public streets, platted private streets, public alleys, public sidewalks within the right-of-way, public trails, public and private cemeteries, and public parks.

8. “Impervious surface area” means those areas which prevent or impede the infiltration of storm water into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, sidewalks and driveways within a said property, rooftops, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of storm water runoff which existed prior to development.


10. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse,
rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

11. “Revenues” means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

12. “Service charge” means the periodic rate, fee or charge applicable to a parcel of land, which charge shall be reflective of the service provided by the City of Adel. Service charges are based on measurable parameters which influence the storm water utility’s cost of providing services and facilities, with the most important factor being the amount of impervious surface area on each property. The service charge shall be determined from time to time by resolution of the City Council.

13. “Storm water management systems and facilities” means the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of storm water or surface water drainage.

14. “Storm water management utility or utility” means the enterprise fund utility created by this chapter to operate, maintain and improve the system and for such other purposes as stated in this chapter.

15. “Undeveloped land” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. “Undeveloped land” shall have less than five hundred (500) square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of storm water or cause storm water to collect, concentrate or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

161.03 SCOPE AND RESPONSIBILITY. The City of Adel storm water utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, public roadways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or manmade, within the corporate boundaries of the City of Adel which control and/or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City of Adel owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which: a) are located within public streets, rights of ways and easements; b) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or c) are located on public lands to which the City of Adel has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of storm water systems and facilities which are located on private property or public property not owned by the City of Adel and for which there has been no public dedication of such systems, and facilities shall be and remain the legal responsibility of the property owner, or its occupant.
161.04 ORGANIZATION. The City Council shall be the governing body of the Storm Water Management Utility. The utility shall be under the direction, management and control of the Public Works Director who shall function as its director. The Public Works Director has the following powers and duties related to the City of Adel Storm Water Management Utility:

1. Operation and Maintenance. Operation and maintenance of the storm water management systems and facilities.
2. Inspections and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all storm water management systems and facilities.
4. Policies. Recommend to the City Council policies to be adopted and enforced to implement the provisions of this chapter.

161.05 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Storm Water Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the storm water management systems or facilities.
2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Adel storm water management system and facilities, including, but not limited to, pollutants or waters containing any pollutants, other than storm water.
3. Manholes. Open or enter any manhole, structure or intake of the storm water system, except by authority of the Public Works Director.
4. Connection. Connection of any private storm water system to the City’s storm water management system and facilities, except by authority of the Public Works Director.

161.06 RIGHT OF ENTRY. The Public Works Director and other authorized employees of the City of Adel bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private storm water discharges directly or indirectly entering into any public storm water management system or facility in accordance with the provisions of this chapter.

161.07 STORM WATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the storm water management system and facilities of the City of Adel, either directly or indirectly, shall pay to the City storm water service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the storm water management system and facilities.

161.08 EFFECTIVE DATE OF STORM WATER SERVICE CHARGES. Storm water service charges shall accrue beginning _____________ _____, 20___ and shall be billed monthly thereafter to all customers.

161.09 BASIC RATE. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, at the same time payment for City water is made, the following charges associated with the customer’s
property (an “ESU” means the median average impervious coverage of a detached dwelling unit property in the City of Adel, which has been determined by the City to be 3,000 square feet of impervious surface area):

1. Undeveloped. Zero dollars ($0.00) per month;
2. Developed. From July 1, 2017 through June 30, 2018, three dollars and twenty cents ($3.20) per month for those properties which impervious coverage is less than two (2) times the average impervious coverage, or 6,000 square feet. From July 1, 2018 through June 30, 2019, three dollars and forty cents ($3.40) per month for those properties which impervious coverage is less than two (2) times the average impervious coverage, or 6,000 square feet. From July 1, 2019 through June 30, 2020, three dollars and sixty cents ($3.60) per month for those properties which impervious coverage is less than two (2) times the average impervious coverage, or 6,000 square feet; OR
3. Developed. From July 1, 2017 through June 30, 2018, three dollars and twenty cents ($3.20) per equivalent service unit (ESU) of impervious surface for those properties which impervious coverage is equal to or greater than two (2) times the average impervious coverage, or 6,000 square feet. From July 1, 2018 through June 30, 2019, three dollars and forty cents ($3.40) per month per equivalent service unit (ESU) of impervious surface for those properties which impervious coverage is equal to or greater than two (2) times the average impervious coverage, or 6,000 square feet. From July 1, 2019 through June 30, 2020, three dollars and sixty cents ($3.60) per month per equivalent service unit (ESU) of impervious surface for those properties which impervious coverage is equal to or greater than two (2) times the average impervious coverage, or 6,000 square feet.

(Subsections 2 and 3 – Ord. 318 – Jul. 17 Supp.)

The number of equivalent service units (ESUs) on each property shall be calculated by an agent of the City of Adel based on the most recent aerial photography available to the City of Adel and/or impervious surface data from an approved site plan for the property. Beginning ____________ ________, 20__, all site plans submitted to the City of Adel shall clearly list the total property area and total impervious surface area, in square feet.

161.10 RATE APPEAL. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City of Adel City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa Land Surveyor or Professional Engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
3. In response to an appeal, the City Administrator may adjust the storm water service charge applicable to a property in conformance with the general purpose and intent of this chapter.
4. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public
hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

5. All decisions of the City Council shall be final.

161.11 CREDITS. It is the City of Adel’s intent to encourage sound technical design practices that reduce the negative impact of development on the storm water drainage system through a credit system. Properties whose impact on the drainage system is significantly limited or has been effectively reduced through specific controls shall be entitled to a credit adjustment that may be applied to its storm water service charge.

A credit adjustment application must be filed in writing with the City Administrator. The application shall include all necessary information from a registered Iowa Land Surveyor or Professional Engineer to clearly demonstrate the credit(s) sought, pertinent maps and design calculations, e.g. pre-development and post-development runoff rates, storage volumes, etc., and the proposed and/or resulting hydrologic response of the property to rainfall events. Using the information provided by the applicant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the application in writing within thirty (30) days.

Billing adjustments required to implement credits shall be applied retroactively to the date the customer submitted a complete application. Adjustments shall be made by crediting the customer’s storm water service charge until any overpayment has been fully repaid. A pending application for credit shall not constitute a valid reason for non-payment of the current storm water service charges.

Credit adjustments shall be applied as follows:

1. Quantity Reduction (40% Maximum).
   A. Rate Reduction Credit – 25% Credit. Storm water facilities that control the post-development peak rate of storm water runoff at the pre-development rate of the two (2) year design storm.
   B. Additional Rate Reduction Credit – 10% Credit. Storm water facilities that qualify for a Rate Reduction Credit can also qualify for the Additional Rate Reduction Credit if they reduce the post-development peak rate for the two (2) year design storm by at least 20% of the pre-development flow rate.
   C. Additional Volume Credit – 5% Credit. Storm water facilities that qualify for a Rate Reduction Credit can also qualify for an Additional Volume Credit if they provide 20% more storage volume than required for the 100-year design storm. This does not include required freeboard above an emergency spillway.

2. Quality Credit (10% Maximum).
   A. Implement Best Management Practice(s) (BMP) – 5% Credit per approved best management practice (BMP). Quality credits will be available to properties where structural or non-structural storm water BMPs are located and which are used to treat storm water runoff, specifically total suspended solid (TSS) loads. Professional techniques such as those published in the Iowa Stormwater Management Manual, or by the U.S. EPA, National Resource Conservation Service, American Society of Civil Engineers, and other professional organizations will be considered. A Quality Credit can also be applied in addition to any approved Quantity Reduction Credits, such as a wet
detention pond that is designed to remove at least 80 percent total suspended solids (TSS).

B. Applicants for non-structural storm water BMPs including filter strips and natural preservation areas may be eligible for credit provided the owner’s engineer can provide calculations showing removal of 80 percent TSS.

The owner shall supply maintenance information along with their application. Any association agreements or contracts for inspection and/or maintenance are required to be disclosed as part of the application. Indicate the schedule for major maintenance that will be performed and how many times per year basic maintenance (such as erosion control and/or mowing) activities are performed. Inspection reports shall be filed with the City every third (3) year, as calculated from the original application date, in order to maintain any level of credit. If a property owner fails to file required inspection reports or if a random City inspection results in failure, the City will send a letter informing the property owner of the required action to avoid revocation of the credits. If the property owner fails to take the required action, the credits will be revoked until the situation is corrected. No retroactive credits will be given during said lapse period. Credits will be restored on the effective date of the submittal of the property owner’s acceptable response.

161.12 EXEMPTION FROM FEES; SPECIAL CONDITIONS. In special conditions, the City Administrator may, upon a written request for an exemption of fees filed with the City, grant fee payment and collection variances after determining that granting the variance would be in the City’s best interest, will improve efficiency, safety and is practical. Upon granting of any variance, the City Administrator shall file notice with the City Council giving reason(s) for the variance.

161.13 BILLING FOR SERVICE. Billing and payment for storm water service shall be according to the following:

1. Storm water billing will begin upon water meter installation. In the case of property without City water service the owner of the said property will be billed based on:
   A. The issuance of a certificate of occupancy for the dwelling or dwelling unit;
   B. Ninety days after construction is halted, provided construction is at least 50 percent complete; or
   C. Ninety days after construction is completed, even if a certificate of occupancy has not been issued for the dwelling or dwelling unit.

2. Bills Issued. The Clerk shall prepare and issue bills for storm water service in conjunction with current water service accounts on or before the first day of each month.

3. Bills Payable. Bills for storm water service shall be due and payable at the office of the Clerk by the twentieth (20th) day of the month.

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

161.14 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for storm water service charges to the premises. Storm water service charges remaining unpaid and delinquent shall constitute a lien.
upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

161.15 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of storm water service be paid to the City. The landlord’s written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the storm water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

161.16 LIEN NOTICE. A lien for delinquent storm 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 has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

161.17 DISCONTINUANCE OF SERVICE. After giving reasonable notice, the City of Adel may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefore in good faith.

161.18 ANNUAL REVISION OF RATES. The City will review the storm water service charges at least yearly and revise the storm water service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of the maintenance and operation (including replacement and debt service) of a storm water management system and facilities and that the storm water service charges continue to provide for proportional distribution of maintenance and operations cost (including replacements costs and debt service) for a storm water management system and facilities among the users and users classes. The liability of a storm water service user to pay for charges as provided in this chapter shall be contingent, however, upon any such review or revision.

(Ch. 161 – Ord. 258 – Jan. 10 Supp.)

161.19 COMMUNITY STORM WATER INITIATIVE (CSWI) SURCHARGE. Every person, firm, or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City Storm Water System shall pay a CSWI surcharge in the amount of three dollars ($3.00) per month beginning July 1, 2017, and six dollars ($6.00) per month beginning July 1, 2018.

(Ord. 318 – Jul. 17 Supp.)
CHAPTER 162
SMALL WIND ENERGY CONVERSION SYSTEMS

162.01 PURPOSE. The purpose of this chapter is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City of Adel finds these regulations are necessary to ensure that Small Wind Energy Conversion Systems are appropriately designed, sited and installed.

162.02 DEFINITIONS. The following terms shall mean:

1. “Height, Total System” means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
2. “Lot or Parcel” means any legally established lot or parcel which contains or could contain a permitted or permitted conditional principal use as provided by City of Adel Zoning Code.
3. “Off Grid” means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
4. “Shadow Flicker” means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
5. “Small Wind Energy Conversion System (SWECS)” means a wind energy conversion system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential uses and districts and up to one hundred (100) kilowatts for commercial and industrial districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for use by the owner of the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.
6. “Small Wind Energy Conversion System, Free Standing” means a SWECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition.
7. “Small Wind Energy Conversion System, Horizontal Axis” means a small wind energy conversion system that has blades which rotate through a horizontal plane.
8. “Small Wind Energy Conversion System, Building Mounted” means a SWECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building.
9. “Small Wind Energy Conversion System, Vertical Axis” means a small wind energy conversion system that has blades which rotate through a vertical plane.

10. “Tower” means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

11. “Wind Energy Conversion System (WECS)” means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc. in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.

12. “Wind Turbine Generator” means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

162.03 GENERAL REGULATIONS.

1. A Small Wind Energy Conversion System (SWECS) shall be allowed only as a Conditional Accessory Use to a permitted principal use or approved permitted Conditional Principal Use.

2. Zoning. SWECS maybe allowed in all zoning districts subject to the provisions contained herein and elsewhere within City Code.

3. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City of Adel, unless a permitted conditional use permit has been obtained from the Zoning Board of Adjustment. The permitted conditional use permit may be revoked by resolution of the Zoning Board of Adjustment any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Zoning Board of Adjustment. The owner/operator of the SWECS must also obtain any other permits required by other Federal, State and local agencies/departments prior to constructing the system.

4. Number of Systems per Zoning Lot.

   A. Residential Use. No more than one (1) freestanding SWECS may be placed on any parcel or lot zoned for residential use. Building mounted SWECS may be allowed on any parcel or lot containing a one (1) or two (2) family use.

   B. Commercial, Industrial, and Institutional Use. No more than one (1) freestanding SWECS may be placed on any parcel or lot with a commercial, industrial, or institutional use that is taller than the tallest existing principal building located on said parcel or lot. Additional freestanding SWECS which conform to setback requirements contained herein and which are not taller than the tallest existing principal building located on said parcel or lot may be allowed. Additional building mounted SWECS may be allowed within the parameters herein below. However, in no case shall the generating capacity of aggregated SWECS exceed anticipated energy needs for on site consumption.

   C. Mixed Use. Any building containing both residential and commercial uses or described as a “Mixed Use” building, shall be considered to be a commercial use for the purposes of this chapter.

5. Tower. Only monopole towers shall be permitted for freestanding SWECS in residential and commercial districts. Lattice, guyed or towers of any other type shall be permitted in industrial and agricultural districts.
6. **Color.** Freestanding SWECS shall be neutral color such as white, sky blue, or light gray. Building mounted SWECS shall match the color of the building on which it is mounted. Other colors may be allowed at the discretion of the Zoning Board of Adjustment. The surface shall be non-reflective.

7. **Lighting.** No lights shall be installed on the tower, unless required to meet FAA regulations.

8. **Signage.** No signage or advertising of any kind shall be permitted on the tower or any associated structures.

9. **Climbing Apparatus.** The tower must be designed to prevent climbing within the first ten feet (10’).

10. **Maintenance.** Facilities shall be well maintained in accordance with manufacturer’s specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this chapter or elsewhere within the City Code.

11. **Displacement of Parking Prohibited.** The location of the SWECS shall not result in the net loss of required parking as specified elsewhere in the City Zoning Code.

12. **Utility Notification.** The City shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.

13. **Interconnection.** The SWECS, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind shall be issued until the City has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.

14. **Restriction on Use of Electricity Generated.** A SWECS shall be used exclusively to supply electrical power to the owner for on site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.

15. **Noise.** A SWECS shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in the City Code.

16. **Shadow Flicker.** No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.

17. **Safety Controls.** Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.

18. **Shut Off.** A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Building Official.

19. **Electromagnetic Interference.** All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner / operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the
facilities, subject to the approval of the appropriate City authority. A permit granting a
SWECS may be revoked if electromagnetic interference from the SECS becomes
evident.

20. Wind Access Easement. The enactment of this chapter does not constitute the
granting of an easement by the City. The SWECS owner/operator shall have the sole
responsibility to acquire any covenants, easements, or similar documentation to assure
and/or protect access to sufficient wind as may or may not be necessary to operate the
SWECS.

21. Insurance. The owner/operator of a SWECS must demonstrate and maintain
liability insurance of not less than $1,000,000 coverage.

22. Engineering Certification. Applications for any SWECS shall be accompanied
by standard drawings of the wind turbine structure, including the tower, base, and
footings. An engineering analysis of all components of the SWECS showing
compliance with the applicable regulations and certified by an Iowa licensed
professional engineer shall also be submitted.

23. Installation. Installation must be done according to manufacturer’s
recommendations. All wiring and electrical work must be completed according to the
applicable building and electrical codes. All electrical components must meet code
recognized test standards.

24. Removal. If the SWECS remains nonfunctional or inoperative for a continuous
period of six (6) months, the system shall be deemed to be abandoned. The SWECS
owner/operator shall remove the abandoned system at their expense. Removal of the
system includes the entire structure, transmission equipment and fencing from the
property excluding foundations. Non-function or lack of operation may be proven by
reports form the interconnected utility. For off-grid systems the City shall have the right
to enter the property at its sole discretion to determine if the off-grid system is
generating power. Such generation may be proven by use of an amp meter. The
SWECS owner/operator and successors shall make available to the Building Official
or their designee all reports to and form the purchaser of energy from the SWECS if
requested. If removal of towers and appurtenant facilities is required, the Building
Official or designee shall notify the SWECS owner/operator. Removal shall be
completed within six (6) months of written notice to remove being provided to the
owner/operator by the City of Adel.

25. Right of Entrance. As a condition of approval of a conditional use permit an
applicant seeking to install SWECS shall be required to sign a petition and waiver
agreement which shall be recorded and run with the land granting permission to the City
of Adel to enter the property to remove the SWECS pursuant to the terms of approval
and to assure compliance with other conditions set forth in the permit. Removal shall
be at the expense of the owner/operator and the cost may be assessed against the
property.

26. Feasibility Study. It is highly recommended that a feasibility study be made of
any site prior to installing a wind turbine. The feasibility study should include
measuring actual wind speeds at the proposed turbine site for at least three (3) months.

162.04 BULK REGULATIONS.

1. Setbacks.
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A. The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to one hundred and ten percent (110%) of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.

B. The required setback for any building mounted SWECS shall be equal to the required setback of the principal building to which the SWECS is to be attached at such time that the application to install a building mounted SWECS is received by the City of Adel.

2. Maximum Height. Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.

A. For lots of more than one (1) and fewer than three (3) acres, the maximum height shall be 65 feet.

B. For lots of three (3) to seven (7) acres, the maximum height shall be 80 feet.

C. For lots of more than seven (7) acres the maximum height shall be 100 feet.

D. Building mounted SWECS may be a maximum of ten (10) feet higher than the point of attachment to the building on which they are attached.


A. The minimum lot size for a freestanding SWECS shall be one (1) acre.

B. The minimum lost size for a building mounted SWECS shall be 8,000 square feet for any building mounted SWECS to be mounted on a building of less than five (5) stories in height.

C. There shall be no minimum lot size for building mounted SWECS to be mounted on buildings of five (5) or more stories in height.

4. Clearance of Blade. No portion of a horizontal axis SWECS blade shall extend within thirty (30) feet of the ground. No portion of a vertical axis SWECS shall extend within ten (10) feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within twenty (20) feet of the nearest tree, structure, or above ground utility facilities.

5. Location.

A. No part of a SWECS shall be located within or over drainage, utility or other established easements.

B. A freestanding SWECS shall be located entirely in the rear yard.

C. A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.

D. No SWECS shall be constructed so that any part thereof can extend within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five (5) feet.

E. Building mounted SWECS shall be prohibited unless the owner has obtained a written analysis from an Iowa licensed structural engineer.
determining that installation of a SWECS will not cause damage to the structure and that the SWECS can be securely fastened so as to not pose a hazard caused by detaching from the structure.

162.05 APPLICATION REQUIRED. Application for SWECS shall be made on forms provided by the City of Adel. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.

(Ch. 162 – Ord. 267 – Feb. 11 Supp.)

[The next page is 795]
CHAPTER 165

ZONING CODE

165.01 TITLE. This chapter shall be known and may be cited and referred to as the Zoning Code of the City of Adel, Iowa.

165.02 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Adel, Iowa, and surrounding unincorporated area.

165.03 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or provisions of this Code of Ordinances, the provisions of this chapter shall control. Where for a specific land use the requirements of any other provision of this Code of Ordinances are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with such other provision.
165.04 APPLICATION OF DISTRICT REGULATIONS. The regulations within each district, as set by this chapter, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, 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, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

2. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

3. No yard or lot existing at the time of passage of the zoning ordinance codified in this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of such ordinance shall meet at least the minimum requirements established by this chapter.

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. All structures existing as of the effective date of the zoning ordinance, and which do not comply with the terms and conditions of this chapter, shall be considered lawful and shall be allowed to continue and exist or be reconstructed as they currently exist.

165.05 ESTABLISHMENT OF DISTRICT PROVISION FOR OFFICIAL ZONING MAP.
(Ord. 290 – Jul. 13 Supp.)

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, shall be adopted by ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: This is to certify that this is the Official Zoning Map referred to in Section 165.05 of Ordinance No.______ of the City of Adel, Iowa, together with the date of adoption. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: By official action of the City Council, the following changes were made in the Official Zoning Map. (Indicating the changes by ordinance number and date of publication.) No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

2. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, 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 Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No.______
of the City of Adel, Iowa. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

3. Lands Within Two Miles of City. All regulations within this chapter shall apply to lands within two (2) miles of the City, generally described and shown on the Official Zoning Map of the City. The exemption from regulation granted by Section 358A.2 of the Code of Iowa to property used for agricultural purposes shall apply to said unincorporated area.

4. County Zoning. The specific regulations and districts hereunder shall be terminated within three months of the establishment of the administrative authority for County Zoning, or at such date as mutually agreed upon by the City of Adel and County.

165.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in the previous section by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

7. Where a district boundary line divides a lot that was in single ownership at the time of adoption of the zoning ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line into the remaining portion of the lot.

8. Whenever the City Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.

9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.07 DEFINITIONS. For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows. The “present tense” includes the future tense, the singular number includes plural, and the plural number includes the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used or 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 site that complies with the minimum provisions of this chapter. The
following definitions apply to the interpretation of this chapter:

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street or alley.
3. “Accessory living quarters” means living quarters within an accessory building for the sole use of persons fully employed on the premises or for temporary use by guests of the occupants of the premises.
4. “Accessory use or structure” means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
5. “Agriculture” means the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.
6. “Alley” means any public space or thoroughfare less than twenty (20) feet but not less than (10) feet in width and which has been dedicated or deeded to the public for public use.
7. “Amendment” means a change in the wording, context, or substance of this chapter, or any part thereof, or a change in the zoning or district boundaries of the Official Zoning Map, a part of this chapter, when adopted by ordinance passed by the City Council in the manner prescribed by law.
8. “Apartment house or building” means any building (or portion thereof) which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and includes flats and apartments.
9. “Bar, saloon or tavern” means any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverage, 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. (See also “cocktail lounge” and “night club.”)
10. “Basement” means a story of a building having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation, providing that the finished floor level directly above is not more than six (6) feet above grade. (See “basement - walkout,” “cellar” and “story.”)
11. “Basement - walkout” means a basement having a portion of its finished floor not more than four (4) feet below the finished grade at any of its exterior walls and having not less than two-thirds (2/3) 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. (See “basement,” “cellar,” and “story.”)
12. “Billboard” means all structures, regardless of the base of materials used in construction, which are erected, maintained, or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), pictures or other pictorial reading matter that advertises a business or
attraction that is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

13. “Bed and breakfast” or “boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for persons other than permanent residents, but does not include rest homes.

14. “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 Official Zoning Map, which is a part of this chapter.

15. “Building” means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there are no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.

16. “Building, height of” means the vertical distance from the average finished ground grade of 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 a gable, hip and gambrel roofs.

17. “Building line” means the extreme overall dimensions of a building as determined from its exterior walls and as staked on the ground, including all areas covered by vertical projection to the ground or overhang of walls, or any part of a primary structural support or component which is nearest to the property line, except roof overhangs and chimneys which may extend up to two feet into the setback. (See “setback.”)

18. “Building site” means the ground area of one lot, or the combined ground areas of more than one lot which have been combined for the use for one building or permitted group of buildings, together with all open spaces required by this chapter. (See “lot.”)

19. “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 twelve thousand (12,000) gallons.

20. “Cellar” means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See “story.”)

21. “Centerline, public thoroughfare” means the 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.

22. “Certified survey” means a sketch, plan, map, or other exhibit bearing a written statement of its accuracy or conformity to specified standards which is signed and sealed by a registered surveyor.

23. “Channel” means any natural or artificial watercourse exhibiting definite banks, boundaries, and beds, and which contains visible evidence of flow or occurrence of water.
24. “Channel flow” means that water and material discharge which moves within the limits of the defined channel.

25. “Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

26. “Cocktail lounge, cabaret” means any place of business, other than a “night 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. (See also “tavern” and “night club.”)

27. “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.

28. “Commission” means the Planning and Zoning Commission of the City of Adel, Iowa.

29. “Courtyard” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

30. “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.

31. “Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

32. “District” means a section or sections of land area, depicted on the Official Zoning Map as a Zoning District, within which the regulations governing the use of land, buildings and premises, or the height and lot area of building sites and premises conform to uniform standards.

33. “Dump” means a premises used for the disposal of “clean” type fill or refuse such as dirt, rocks, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.

34. “Dwelling” means any building or any portion thereof, which is not an “apartment house,” “lodging house” or a “hotel” as defined in this chapter, which contains one or two “dwelling units” or “guest rooms,” used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. Dwelling excludes tents, cabins, trailers, or mobile homes.

35. “Dwelling unit” means one or more habitable rooms that are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating.

36. “Dwelling, one-family” means a detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.

37. “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.
38. "Dwelling, multiple" means a building or buildings, on a common lot designed for and used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

39. "Encroachment line or limit" means the inside boundary line closest to the drainage channel delineating the floodway.

40. "Factory-built structure" means any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means "factory-built unit."

41. "Family" means an individual or two or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

42. "Family home" means a community-based residential home that is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the Code of Iowa.

43. "Farm" means an area comprising ten (10) acres or more which is used for agriculture.

44. "Fence" for the purpose of this definition it is understood that the terms fence and wall are synonymous and herein defined as a barrier consisting of wood, stone or metal intended to prevent ingress or egress, and / or enhance the appearance of the structure of the landscape”.

(Ord. 290 – Jul. 13 Supp.)

45. "Flood" means any rise in channel flow which results in water or material exceeding channel banks, over flowing, and inundating areas adjacent to the channel not ordinarily covered by flow.

46. "Floodway fringe" means that portion of the flood plain beyond the floodway which shall from time to time be inundated by shallow, slow moving discharge.

47. "Flood proofing" means any structural or non-structural feature, addition, change, or adjustment to buildings, structures and properties primarily for the reduction or elimination of flood damage to land, water, sanitary facilities, buildings, structures, and contents of buildings. Such measures shall be designated consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with a flood. Flood proofing measures may include but are not limited to the following:

A. Anchorage to resist flotation.
B. Installation of water-tight doors, bulkheads and shutters.
C. Reinforcement of walls to resist water pressures.
D. Use of paints, membranes, or mortars to reduce seepage of water through walls.
E. Addition of mass or weight to structures to resist flotation.

F. Cut off valves on sewer lines or elimination of gravity flow basement drains.

G. Construction to resist rupture or collapse caused by water pressure or floating debris; construction of any type so as to prevent the entrance of flood waters.

H. Pumping facilities for subsurface external foundation walls and basement floor pressures, or installation of pumps to lower water levels inside structures.

48. “Flood stage” means the height or elevation of a flood as referred to mean sea level (MSL) datum.

49. “Flood plain” means the channel of any watercourse and the area adjoining a river, stream, water course, pond, lake, or quarry which has been or may become covered by floodwater and must be reserved in order to discharge the 100-year flood without cumulatively increasing the floodwater surface elevation more than a specified height at any point.

50. “Frontage” means the distance of a front lot line as measured along the public thoroughfare, except single-family detached residential lots in an R District shall be measured at the front yard setback, provided no lot shall have less than forty (40) feet adjoining the public thoroughfare. (See “lot lines, front.”)

51. “Frost free foundation” means foundation supporting a structure and which is required to be at least 42 inches below grade.

52. “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 (3) or more owners or occupants of property in the vicinity.

53. “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.

54. “Garage, private” means a building, or a portion of a building, not more than one thousand two hundred square feet (1,200 sq. ft.) in area, in which only motor vehicles used by the residents or tenants of the building or buildings on the premises are stored or kept.

55. “Garage, public” means any garage other than a private garage.

56. “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.

57. “Grade” means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley, or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley, or public way.
58. “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.

59. “Guest house” means an accessory building used as a dwelling unit by domestic employees or for the use by a guest of the occupants of the premises.

60. “Half-story” means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor immediately below it.

61. “Health care facility” means any residential care facility, intermediate care facility, or skilled nursing facility.

   A. “Residential care facility” means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, personal assistance, and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

   B. “Intermediate care facility” means any institution, place, building or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

   C. “Skilled nursing facility” means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four hour per day basis.

62. “Home occupation” means an occupation conducted in a dwelling unit or an accessory building, provided that:

   A. Direct or on-site consumer retail sales businesses shall not be allowed as a home occupation unless said on-site sales are incidental in nature.

   B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50 percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.

   C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
other than one sign, not exceeding three square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

D. There shall be no outdoor storage of materials or vehicles utilized in the conduct of a home occupation.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. No home occupation shall be allowed except by special exception and a registration permit granted by the Board of Adjustment.

63. “Hospital” means an institution 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.

64. “Hotel” means any building containing five (5) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

65. “Improvement, substantial” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged, and is to be restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (a) any project for the improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions; or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

66. “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 materials, scrap contractor’s equipment, tanks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, 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. (See also “trash.”)

67. “Junk yard” means any area 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.

68. “Kennel” means an establishment in which dogs or domestic animals more than one year old are housed, bred, boarded and sold.

69. “Kitchen” means any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

70. “Loading space” means any 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 twenty-four hours) of a commercial vehicle while loading or unloading merchandise or materials.

71. “Lodging house” means any building or portion thereof, containing not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements of this chapter for dwellings.

72. “Lot” means, for zoning purposes, a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this chapter. Such lot shall have frontage on a dedicated street, and may consist of any one of the following:

   A. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of 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 chapter.
   C. A portion of a lot of record.
   D. Single lot of record.

73. “Lot lines” means:

   A. Front – the line separating the front of the lot from a public street.
   B. Rear – that boundary that is opposite and most distant from the front lot line.

      (1) In the case of a corner lot, one of the two lot lines opposite and most distant from the two front lot lines shall be designated as a rear lot line to apply the rear yard setback.

      (2) In case of an interior triangular or gore-shaped lot, it means a straight line ten (10) feet in length that is parallel to the front lot line or its cord and intersects the two (2) other lot lines at points most distant from the front lot line.

   C. Side – any lot boundary line not a front lot line or a rear lot line.

74. “Lot measurements” means:

   A. Area – the gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.
   B. Depth – the mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line.
the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints at 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.

75. “Lot of record” means a lot which is part of the Original City or 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.

76. “Lot types” are as follows:
   A. Corner lot – a lot located at and adjoining the intersection of two (2) or more streets, and having the street right-of-way abut two or more front lot lines.
   B. Double frontage lot – a lot, other than a corner lot, with frontage on more than one (1) street or public thoroughfare.
   C. Interior lot – a lot, other than a corner lot, having frontage on but one (1) street or public thoroughfare.
   D. Key lot – a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.
   E. Reversed corner lot – a corner lot, the side street lines of which is substantially a continuation of the front lot line of the first lot to its rear.

77. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
   A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings; and
   B. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
   C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
   D. The enclosed area is not a “basement” as defined in this chapter.

In cases where the lowest enclosed area satisfies criteria A, B, and C above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

78. “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.

79. “Manufactured home” (previously called “mobile home”) means a structure transportable in one or more sections which when erected on site measures eight body feet or more in width and forty body feet or more in length or when erected on site is three hundred twenty square feet or more in area, and which is built on a permanent
chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

80. “Mobile home park” means any lot, lots or portion of lots upon which two (2) or more trailers or manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

81. “Modular home” means factory-built housing certified as meeting the State building codes as applicable to modular housing. Once certified by the State, modular homes shall be subjected to the same standards as site built homes.

82. “Motel” or “motor hotel” means a building or group of two (2) or more buildings designed to provide sleeping accommodations for transient or overnight guests, with exterior access for each unit and parking facilities conveniently located to each such unit.

83. “Night club” means any place of 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.

84. “Nonconforming use” means the use of a building or land or any portion thereof, which was originally lawfully established and maintained, but which, because of the application of this chapter to it, no longer conforms to the use regulations of the district in which it is located.

85. “Nonprofit institution” means a nonprofit 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, granaries, equipment sales, etc., are not considered nonprofit institutions under this chapter.

86. “Nursing and convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons.

87. “Obstruction” means any dam, dike, embankment, structure, building, wall, wharf, pile, abutment, projection, levy, excavation, channel rectification, bridge, conduit, culvert, wire, fence, refuse, fill, or matter in, along, across, or projecting into any channel, watercourse, or flood plain area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream, to the damage of life or property.

88. “Overlay district” means a district which may be established to overlay and act in conjunction with the underlying zoning district or districts.

89. “Parking area, public” means an open area, other than a street or alley, which is used for the temporary parking of more than four (4) automobiles and is available for public use whether free, for compensation, or as an accommodation for clients or customers.

90. “Parking space, automobile” means an area other than a street or alley, reserved for the parking of a private transportation vehicle, plus such additional area as is necessary to afford adequate ingress and egress.
"Permitted use" means a use by right which is specifically authorized in a particular zoning district.

"Place of business" means any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.

"Planning Commission" or "Commission" means the Planning and Zoning Commission of the City of Adel, Iowa.

"Premises" means any lot, plot, parcel or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling or meeting place.

"Principal building" means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

"Principal use" means the main use of land or structures as distinguished from an accessory use.

"Projections" (into yards) means parts of buildings such as architectural features that extend beyond the building’s exterior wall.

"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. (See “street.”)

"Reach" is a term describing a longitudinal section of a stream, river, or watercourse.

“Residential” or “residence” is applied herein to any lot, plot, parcel, tract, area, or place of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

"Restaurant" means a building, room or rooms, not operated as a dining room in connection with a hotel, motel, or other multiple dwelling, where food is prepared and served to a group of families, a club or to the public and for consumption on the premises.

"Re-subdivision" 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.

"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.

"Servant’s quarters" means a secondary residential building occupied by a domestic employee of the occupant of the principal residential building and conforming to the restrictions of this chapter including those for accessory buildings.

"Service station" – (See “gas station.”)
106. "Setback" means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively. When two (2) or more lots under one (1) ownership are used, the exterior property line of the lots so grouped shall be used in determining off-sets.

107. "Signs" means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.

108. "Signs, off-premises" means an advertising device, including the supporting structure, which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include on-premises signs, directional or other official sign or signs that have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).

109. "Signs on-premises" means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

110. "Site" (See "lot.")

111. "Special permit" means the authorization of a zoning certificate for an unclassified or special use of a lot by the Council following a review of the application for use by the Commission. A special permit may be issued only for those uses listed under the “Unclassified and Special Uses” in this chapter.

112. "Stables" means:
   A. Private – a building or structure used, or intended to be used for housing horses belonging to the owner of the property and for noncommercial purposes.
   B. Public and riding academy – a building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding academy.
   C. Riding club – a building or structure used or intended to be used, for the housing only of horses by a group of persons for non-commercial purposes.

113. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar is considered a story.

114. "Story, half" means a space under a sloping roof which has the line of intersection of roof, decking, and wall face not more than four (4) feet above the top floor level. A half story containing independent apartments or living quarters is counted as a full story.

115. "Street" means any thoroughfare or public space not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.

116. "Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street. (See “lot line, front.”)

117. "Structural alterations" means any replacement or change in the shape or size of any portion of a building or of the supporting members of a building or structure such
as walls, columns, beams, arches, girders, floor joist, roof joist, or roof trusses, beyond ordinary repairs and maintenance.

118. “Structure” means that which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. “Structure” includes unenclosed or uncovered decks and porches.

119. “Subdivision” means a division of a lot, tract or parcel of land into three or more lots, plats, sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage, right-of-way dedication, or other use.

120. “Swimming pool” means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18” below the level of the surrounding land, or an above surface pool, having a depth of more than 30”, designed, used, and maintained for swimming and bathing.

121. “Tent” means any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas, nylon, or any light material, either attached to a building or structure, or unattached.

122. “Townhouse” means a dwelling unit which is attached horizontally and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling, may be individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the Homeowners Association (Council of Co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

123. “Trailer” means any structure used for sleeping, living, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, or being attached to a permanent foundation, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

124. “Trash” means cuttings from vegetation, refuse, paper, bottles, and rags. (Also see “junk.”)

125. “Use” means the purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

126. “Variance” means a modification of the specific regulations of this chapter granted by the Board of Adjustment in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

127. “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 chapter.

128. “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.
129. “Yard, rear” means the yard lying to the rear of the principal building, or between the rear building line and the rear lot line.

130. “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.

131. “Zoning/Building Administrator” means the administrative officer designated or appointed by the Council to administer and enforce the regulations contained in this chapter.

132. “Zoning certificate” means the written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

133. “Zoning district” means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

134. “Zoning Map” means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

(Definitions #45-134 renumbered by Ord. 290 – Jul. 13 Supp.)
165.08 ZONING ADMINISTRATOR. The Zoning/Building Administrator, who shall be appointed by the Council and/or City Administrator, shall administer and enforce the provisions of this chapter. The Zoning/Building Administrator may be provided with the assistance of such other persons as the Council and/or the City Administrator may direct. The Zoning/Building Administrator also may serve as the Building Official and may be a corporation or other business entity.

165.09 ENFORCEMENT RESPONSIBILITIES. In the event the Zoning/Building Administrator shall find that any of the provisions of this chapter are being violated, he or she shall in writing notify the person responsible for the violation, shall indicate the specific nature of the violation, and shall order the action necessary to correct the violation. 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 chapter, the Zoning/Building Administrator shall order the owner of the affected property to take such actions as may be required to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, or to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct of business or use in or about said premises. The City, in addition to other remedies and if necessary, shall institute any proper action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to restrain, correct or abate such violation; or to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct of business or use in or about said premises.

165.10 PRINCIPAL PERMITTED USES. No building, structure, land, or water shall be used for any use not listed as a principal permitted use in the district in which it is located, except for an accessory use customarily incidental and clearly subordinate to a principal permitted use on the same lot. All other uses are expressly prohibited unless judged by the Zoning/Building Administrator, City Council, and/or Board of Adjustment to be substantially similar to a listed permitted use. For the purposes of administering the commercial districts, permitted uses are listed in terminology intended to be consistent with the Standard Industrial Classification Manual, 1972 and the 1977 Supplement thereto, as issued by the U.S. Department of Commerce and on file in the office of the Department of Community Development, said publication hereinafter referred to as the SIC. The SIC classifies uses according to major groups designated by two-digit numbers, whose characteristics are described. Such group or industry code numbers are listed in parenthesis as appropriate for ease of reference to the SIC, and shall have no other purpose. Where a group or subgroup is listed as a permitted use it is intended that all individual uses listed by the SIC within such group or subgroup be permitted unless otherwise stated, subject to all requirements of this chapter. It is further intended that where an individual use is listed as a permitted use only that use shall be permitted and all other uses within the group or subgroup are expressly prohibited.

165.11 ZONING/BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a Zoning/Building Permit issued by the Zoning/Building Administrator. No certificate shall be issued except in conformance with the provisions of this chapter, except upon the written order of the Board of Adjustment.

165.12 APPLICATION FOR ZONING/BUILDING PERMITS. All applications for a Zoning/Building Permit shall be filed with the Building Department. All applications shall be accompanied by two copies of a building plan, drawn to scale, which shall contain the following information:
1. The name, address, and telephone number of the owner or owners of the property.
2. The name, address, and telephone number of any agent acting on behalf of the owner of the property.
3. The legal description of the property.
4. Property boundary lines, dimensions and total area.
5. The location, size, shape and type of all proposed new or altered buildings or structures, as well as the location, size, shape and type of all existing buildings or structures.
6. The total square feet of existing and proposed building floor area.
7. The location of existing utilities, rights-of-way, and easements.
8. The existing or proposed uses of the building and the land.
9. The number of households or rental units any existing and proposed building is designed to accommodate.
10. Such other matters as may be required by the Zoning Administrator to permit the determination of conformance with, and to provide for the enforcement of, this chapter.

165.13 ISSUANCE OF CONDITIONAL AND PERMANENT ZONING / BUILDING PERMITS. (Ord. 290 – Jul. 13 Supp.)
It is unlawful for any person to undertake the erection, moving, adding to, or structurally altering any building or structure until a Conditional/Special Use and/or Permanent Zoning/Building Permit shall have been issued by the Zoning/Building Administrator, which Conditional/Special Use and/or Permanent Zoning/Building Permit shall state that the proposed uses of the building or land conform to the provisions of this chapter. Upon the completion of the construction project, it is responsibility of the property owner and/or contractor who applied for such permit, to contact the Zoning/Building Administrator for a final review or inspection of the property. If the actual uses of the building or land conform to the provisions of this chapter, the Zoning/Building Administrator shall issue a Permanent Certificate of Occupancy. If the actual uses do not conform to the provisions of this chapter, the Zoning/Building Administrator shall order the owner to undertake such corrective measures as will result in compliance. The Zoning/Building Administrator shall maintain a record of all Conditional/Special Use and/or Permanent Zoning/Building Permits, and copies shall be furnished upon request to any person.

165.14 EXPIRATION OF CONDITIONAL AND PERMANENT ZONING / BUILDING PERMITS. (Ord. 290 – Jul. 13 Supp.)
If the work described in any Conditional/Special Use and/or Permanent Zoning/Building Permit has not begun within one hundred eighty (180) days of its issuance, the permit shall expire and it shall be canceled by the Zoning/Building Administrator. Written notice of such cancellation shall be given to the applicant. If the work described in any Conditional/Special Use and/or Permanent Zoning/Building Permit has not been substantially completed within two (2) years of its issuance, the permit shall expire and it shall be canceled by the Zoning/Building Administrator. Written notice of such cancellation shall be given to the applicant, together with notice that further work as described in the canceled permit shall not proceed unless and until a new permit has been obtained.

165.15 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The minimum dwelling width shall be 20 feet at the exterior dimension.
2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.

3. All structures used for dwelling units shall provide for a minimum of 900 square feet of floor space.

165.16 BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE.

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by Section 414.8 of the Code of Iowa. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this zoning ordinance. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in the Chairperson’s absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

165.17 BOARD OF ADJUSTMENT: POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Adel affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed is taken. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) or more than twenty (20) days’ public notice in a paper of local circulation. At said hearing, any party may appear in person, by agent or by attorney. An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment, after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator’s opinion, cause imminent peril to life and 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 application, on
notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter, to decide such questions as are involved in determining whether special exceptions should be granted, and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) or more than twenty (20) days’ public notice in a paper of local circulation. At said hearing, any party may appear in person, by agent or by attorney.

C. The public hearing shall be held. Any party may appear in person, by agent or attorney.

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception and that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

B. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.
C. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) or more than twenty (20) days’ public notice in a paper of local circulation. At said hearing, any party may appear in person, by agent or by attorney.

D. The public hearing shall be held. Any party may appear in person, by agent or by attorney.

E. The Board of Adjustment shall make findings that requirements of this section have been met by the applicant for a variance.

F. 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 land, building, or structure.

G. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

H. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter.

I. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

4. Approved Action by Board. The concurring vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

165.18 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision in the manner provided by the laws of the State or Iowa and particularly by Chapter 414 of the Code of Iowa.

165.19 AMENDMENTS TO ZONING CODE. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days’ notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing. Notwithstanding Section 414.2 of the Code of Iowa, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In the case, however,
of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred feet (200’) of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

165.20 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter 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/Building Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

165.21 VIOLATIONS AND PENALTIES. Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

165.22 OTHER REMEDIES. Nothing herein shall be construed to prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter. In case any building, structure, or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, sign, or land is used in violation of this chapter, the City, in addition to other remedies, may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about the premises.

165.23 INTENT OF NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES; NONCONFORMING USES OF STRUCTURES AND PREMISES AND NONCONFORMING CHARACTERISTICS OF USE. (Ord. 290 – Jul. 13 Supp.) Within the districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the zoning ordinance was passed or amended, but which are prohibited, regulated, or restricted under the terms of the ordinance or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory
to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

165.24 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, provided other limitations imposed by this chapter are complied with. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment except that in the case of destruction, the same dimensions of any building comprising the same location may be permitted.

165.25 NONCONFORMING USES OF LAND. (Ord. 290 – Jul. 13 Supp.) Where at the time of passage of the zoning ordinance lawful use of land exists which would not be permitted by the regulations imposed by the ordinance, and where such use involves no individual structure with a replacement cost exceeding $1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the zoning ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the zoning ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent and future use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

165.26 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of the zoning ordinance which could not be built under the terms of the ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means or to any extent, it shall be allowed to be reconstructed to its previous dimensions or to dimensions which decrease the nonconformity, except in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

165.27 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of $1,000.00 or more, or of structure and premises in combination, exists at
the effective date of adoption or amendment of this chapter that would not be allowed in the
district under the terms of this chapter, the lawful use may be continued so long as it remains
otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by the zoning ordinance in
the district in which it is located shall be enlarged, extended, or structurally altered
except in changing the use of the structure to a use permitted in the district in which it
is located.

2. Any nonconforming use may be extended throughout any parts of a building
which were manifestly arranged or designed for such use at the time of adoption or
amendment of the zoning ordinance, but no such use shall be extended to occupy any
land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or
structure and premises, may as a special exception be changed to another
nonconforming use provided that the Board of Adjustment, either by general rule or by
making findings in the specific case, shall find that the proposed use is equally
appropriate or more appropriate to the district than the existing nonconforming use. In
permitting such change, the Board of Adjustment may require appropriate conditions
and safeguards in accordance with the provisions of this chapter.

4. Any structure, or structure and land in combination, in or on which a
nonconforming use is superseded by a permitted use, shall thereafter conform to the
regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and premises in
combination, is discontinued or abandoned for twelve (12) consecutive months or for
eighteen (18) months during any three-year period (except when government action
impedes access to the premises) the structure, or structure and premises in combination,
shall not thereafter be used except in conformity with the regulations of the district in
which it is located.

6. When nonconforming use status applies to a structure and premises in
combination, removal or destruction of the structure shall eliminate the nonconformin
status of the land. Destruction, for the purpose of the subsection, is defined as damage
to an extent of more than 75 percent of the replacement cost at time of destruction.
Replacement shall begin within six (6) months of the time of destruction or the
nonconforming status shall expire. Said construction shall also be completed within 18
months of the time of destruction or the nonconforming status shall expire.

165.28 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to
any nonconforming use, work may be done on ordinary repairs, provided that the square footage
of floor area of the building as it existed at the time of passage or amendment of the zoning
ordinance shall not be increased.

165.29 USES UNDER SPECIAL EXCEPTION PROVISIONS NON
NONCONFORMING USES. (Ord. 290 – Jul. 13 Supp.)
Any use which is permitted as a special exception in a district under the terms of this chapter
(other than a change through Board of Adjustment action from a nonconforming use to another
use not generally permitted in the district) shall not be deemed a nonconforming use in such
district, but shall without further action be considered a conforming use.
165.30 ZONING DISTRICTS. In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of building hereafter erected or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within the surrounding area of such buildings, the City is hereby divided into fifteen (15) classes of zoning districts. The use, height and area regulations are uniform in each class of zoning district and said districts shall be known as:

A-I Existing Agriculture District
A-2 Agriculture / Estates District
CN Conservation District
R-1 Single-Family Residential District (High Density)
R-2 Single-Family Residential District (Medium Density)
R-3 Single-Family Residential District (Low Density)
R-4 Multi-Family Residential District
R-5 Townhouse Residential District
R-6 Mobile Home Park
C-1 General Commercial
C-2 Business and Neighborhood District (Older Square District)
C-3 Highway Commercial District
M -1 Light Industrial District
M-2 Medium Industrial District
M-3 Heavy Industrial District

(Ord. 290 – Jul. 13 Supp.)

165.31 BOUNDARIES. The boundaries of the zoning districts are indicated upon the Official Zoning Map of the City, which map is made a part of this chapter by reference. The Official Zoning Map of the City, and all the notations, references and other matters shown thereon shall be as much a part of this chapter as if the notations, references, and other matters set forth on said map were all fully described herein; the original of which is properly attested and is on file in the office of the City Clerk. The district boundaries are either municipal corporate lines, 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 centerlines of streets and alleys shall be construed to be the boundary of the district. Disputes concerning the exact location of any zoning district boundary line shall be decided by the Board of Adjustment according to the intent of this chapter.

165.32 ANNEXATION. All territory hereafter annexed to the City shall be classified as being located in the A-1 Agricultural District until such classification is subsequently changed by an amendment to the Zoning Code.
165.33 A-1 EXISTING AGRICULTURAL DISTRICT. The regulations set forth in this section, or elsewhere in this chapter which are applicable, shall apply in the A-1 Existing Agricultural District.

1. Purpose and Intent. This district is intended to provide for the protection and preservation of the prime agricultural land resources that are within the sphere of influence of the urbanizing area. This district recognizes the need to establish controls over certain existing agricultural areas in order to prevent the establishment of scattered small lot subdivisions that force the extension of urban services into areas more appropriately suited for non-urban development.

2. Principal Permitted Uses.
   A. Family-owned general farming including poultry excluding farm feeding offal or garbage.
   B. Family-owned specialty farming, including dairying, livestock raising, truck farming and excluding livestock feeding stations or lots, hog farms.
   C. Accessory uses incidental to and on the same zoning lot as the principal use as follows:
      (1) A single-family detached home when occupied by the owner or lessee of the principal use.
      (2) Agricultural buildings and structures.
      (3) Garages.
      (4) Private guest house and/or servant quarters.
      (5) Roadside stands for the display and sale of agricultural products on zoning lots where the principal use is agricultural.
      (6) Storage of building materials and equipment and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
   D. Single-Family Dwelling. (Ord. 290 – Jul. 13 Supp.)

3. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment:
   A. Commercial nurseries and greenhouses.
   B. Mining, quarrying, or extraction of minerals or soil, or depositing such materials in operations not related to development or construction activity for which plans have been approved in accordance with applicable regulations of the City.
   C. Kennel (commercial).
   D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including aesthetics, have been mitigated to the extent possible.
E. Bed and Breakfast (occupational permit required).

F. Airports, heliports, and landing strips, including those for the private use of an individual and those for ultra-light aircraft, together with hangers, terminal facilities, and other auxiliary facilities.

G. Churches or accessory facilities (on or off site).

H. Cemeteries, crematories or mausoleums.

I. Stables, private or public.

J. Publicly operated sanitary landfills.

K. Private recreational camps, golf course and recreational facilities.

L. Publicly owned and operated buildings and facilities.

4. Height Regulations. 2½ stories or 35 feet, excluding farm buildings.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed:

   Lot area ................................................................. 5 acres
   Lot width ............................................................... 300 feet
   Front yard depth ..................................................... 60 feet
   Side yard (least width on any one side) ............ 50 feet
   Width (minimum sum of both side yards)......... 100 feet
   Rear yard depth ..................................................... 50 feet

6. Required Conditions. No commercial feed lot may be located closer than one-half mile from any R - Residential District or C - Commercial District.

7. Off-Street Parking. The following off-street parking requirements shall apply in the AG District:

   A. Dwellings: one (1) parking space on the lot for each living unit in the building.
   B. Churches: one (1) parking space within 400 feet of the lot for each 5 seats in the main auditorium.
   C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.
   D. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.
   E. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

8. Off-Street Loading. The following off-street loading requirements shall apply in the AG District:

   A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
   B. Loading shall not be permitted to block public right-of-way.

 [The next page is 839]
165.34  A-2 RURAL/ESTATES DISTRICT. The regulations set forth in this section, or elsewhere in this chapter which are applicable, shall apply in the A-2 Rural/Estates District.

1. Purpose and Intent. The purposes of this district are to provide space on the fringes of the developed areas of the City for rural activities and estate single-family development, to promote the economic use of land until it is needed for intensive urban development and to prevent the premature scattering of small lot subdivision development and extending of public facilities and services.

2. Principal Permitted Uses. A building or premises shall be used only for the following purposes:

   A. Single-family detached dwellings.
   B. Parks.
   C. Open spaces.
   D. Agriculture. (The raising and keeping of animals is prohibited on a commercial basis.)
   E. Family home.

3. Accessory uses incidental to and on the same zoning lot as the principal use as follows:

   A. Agricultural building and structures.
   B. Club houses and other structures on the grounds of golf courses.
   C. Garages.  (Ord. 320 – Jul. 17 Supp.)
   D. Private greenhouses.
   E. Private guest houses.
   F. Private boat houses.
   G. Servants quarters.
   H. Roadside stands for the display and sale of agricultural products on zoning lots where the principal use is agriculture.
   I. Storage of building materials and equipment and temporary buildings for construction purposes for a period not to exceed the duration of such construction.

4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment.

   A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
   B. Cemeteries.
   C. Churches and other religious organizations (SIC 8661).
   D. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
   E. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including
facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.

F. Bed and breakfast.

G. Nursery schools and other child care (SIC 8351).

H. Recreational vehicle parks and campgrounds.

I. Private kennels.

J. Private stables.

K. Golf courses.

L. Other uses determined by the Board of Adjustment to be similar in character.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed:

- Lot area ........................................ 3 acres
- Lot width ....................................... 200 feet
- Front yard depth .............................. 50 feet
- Side yard (least width on any one side)........... 50 feet
- Width (minimum sum of both side yards)........ 100 feet
- Rear yard depth ............................ 50 feet

6. Off-Street Parking. The following off-street parking requirements shall apply in the AG District:

A. Dwellings: one (1) parking space on the lot for each living unit in the building.

B. Churches: one (1) parking space within 400 feet of the lot for each 5 seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each five seats in the main assembly area.

D. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.

E. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

7. Off-Street Loading. The following off-street loading requirements shall apply in the AG District:

A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

[The next page is 847]
165.35 **CN CONSERVATION DISTRICT.** The regulations in this section, or elsewhere in this chapter which are applicable, shall apply in the CN Conservation District.

1. **Purpose and Intent.** This district is intended to prevent, in those areas that are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. This district is also intended to provide for water conservation, erosion control, protection of wildlife habitat, protection of natural erosion control, protection of natural drainage ways and generally to provide for ecologically sound land use of environmentally sensitive areas.

2. **Principal Permitted Uses.**
   A. Undeveloped and unused land in its natural condition.
   B. Public parks and recreation open space.

3. **Accessory Uses.**
   A. Agriculture, exclusive of dwelling units.
   B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded. (No storage of harmful chemicals that could harm people or environment without written permission of the City.)
   C. Flood control structures.
   D. Roadside stands offering for sale only agricultural products or other products produced on premises.
   E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Special Exceptions.**
   A. Stables, private or public.
   B. Greenhouse and nurseries.
   C. Private recreational uses (non-motorized only).
   D. Public or private utility substations, relay stations, etc.

5. **Height Regulation.** 2½ stories or 35 feet, excluding farm buildings.

6. **Lot Area, Lot Frontage and Yard Requirements.** The following minimum requirements shall be observed:

   - Lot area ......................................................... 5 acres
   - Lot width .................................................... 200 feet
   - Front yard depth .......................................... 50 feet
   - Side yard (least width on any one side) .......... 50 feet
   - Width (minimum sum of both side yards) .......... 100 feet
   - Rear yard depth ........................................... 50 feet

7. **Off-Street Parking.** The following off-street parking requirements shall apply in the CN District:
   A. Roadside stands: one (1) parking space for each 50 square feet of floor area.
B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

8. Off-Street Loading. The following off-street loading requirements shall apply in the CN District:

A. All activities or uses allowed in the CN District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

[The next page is 855]
165.36 **R-1 (HIGH DENSITY) SINGLE-FAMILY RESIDENTIAL DISTRICT.** The regulations set forth in this section or elsewhere in this chapter which are applicable, shall apply in the R-1 (High Density) Single-Family Residential District. This also recognizes older areas of Adel.

1. Purpose and Intent. The purpose of this district is to provide space for the smallest standard lot for single-family living where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare.

2. Permitted Uses.
   A. Single-family detached dwellings.
   B. Elder Home. Any residential facility which meets the definition of an elder home as defined in Chapter 414.29 and referenced sections of the Code of Iowa.
   C. Family homes.
   D. Home occupations.
   E. Two Family Attached Dwellings. *(Ord. 290 – Jul. 13 Supp.)*

3. Accessory Uses.
   A. Private garages.
   B. Normal accessory buildings and structures for a dwelling such as: swimming pools, children’s playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, greenhouses, gazebos, etc.
   C. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work. *(Ord. 290 – Jul. 13 Supp.)*

4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City.
   A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
   B. Nursery schools and other child care (SIC 8351).
   C. Churches and other religious organizations (SIC 8661).
   D. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
   E. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all
negative impacts, including aesthetics, have been mitigated to the extent possible.

F. Bed and breakfast houses.

G. Home occupation in accessory buildings.

5. Maximum Height Regulations. No principal building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.


<table>
<thead>
<tr>
<th></th>
<th>Single Family</th>
<th>Two-Family</th>
<th>For Non-Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>8,000 sq. ft.</td>
<td>10,000 sq. ft.</td>
<td>One Acre</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>65 feet</td>
<td>85 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>Front Yard Depth</td>
<td>25 feet</td>
<td>30 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side Yard (least width on any one side)</td>
<td>A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal building.</td>
<td>10 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Width (minimum sum of both side yards)</td>
<td>16 feet</td>
<td>20 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear Yard Depths</td>
<td>25 feet</td>
<td>30 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

In the event public sewer is not available for a dwelling, the minimum lot area shall be 20,000 square feet.

(Ord. 321 – Aug. 17 Supp.)

7. Minimum Floor Area. Single-family dwellings shall have a minimum of one thousand (1,000) square feet of living space. If the dwelling is two or more stories high, the first floor living space shall contain a minimum of eight hundred (800) square feet.

8. Off-Street Parking Regulations.
   A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
   B. For two-family dwellings: two (2) spaces per dwelling unit.

9. Off-Street Loading. The following off-street loading requirements apply in the R-1 District:
   A. All activities or uses allowed in the R-1 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
   B. Loading is not permitted to block public right-of-way.

[The next page is 863]
165.37  R-2 (MEDIUM DENSITY) SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for medium sized lots for single-family living and two-family dwellings in intermediate locations in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.

2. Permitted Uses. Any use permitted in the R-1 District and accessory uses incidental to and on the same zoning lot as the principal use.

3. Accessory Uses.
   A. Private garages.
   B. Normal accessory buildings and structures for a dwelling, such as swimming pools, children’s playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc.
   C. Raising and keeping of animals is prohibited on a commercial basis.
   D. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
   A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
   B. Cemeteries.
   C. Churches and other religious organizations (SIC 8661).
   D. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
   E. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.
   F. Nursery schools and other child care (SIC 8351).
   G. Bed and breakfast house.
   H. Home occupation in accessory buildings.

5. Maximum Height Regulations. No principal building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

<table>
<thead>
<tr>
<th></th>
<th>For Dwellings</th>
<th>For Non-Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot area</strong></td>
<td>10,000 sq ft</td>
<td>1 acre</td>
</tr>
<tr>
<td><strong>Lot frontage</strong></td>
<td>90 ft</td>
<td>150 ft</td>
</tr>
<tr>
<td><strong>Front yard depth</strong></td>
<td>30 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td><strong>Side yard (least width on any one side)</strong></td>
<td>10 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td><strong>Width (minimum sum of both side yards)</strong></td>
<td>20 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td><strong>Rear yard depths</strong></td>
<td>30 ft</td>
<td>50 ft</td>
</tr>
</tbody>
</table>

In the event public sewer is not available for a dwelling, the minimum lot area shall be 20,000 square feet.

7. Minimum Floor Area. Single-family dwellings shall have a minimum of one thousand two hundred (1,200) square feet of living space. Two-family dwellings shall have a minimum of nine hundred fifty (950) square feet for each unit. If the building is two or more stories high, the first floor living space of a single-family dwelling shall contain a minimum of nine hundred (900) square feet; and the first floor living space of a two-family dwelling shall contain a minimum of seven hundred fifty (750) square feet.

8. Dwelling Width. The minimum dwelling width shall be 30 feet at the exterior dimension.

   A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
   B. For two-family dwellings: two (2) spaces per dwelling unit.

10. Off-Street Loading. The following off-street loading requirements apply in the R-2 District:
    A. All activities or uses allowed in the R-2 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
    B. Loading is not permitted to block public right-of-way.

[The next page is 871]
CHAPTER 165

ZONING CODE

165.38  R-3 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for relatively large lots for single-family living and generally situated in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.

2. Permitted Uses. Any use permitted in the R-1 District.

(Ord. 290 – Jul. 13 Supp.)

3. Accessory Uses.
   A. Private garages.
   B. Normal accessory buildings and structures for a dwelling, such as swimming pools, children’s playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc.
   C. Raising and keeping of animals is prohibited on a commercial basis.
   D. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
   A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
   B. Churches and other religious organizations (SIC 8661).
   C. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
   D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.
   E. Nursery schools and other child care (SIC 8351).
   F. Bed and breakfast house.
   G. Clinics (SIC 8011, 8021, 8031, 8041, 8042, 8043, 8049).

5. Maximum Height Regulations. No principal building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

<table>
<thead>
<tr>
<th></th>
<th>For Dwellings</th>
<th>For Non-Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>20,000 square feet</td>
<td>one acre</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>150 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Front yard depth</td>
<td>50 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>Side yard (least width on any one side)</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Width (minimum sum of both side yards)</td>
<td>60 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>Rear yard depths</td>
<td>60 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

In the event public sewer is not available for a dwelling, the minimum lot area shall be 20,000 square feet.

7. Minimum Floor Area. Single-family dwellings shall have a minimum of two thousand (2,000) square feet of living space. Two-family dwellings shall have a minimum of one thousand two hundred (1,200) square feet for each unit. If the building is two or more stories high, the first floor living space of a single-family dwelling shall contain a minimum of one thousand two hundred (1,200) square feet; and the first floor living space of a two-family dwelling shall contain a minimum of nine hundred (900) square feet.

8. Dwelling Width. The minimum dwelling width shall be 40 feet at the exterior dimension.

   A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
   B. For two-family dwellings: two (2) spaces per dwelling unit.

10. Off-Street Loading. The following off-street loading requirements shall apply in the R-3 District:
    A. All activities or uses allowed in the R-3 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
    B. Loading shall not be permitted to block public right-of-way.

[The next page is 879]
165.39  R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.

1.  Purpose. The purpose of this district is to provide space for multi-family development lots generally situated in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.

2.  Permitted Uses. A building or premises shall be used only for the following purposes.
   A.  Any use permitted in the R-2 Residential District providing such use shall comply with the minimum requirements of the R-3 District.
   B.  Multiple-family apartment and condominium buildings designed for more than two (2) dwelling units providing such use shall not exceed 4 buildings per one-half acre of lot area, and 24 dwelling units for each building.  
      (Ord. 320 – Jul. 17 Supp.)
   C.  Multi-family dwellings when part of a townhouse residential complex of two or more such buildings, and provided such complex shall not exceed eight (8) dwelling units on each acre of lot area.
   D.  Nursery schools and other child care.

3.  Accessory Uses.
   A.  Any use permitted in the R-1, R-2 & R-3 Residential District providing such use shall comply with the minimum requirements of either district.
   B.  Multi-family entertainment and service centers, providing such areas are not located to the front of the principal building at ground level or above, and such areas shall be screened from public view.
   C.  Retail shops and refreshment stands accessory to principal buildings described in this section (apartment and condominium buildings); provided, however, there shall be no access to such place of retail shop except from the inside of the principal building or internal courtyard, nor shall any display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.

4.  Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
   A.  Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
   B.  Churches and other religious organizations (SIC 8661).
   C.  Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
   D.  Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.
E. Nursery schools and other child care (SIC 8351).

F. Bed and breakfast house.

G. Clinics (SIC 8011, 8021, 8031, 8041, 8042, 8043, 8049).

5. Height Regulations. No multi-family building shall exceed three (3) stories or thirty-five (35) feet in height, at the required front, side and rear yard building lines.

6. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements for all uses shall be observed:

<table>
<thead>
<tr>
<th></th>
<th>For Dwellings</th>
<th>For Non-Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>10,000 square feet</td>
<td>one acre</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>90 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Front yard depth</td>
<td>30 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>Side yard (least width on any one side)</td>
<td>10 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Width (minimum sum of both side yards)</td>
<td>20 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>Rear yard depths</td>
<td>35 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

The side yard least width on any one side for townhouses shall, however, be zero feet.

7. Open Space Regulations. On each lot there shall be provided an open space equal to at least twenty percent (20%) of the total lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two 20-foot lanes that are separated by open space.

8. Off-Street Parking Regulations.
   A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
   B. For multi-family dwellings: two (2) spaces per dwelling unit.

9. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:
   A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
   B. Loading shall not be permitted to block public right-of-way.

[The next page is 887]
165.40 **R-5 TOWNHOUSE RESIDENTIAL DISTRICT.**

1. **Purpose.** The purpose of this district is to provide space for individuals and small families in low-density group housing accommodations with individual or shared parking, open space and other facilities in locations near major arterials and shopping facilities and in neighborhoods that are or soon will be served by a full range of public services.

2. **Permitted Uses.** Any use permitted in and conforming to the minimum and maximum requirements of the R-2 or R-3 District and multiple family uses. Accessory uses incidental to and on the same zoning lot as the principal use.

3. **Accessory Uses.**
   
   A. Private garages.
   
   B. Normal accessory buildings and structures for a dwelling, such as swimming pools, children’s playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc.
   
   C. Raising and keeping of animals is prohibited on a commercial basis.
   
   D. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. **Conditional Uses.** The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.

   A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
   
   B. Churches and other religious organizations.
   
   C. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
   
   D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.
   
   E. Nursery schools and other child care.
   
   F. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of (or homes for) the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.
   
   G. Bed and breakfast.

5. **Use Intensity Ratios.** A maximum land use intensity ratio of 4.0 shall be permitted. Ratios relating to floor area, open space, living space and recreation space
shall be coordinated for this and any lesser rating that may be selected to the degree that minimum and maximum requirements indicated in Table 1 for each ratio are observed.

**TABLE 1: LAND USE INTENSITY RATIOS**

<table>
<thead>
<tr>
<th>Land Use Intensity Rating</th>
<th>Maximum Floor Area Ratio</th>
<th>Minimum Open Space Ratio</th>
<th>Minimum Living Space Ratio</th>
<th>Minimum Recreation Space Ratio</th>
<th>Land Use Intensity Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.0</td>
<td>0.100</td>
<td>8.3</td>
<td>6.5</td>
<td>0.25</td>
<td>3.0</td>
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<td>3.1</td>
<td>0.107</td>
<td>7.4</td>
<td>5.8</td>
<td>0.24</td>
<td>3.1</td>
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<tr>
<td>3.2</td>
<td>0.115</td>
<td>6.9</td>
<td>5.2</td>
<td>0.23</td>
<td>3.2</td>
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<tr>
<td>3.3</td>
<td>0.123</td>
<td>6.4</td>
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</tr>
<tr>
<td>3.4</td>
<td>0.132</td>
<td>5.9</td>
<td>4.2</td>
<td>0.22</td>
<td>3.4</td>
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<tr>
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<td>3.8</td>
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<tr>
<td>3.6</td>
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<tr>
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<tr>
<td>3.8</td>
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<td>5.1</td>
<td>0.429</td>
<td>1.7</td>
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<td>5.2</td>
<td>0.459</td>
<td>1.6</td>
<td>0.91</td>
<td>0.12</td>
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<tr>
<td>5.3</td>
<td>0.492</td>
<td>1.5</td>
<td>0.84</td>
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<tr>
<td>5.4</td>
<td>0.528</td>
<td>1.4</td>
<td>0.77</td>
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<td>5.4</td>
</tr>
<tr>
<td>5.5</td>
<td>0.566</td>
<td>1.3</td>
<td>0.71</td>
<td>0.11</td>
<td>5.5</td>
</tr>
<tr>
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<td>0.66</td>
<td>0.11</td>
<td>5.6</td>
</tr>
<tr>
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<td>0.650</td>
<td>1.1</td>
<td>0.61</td>
<td>0.10</td>
<td>5.7</td>
</tr>
</tbody>
</table>

6. Off-Street Parking Regulations.
   A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
   B. For multi-family dwellings: two (2) spaces per dwelling unit.

7. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:
   A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
   B. Loading shall not be permitted to block public right-of-way.

[The next page is 895]
165.41 R-6 MOBILE HOME PARK DISTRICT.

1. Purpose. This district is intended to provide for certain medium density residential areas in the City, now developed as mobile home parks, which, by reason of their design and location, are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.

2. Permitted Uses.
   A. Mobile homes located in an approved mobile home park.
   B. Home occupations.

3. Accessory Uses.
   A. Private garages.
   B. The raising and keeping of animals is prohibited on a commercial basis.
   C. Private recreational facilities.
   D. Temporary buildings for such use incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.

4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
   A. Public or private utility substations, relay stations, etc.
   B. Nursery schools.
   C. Churches or accessory facilities (on or off site).
   D. Home occupations in accessory buildings.

5. Mobile Home Park Plan. Each petition for a change to the R-6 zoning classification shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines servicing each mobile home space, the location of garbage receptacles, water hydrants, service buildings, driveways, walkways, recreational areas, required yards, existing and proposed grading, parking facilities, lighting, landscaping, and the location of existing trees, buildings or other significant features. Each mobile home park shall be equipped with a storm shelter determined by emergency management. The required plan shall be considered by the Planning and Zoning Commission and Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary.

<table>
<thead>
<tr>
<th></th>
<th>Single Units</th>
<th>Double Wide Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>4,000 square feet</td>
<td>4,200 square feet</td>
</tr>
<tr>
<td>Lot frontage</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Front yard depth</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side yard (least width on any one side)</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Width (minimum sum of both side yards)</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard depths</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

7. Additional Requirements.

A. Each mobile home site shall be provided with a stand or pad consisting of a reinforced, 4-inch, poured Portland cement concrete apron not less than 8 feet wide and 45 feet long and paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.

B. No mobile home shall be located within 5 feet of any driveway or parking space or less than 30 feet from the side or rear lot lines of the mobile home park.

C. Tie-downs or anchors shall be provided on every mobile home stand. Each tie-down or anchor must be able to sustain a minimum tensile strength as required by the State of Iowa.

D. Skirting of a permanent-type material and construction shall be installed within ninety (90) days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

E. Sewer and water facilities shall be provided for each mobile home park space in accordance with requirements of the Iowa Department of Health. All mobile home developments must be connected to the municipal water system. All electrical and telephone lines shall be placed underground.

F. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following:

G. Each unit will provide two (2) off-street parking spaces.

Parallel parking on one side:

1-way traffic streets – 20 feet minimum
2-way traffic streets – 30 feet minimum

Parallel parking on both sides:

1-way traffic streets – 26 feet minimum
2-way traffic streets – 36 feet minimum

[The next page is 903]
165.42 C-1 GENERAL COMMERCIAL DISTRICT.

1. Purpose. The C-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact, centrally located traditional business district. *(Ord. 290 – Jul. 13 Supp.)*

2. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.

   A. Grocery Stores (5411-SIC).
   B. Meat and seafood markets, but not including slaughtering or carcass meats (5423-SIC).
   C. Fruit stores and vegetable markets (5431-SIC), provided that no outdoor or open-air display, sales or storage shall be permitted.
   D. Candy, nut, and confectionery stores (5441-SIC).
   E. Dairy product stores (5451-SIC), retail over the counter sales only.
   F. Retail bakeries including baking and selling (5462-SIC).
   G. Non-commercial museums and art galleries (8411-SIC).
   H. Drug Stores (5912-SIC).
   I. Variety store, junior department store, or showroom/catalog store, not to exceed 15,000 square feet of gross floor area.
   J. Beauty shops (7231-SIC) and barber shops (7341-SIC), but not including schools.
   K. Tailor shops, including clothing alteration and repair shops.
   L. Shoe repair shop, shoe shining (7251-SIC).
   M. Watch, clock and jewelry repair (7631-SIC).
   N. Electrical repair shops (7622-SIC).
   O. Coin operated laundries and dry cleaning establishments using nonflammable solvents.
   P. Eating places, including drive-in and carry-out establishments, but not including caterer (5812-SIC) or live entertainment, health food stores.
   Q. Drinking places, but not including discotheques or live entertainment (5813-SIC), and not to exceed an occupancy of 125 persons; the area utilized for dancing shall not exceed one-eighth (1/8) of the patron area excluding restrooms and foyers, and dancing shall cease when the bar closes to the public.
   R. Hardware stores (5251-SIC).
   S. Paint, glass, and wallpaper stores, retail sales to the general public only, apparel and accessory stores, including storage and repair of fur garments but not including trading in furs (5600-SIC).
   T. Sporting goods stores and bicycle shops (5941-SIC), but not including sales of motorized vehicles.
   U. Book stores (5942-SIC) and stationery stores (5943-SIC).
V. Jewelry stores (5944-SIC) and dry cleaning.
W. Hobby, toy and game shops (5945-SIC).
X. Camera and photographic supply stores (5946-SIC), including photofinishing services for the general public and photographic studios, portraits (7221-SIC) commercial photography, art, and graphics (7333-SIC).
Y. Gift, novelty, and souvenir shops (5947-SIC).
Z. Luggage and leather goods (5948-SIC).
AA. Sewing, needlework, and piece goods stores (5949-SIC).
BB. Formalwear and costume rental, not including used merchandise shops.
CC. Florists (5992-SIC), including potted house plants.
DD. Optical goods and hearing aids.
EE. Retail pet food stores and pet grooming, provided that kennels, boarding, and sales of pets other than tropical fish are expressly prohibited as either principal or accessory uses.
FF. Artists’ and architectural supply.
GG. Retail coin, philatelist, and autograph shops.
HH. Religious goods.
II. News dealers and newsstands (5994-SIC) and news syndicates (7351-SIC).
JJ. Radio, television, and music stores including home video equipment (5731-SIC).
KK. Miscellaneous home furnishings such as glassware and linens (5719-SIC).
LL. Interior decorators, including retail sale of draperies and curtains.
MM. Household appliance stores but not including cabinets or plumbing fixtures.
NN. Floor covering stores (5713-SIC) primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors.
OO. Retail sale of household furniture, but not including cabinets, not to exceed 10,000 square feet in gross floor area.
PP. Health clubs or spas, beauty spas or reducing salons, and similar health and beauty services, but not including lodging (5231-SIC).
QQ. Apparel and accessory stores, including storage and repair of fur garments.
RR. Real estate and legal services (6500-SIC; 8111-SIC).
SS. Business associations (8611-SIC); Professional membership associations (8621-SIC); and other membership organizations (8699-SIC) including civic, social, fraternal, religious (8651-SIC) and political (8651-SIC).
TT. Advertising agencies and radio, television and publishers’ advertising representatives (7311 and 7313-SIC).

UU. Offices of manufacturers’ sales representatives, subject to on-site sales, display, or storage of stock in trade.

VV. Personnel Supply Services (736-SIC).

WW. Blueprinting and photocopying services (7332-SIC).

XX. Travel agencies and bureaus.

YY. Blood banks.

ZZ. Professional, scientific and technical services.

(Ord. 290 – Jul. 13 Supp.)

3. Accessory Uses

A. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products.

B. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:

(1) Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the exterior, but shall access through a principal use or from a common enclosed mall or courtyard.

(2) Total area of all accessory uses shall not exceed 25% of the gross leasable floor area of the building.

(3) No signage or merchandise shall be displayed as to be visible to the general public from outside the building.

(Ord. 290 – Jul. 13 Supp.)


A. Retail sale of nursery stock including outdoor storage and sales of same, seeds and fertilizers, and other garden supplies and tools, but not including power mowers and similar tools.

B. Auditoriums or assembly areas for more than 100 persons as a customary accessory use to a permitted use.

C. Veterinarian clinics or animal hospitals providing overnight boarding or lodging.

D. Gasoline service stations, muffler installation and other routine maintenance, tire dealers, retail sale of gas and oil, filling stations, and car washes.
E. Business and secretarial schools (SIC 8244).
F. Outpatient care facilities (SIC 8081).
G. General medical and surgical hospitals (SIC 8062).
H. Child Day Care Services (SIC 8351).
I. Communication towers with a maximum height of 150 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan.
J. Storage facilities.

5. Performance Standards.
A. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed forty (40) percent of the total gross floor area; further provided that storage shall be wholly contained within the principal building.
B. Certain products such as bakery goods may be produced for retail sale on the premises on which they are produced provided that such production shall be clearly accessory to the retail use of the premises and all such products shall be sold at retail on the premises on which they are produced.
C. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.
D. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
E. Nothing shall be construed to permit any use of an adult entertainment nature.
F. All activities, storage, and display shall be contained within a fully enclosed building, except for uses such as sale of gasoline which by their nature must be conducted outside.
G. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
H. Where the lot abuts property zoned for residential use, a buffer shall be provided between such use. (See subsection 6 of this section.)
I. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant materials.
J. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 40 feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent. One
additional drive access may be permitted a lot with continuous frontage in
excess of 300 feet, or two additional drive accesses for continuous frontage in
excess of 600 feet, if proper spacing is provided. The City Council may
authorize additional drives in any case upon finding such access will not create
congestion or traffic hazards.

6. Bulk Requirements. The following requirements shall be observed.

A. Minimum Lot Area: None.

B. Minimum Lot Width: None.

C. Minimum Front Yard: 20 feet.

D. Minimum Side Yards: Adjacent to a street - 20 feet; adjacent to a
   residentially zoned property - 30 feet; otherwise none required.

E. Minimum Rear Yard: Adjacent to residentially zoned property - 30
   feet; otherwise none required.

F. Maximum Height: Two stories with a maximum total height of 35 feet,
   provided that no building shall exceed a bulk plane having a 14 degree altitude
calculated from a horizontal plane extending through a line located eighteen feet
above the average elevation of the rear lot line when the rear yard abuts a residential
district lying to the north, or when a commercial structure with an existing solar
energy device or passive solar energy building design, said design to be previously
documented and to include thermal storage, lies to the north.

(Subsections A and B – Ord. 320 – Jul. 17 Supp.)
[The next page is 913]
165.43 REPEALED RESERVED FOR LATER USE.

(Former 165.43 - Repealed by Ordinance No. 290 – Jul. 13 Supp.)
[The next page is 923]
165.44 C-2 BUSINESS AND NEIGHBORHOOD DISTRICT (OLDER SQUARE DISTRICT).

1. Purpose. This district is intended to provide for certain areas of the City for the development of service, retail and other non-residential uses, excluding industrial and agricultural uses. It is intended to permit small scale commercial uses compatible with adjacent residential neighborhoods. (Ord. 290 – Jul. 13 Supp.)

2. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.
   A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products, and incidental sales or display outside the building.
   B. Offices and clinics.
   C. Publicly owned and operated buildings and facilities.
   D. All permitted uses in C-1. (Ord. 290 – Jul. 13 Supp.)

3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the C-2 District:
   A. Private recreational facilities.
   B. Dwellings, second floor and above.
   C. Private garages.
   D. Parking lots.
   E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work. (Ord. 290 – Jul. 13 Supp.)

4. Conditional Use. The following uses may be permitted in the C-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses. (Ord. 290 – Jul. 13 Supp.)
   A. Public or private utility substations, relay stations, etc.
   B. Satellite dishes. The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings, except that a 72-hour temporary use is allowed. No satellite dish shall exceed a diameter of 4 feet.
   C. Warehouses.
   D. Churches or accessory facilities (on or off site).
   E. Hotels and motels.
   F. One and two family dwellings subjected to R-1 lot area, frontage and yard setback requirements. (Ord. 320 – Jul. 17 Supp.)

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the C-2 District.
   A. Minimum lot: 2,200 square feet.
B. Minimum lot width: 20 feet.
C. Minimum front yard: none, except 20 feet where provided.
D. Minimum side yard: none, except 6 feet minimum where provided.
E. Minimum rear yard: none, except 20 feet minimum where provided.
F. Maximum height: the lesser of 4 stories or 60 feet.

Where this district abuts a lower intensity district, the greater side and rear yard setbacks apply.

6. Off-Street Parking. The following off-street parking requirements shall apply in the BC District.
   A. Sales and service buildings: one (1) parking space per 300 square feet of gross floor area.
   B. Offices/clinic: one (1) parking space per 300 square feet of gross floor area.
   C. Churches: one (1) parking space within 400 feet of the lot for each 5 seats in the main auditorium.
   D. Public buildings and facilities: one (1) parking space per 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.
   E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.
   F. Dwellings: two (2) spaces per unit.

7. Off-Street Loading. The following off-street loading requirements shall apply in the C-2 District.
   A. All activities or uses allowed in the C-2 District shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same zoning lot.
   B. Loading shall not be permitted to block public right-of-way.

8. Signs. The following sign regulations shall apply to the C-2 District:
   A. Off-premises and on-premises signs are permitted.
   B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
   C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
   D. No sign may imitate or resemble an official traffic control sign, signal or device.
   E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
   F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, Municipality or other governmental
subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, trees, or other perennial plants, or on poles maintained by public utilities.

H. Signs, any part of which project out from the building from 4 to 18 inches, shall be erected so that no portion of the sign is less than 9 feet above grade.

I. Signs must not exceed the maximum permissible height in this district.
165.45  C-3 HIGHWAY COMMERCIAL DISTRICT. (Ord. 290 – Jul. 13 Supp.)

1. The purpose of this district is to encourage growth and development of business activities and establishments which require highway frontage with a broad use of retail, business, office and service uses. As such, it will attract substantial volumes of traffic, due to its size and the variety of goods offered. It may include supermarkets, department stores, and a large variety of specialty stores, services and office buildings. Because of the substantial volume of traffic and the necessity of maintaining traffic flow on the arterial streets, access must be carefully controlled.

2. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district and permitted uses in C-2. (Ord. 320 – Jul. 17 Supp.)

   A. Department stores (SIC 5311), general merchandise stores (SIC 5399), and variety stores (SIC 5331).
   B. Mail order houses (SIC 5961).
   C. Caterers.
   D. Eating and drinking places, including those with live entertainment and dancing (SIC 5812 and 5813).
   E. Freezer and locker meat providers, meat and seafood markets including butchering or processing for retail sale on the premises or for an individual consumer.
   F. Retail bakeries including baking and selling (SIC 5462), and including baking for retail outlets in the metropolitan area owned by the same proprietors as an accessory use.
   G. Retail pet shops.
   H. Furriers, including fur dealing as an accessory to retail sales.
   I. Dry cleaning, including processing.
   J. Locksmiths, gunsmiths, taxidermists, and other miscellaneous repair shops and related services (SIC 7699).
   K. Retail sales and repair of lawn and power mowers.
   L. Retail sale of nursery stock including outdoor storage and sales of same, seeds and fertilizers, and other garden supplies and tools (SIC 5261).
   M. Gasoline service stations, tire dealers, retail sale of gas and oil, filling stations, and car washes subject to the requirements of subsection 5.
   N. Automobile parts store and including installation of mufflers and similar minor equipment, but not including rebuilding of engines, transmissions, or similar work; machining of parts in such magnitude as to violate the performance standards as measured at the property line; or storage of used parts.
   O. Liquor stores (SIC 5921).
   P. Tobacco stores (SIC 5993).
   Q. Custom cabinetry and furniture.
R. Furniture upholstery and repair (SIC 7641).
S. Retail sale and repair of office furniture, typewriters, and other office equipment.
T. Retail sale of household furniture.
U. Antique stores.
V. Motion picture theaters (SIC 7832).
W. Billiard and pool establishments (SIC 7932).
X. Bowling alleys (SIC 7933).
Y. Dance halls, studios, and schools (SIC 7911).
Z. Beauty and barber schools.
AA. Funeral homes (SIC 7261).
BB. Business services (SIC 7300), but not including research and development laboratories (SIC 7391), equipment rental and leasing (SIC 7394), commercial testing laboratories (SIC 7397), or unclassified business services (SIC 7399).
CC. Labor or trade union halls.
DD. Theatrical producers and miscellaneous theatrical services (SIC 7922).
EE. Bands, orchestras, actors, and other entertainers (SIC 7929).
FF. Job training and vocational rehabilitation services (SIC 8331), individual and family social services (SIC 8322).
GG. Outpatient care facilities (SIC 8081).

3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products.

   A. Auditoriums or assembly areas for more than 100 persons, either as a customary accessory use or a principal use.
   B. Outdoor patios or serving areas for eating and drinking places, provided that no amplified sound shall be permitted.
   C. Veterinarian clinics or animal hospitals providing overnight boarding or lodging.
   D. Business, trade, and secretarial schools (SIC 8244).
   E. General medical and surgical hospitals (SIC 8062).
   F. Other amusement or recreational services not listed as permitted uses.
   G. Consignment shops for retail sale of used clothing and other household items in undamaged, like-new condition.
   H. Automotive repair shops (SIC 7538 and 7539).
I. Buildings taller than 60 feet in height, subject to solar and fire considerations.

J. Communication towers with a maximum height of 130 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan.

K. Storage facilities.  

5. Performance Standards.

A. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed 40% of the total gross floor area; further provided that storage shall be wholly contained within the principal building.

B. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material.

C. Certain products may be produced on the premises provided that:

(1) Such production shall be clearly accessory to the retail use of the premises;

(2) All such products shall be sold at retail on the premises on which they are produced, provided that such restriction shall not be construed to prohibit operation of a catering service or similar establishment.

D. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.

E. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.

F. Nothing shall be construed to permit any use of an adult entertainment nature.

G. All activities, storage, and display shall be contained within a fully enclosed building, except for uses such as sale of gasoline which by their nature must be conducted outside.

H. All refuse collection areas shall be fully enclosed by a six (6) foot high opaque wood fence or masonry wall. Where the lot abuts property zoned for residential use, a buffer shall be provided between such use.

6. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the C-3 District.

A. Minimum Lot Area: None.

B. Minimum Lot Width: None.

C. Minimum Front Yard: 20 feet.

D. Minimum Side Yards: Adjacent to a street – 20 feet; adjacent to a residential district – 30 feet; otherwise none required.
E. Minimum Rear Yard: Adjacent to residentially zoned property – 30 feet; otherwise none required.

F. Maximum Height: 60 feet, provided that no building immediately south of a residentially zoned property shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen (18) feet above the average elevation of the rear lot line when the rear yard abuts a residential district lying to the south, or above the average elevation of the front lot line of a residentially zoned parcel immediately across the street from said building.

G. Maximum floor area ratio (FAR): .500.

(Subsections A and B – Ord. 320 – Jul. 17 Supp.)

[The next page is 943]
165.46 M-1 LIGHT INDUSTRIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for modern landscaped industrial and commercial establishments which create limited or no hazards, noise, vibrations, smoke, dust, odors, heat, glare or other objectionable influences which would be offensive beyond the boundaries of the industrially zoned lot.

2. Permitted Uses. Only those uses providing office or industrial services; manufacturing, processing, or assembly of materials or substances into new products; engaged in wholesale trade; or warehousing that are listed below shall be permitted, subject to compliance with all of the provisions of this M-1 District.

   A. Apparel and finished products made from fabrics.
   B. Printing, publishing and allied industries.
   C. Boot and shoe cut stock and findings.
   D. Leather gloves and mittens.
   E. Glass and plastic products made of purchased glass or plastic.
   F. Scientific and research instruments.
   G. Measuring and controlling instruments.
   H. Optical instruments and equipment.
   I. Instruments, surgical, medical and dental.
   J. Ophthalmic goods.
   K. Photographic equipment (except film and chemicals).
   L. Watches, clocks and parts.
   M. Jewelry, silverware and plated ware.
   N. Musical instruments and parts.
   O. Toys, amusement, sporting and athletic goods (except guns, howitzers, mortars, firearms and related equipment).
   P. Pens, pencils, office and artists supplies.
   Q. Costume jewelry, miscellaneous notions.
   R. Research laboratories.
   S. Research agencies.
   T. Trade schools.
   U. Public utility and service uses.
   V. Radio and television stations.
   W. Warehousing and truck terminals.
   X. Communication towers with a maximum height of 150 feet.
   Y. Storage facilities.  

   (Ord. 320 – Jul. 17 Supp.)

3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use shall be permitted subject to the standards set forth in subsection 5.
CHAPTER 165

   A. Restaurants and other retail uses.
   B. Air, railroad, freight terminals, railroad switching and classification yards, repair shops and roundhouses.
   C. Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed.
   D. Penal and correctional institutions.
   E. Sewage treatment plants.
   F. Stadiums, auditoriums, and arenas – open or enclosed.
   G. Other manufacturing, processing, storage or commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in this district and found not to be obnoxious, unhealthful or offensive by reason of the potential omission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, heat, fire or explosive hazards.
   H. Animal shelters and kennels.
   I. Off-premises signs, as limited by the sign ordinance to replacement of existing legally nonconforming off-premises signs.
   J. All other uses of a similar character as may be determined by the Board of Adjustment.
   K. Public Facilities.  

5. Performance Standards.
   A. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
   B. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
   C. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property.
   D. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material.

[The next page is 951]
165.47 M-2 MEDIUM INDUSTRIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for industries that create a substantial nuisance but which do not create noxious nuisances and which are not a hazard to surrounding areas. They normally require heavy trucking in connection with their operations. Such industries should be located adjacent to freeways and highways. Areas set aside for their use should offer a wide selection of sites including some with access to rail transportation. An important consideration is the protection of surrounding residential, commercial, and light industrial uses from possible objectionable influences created by this type of industry.

2. Permitted Uses. Uses permitted in the M-1 District, and manufacture, storage, assembly, fabrication, and processing of the following:

   A. Sighting and fire control equipment.
   B. Dairy products.
   C. Canning and preserving food.
   D. Bakers and baked goods.
   E. Confectionery and related products.
   F. Tobacco products.
   G. Woven goods manufacturing mills (cotton).
   H. Woven goods manufactured (man-made fabrics).
   I. Fabric mills (dyeing and finishing).
   J. Narrow fabrics and small wares mills.
   K. Knit goods.
   L. Dyeing and finishing textiles (except wool and knit).
   M. Carpet products.
   N. Spinning mill.
   O. Miscellaneous textile goods (except oil-cloth).
   P. Saw mills and planning mills.
   Q. Millwork, veneer, plywood and prefab wood structures.
   R. Wooden containers.
   S. Household furniture.
   T. Office furniture.
   U. Public building and related furniture.
   V. Partitions, shelving lockers, office and store fixtures.
   W. Miscellaneous furniture and fixtures.
   X. Paper and paperboard products.
   Y. Paperboard containers and boxes.
   Z. Drugs.
AA. Rubber footwear.
BB. Plastic products.
CC. Leather (finishing only).
DD. Industrial leather belting and packing.
EE. Luggage.
FF. Handbags and other personal leather goods.
GG. Leather goods (not elsewhere classified).
HH. Glass (flat).
II. Glass and glassware (pressed or blown).
JJ. Structural clay products.
KK. Pottery and related products.
LL. Cut stone and stone products.
MM. Motor vehicles and equipment.
NN. Boat building and repair.
OO. Motorcycles, bicycles and parts.
PP. Miscellaneous manufacturing industries.
QQ. Trucking.
RR. Quick-freeze plant.
SS. Special storage (not elsewhere classified).
TT. Motor freight terminals and maintenance facilities.
UU. Metal and minerals wholesaler (non petrol or scrap), automobile, truck and trailer body repair.
VV. Bus garages and bus lots.
WW. All other uses of a similar character as may be determined by the Board of Adjustment.

3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use shall be permitted.


5. Performance Standards.

A. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
B. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
C. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property.
D. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant.
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165.48 M-3 HEAVY INDUSTRIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for all industries and storage facilities that will, by the nature of their operation, emit odors, gases, dust, noise, smoke, heat, glare or vibrations in sufficient quantities to constitute a hazard to public health, safety or general welfare.

2. Permitted Uses. Uses in M-2 District and manufacture, storage, assembly, fabrication or processing of the following uses:

(Ord. 320 – Jul. 17 Supp.)

A. Meat products.
B. Grain mill products.
C. Sugar.
D. Beverage industries.
E. Miscellaneous food preparation and kindred products.
F. Impregnated fabrics and oil-cloth.
G. Logging and lumber products.
H. Miscellaneous wood products.
I. Pulp mills.
J. Paper mills.
K. Paper-board mills.
L. Building paper and building board mills.
M. Chemicals, industrial (inorganic and organic).
N. Synthetic materials, plastics and manmade fibers.
O. Soap, detergents, etc.
P. Paints, varnishes, enamels, etc.
Q. Gum and wood chemicals.
R. Agricultural chemicals.
S. Miscellaneous chemical products.
T. Petroleum refining and related industries.
U. Tires and inner tubes.
V. Reclaimed rubber.
W. Fabricated rubber.
X. Cement.
Y. Asbestos and non-metallic mineral products.
Z. Iron foundry.
AA. Rolling, drawing, extruding non-ferrous metals.
BB. Non-ferrous foundries.
CC. Metal products fabrication and assembly.
DD. Machinery (except electrical).
EE. Electrical machinery equipment and supplies.
FF. Blast furnaces, steel works, drop hammer forge, rolling and finishing mills.
GG. Smelting and refining (non-ferrous metals).
HH. Secondary smelting and refining (non-ferrous metals).
II. Miscellaneous primary metal industries.
JJ. Railroad equipment.
KK. Photographic film and chemicals.
LL. Linoleum products.
MM. Matches (manufacturing only).
NN. Flour and grain storage elevators.
OO. Coal and scrap iron (wholesalers).
PP. Petroleum bulk stations and terminals.
QQ. Scrap and waste materials (wholesale).
RR. Wholesaling (not elsewhere classified).

3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use shall be permitted.

   A. Sanitary landfill areas for dumping or disposal of garbage, refuse or trash.
   B. Junk yards and auto graveyards.
   C. Guns, howitzers, mortars and related equipment.
   D. Military tanks and tank components.
   E. Small arms.
   F. Stockyards (livestock).
   G. Farm products and livestock (wholesale).
   H. Leather tanning.
   I. Ammunition (manufacturing only), small arms.
   J. Concrete, gypsum and plaster products.
   K. Refuse systems, incineration and disposal of animals.
   L. Off-premises signs having an area of more than 300 square feet but not more than 675 square feet, and a height of not more than 35 feet.
   M. Logging and lumber products.
   N. Chemical, industrial (inorganic and organic)
O. Petroleum refining and related industries
P. Asbestos and non-metallic mineral products
Q. Blast furnace, steel works, drop hammer forge, rolling and finishing mills
R. Smelting and refining (non-ferrous metals)
S. Secondary smelting and refining (non-ferrous metals)
T. Coal and scrap iron (wholesalers)
U. Scrap and waste materials (wholesale)
V. All other uses of a similar character as determined by the Board of Adjustment

(Subsections M through V – Ord. 320 – Jul. 17 Supp.)

5. Performance Standards.
   A. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
   B. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
   C. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property.
   D. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material.
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165.49 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along and 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 chapter.

2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure, housing a permitted or permissible principal use, may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

4. Accessory Buildings. No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected within 10 feet of a main building. No accessory building shall be closer than 5 feet to the rear or side lot line except that where a garage is entered perpendicular or near perpendicular directly from an alley, the setback shall be 15 feet. Accessory buildings located in the rear yard may not occupy more than 35 percent of the rear yard and the aggregate of all accessory buildings shall not exceed 750 square feet. No accessory building shall be used without occupancy of the principal building, and no accessory building shall exceed 18 feet in average height. Garages are limited to 1,200 square feet for lot size of less than 1.0 acres and 2,400 square feet for lot size of 1.0 acres or more and may not occupy more than 35 percent of the rear yard and the aggregate of all other accessory buildings. (See definition of private garage.)

(Ord. 320 – Jul. 17 Supp.)

5. Driveways and Parking Spaces. In no case shall driveways or vehicular parking spaces be placed in any side yard unless those spaces are constructed so as not to allow drainage onto any adjacent lot.

6. Siding. Colored corrugated steel siding in residential districts may be used on accessory buildings, with the exception of plain galvanized look.

(Ord. 290 – Jul. 13 Supp.)

7. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, or necessary mechanical appurtenances are all special exceptions and may be approved or denied by the Board of Adjustment.

8. Projections. Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.

9. Fire Escapes and Balconies. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet, when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.

10. Decks and Porches. Open, unenclosed decks or porches may extend 10 feet into a front yard and open, unenclosed decks may extend 10 feet into the back yard.
11. Terraces. Terraces that do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line.

12. Utility Service Lines. Nothing in this chapter shall have the effect of prohibiting utility service lines.

13. Paving in Front Yards. Not more than 30 percent of the front yard of any single-family residence shall be paved, provided that this shall not be construed to prevent a two-car driveway together with a paved apron leading to parking space located behind the minimum setback line.

14. Swimming Pools. Private portable swimming pools, hot tubs, spas, and similar recreational appurtenances shall not be allowed in front yards. Private permanent swimming pools shall only be allowed in the back yard. Further, all portable swimming pools, hot tubs, spas, and similar recreational appurtenances shall be surrounded by a 6-foot fence on all sides not abutting the dwelling or spas and hot tubs may be installed with a locking security cover approved by Zoning/Building Administrator.

15. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet from the point of the intersection.

16. Propane Tanks. Propane tanks shall be located in compliance with State of Iowa requirements and regulations.

17. Roofing. Approved roofing materials on all structures will be asphalt shingles, wood shakes, clay tile and steel roof, or an otherwise suitable material as approved by the Building Inspector. Sheet fiberglass are not permitted.


19. (Repealed by Ordinance 290 – Jul. 13 Supp.)

165.50 ZERO LOT LINE CRITERIA. Utilization of the zero lot line regulations under this chapter requires the approval of the entire subdivision in which a zero lot line unit is to be proposed. Approval of subdivisions shall be limited to generally undeveloped areas and the review shall follow the procedures required for all rezoning proposals. Approval of a subdivision for zero lot line regulations shall be so designated by the symbol ZL following the subdivision name on the district map. A duplex may be built which utilizes zero lot line regulations when all of the following conditions have been met:

1. Each dwelling unit is attached on the side and only one side to the other dwelling unit and further that the side property line divides each dwelling unit.

2. The applicant provides to the City Council and records in the office of the County Recorder acceptable covenant and deed restrictions on all properties that are proposed for zero lot line designation, which includes the following:

   A. Provision for access to the abutting property for the adjacent property owner and/or representative for the purpose of construction, reconstruction, repair, and maintenance of the side which all abut the common lot line.
B. Provision for necessary easement encroachments for footings, eaves, and special structures and provides for perpetual easements in the event of an encroachment by the party wall.

C. Provision that the City is a third party to the approval and subsequent changes to any covenants and deed restrictions, but is not a third party in enforcement of said covenants and deed restrictions.

3. Restrictions shall be provided to limit changes of color, material, and design of the dwelling as to be compatible with the attached unit.

4. Adequate provisions for utilities shall be provided.
[The next page is 981]
### PARKING REGULATIONS FOR C-1, C-2, C-3, M-1, M-2, and M-3 DISTRICTS.

*(Ord. 290 – Jul. 13 Supp.)*

All uses shall provide five parking spaces per 1,000 square feet of gross floor area except as indicated below for the following uses:

<table>
<thead>
<tr>
<th>Nonresidential Use</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary schools</td>
<td>2 spaces per employee (15 spaces minimum)</td>
</tr>
<tr>
<td>Jr. or Sr. high school</td>
<td>2 spaces per employee, plus 1 space for every 10 students (25 spaces minimum)</td>
</tr>
<tr>
<td>Libraries</td>
<td>1 space per 500 gross square feet (10 spaces minimum)</td>
</tr>
<tr>
<td>Auditoriums (school)</td>
<td>1 space per 8 seats (in addition to that required for principal building)</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>5 spaces per alley plus 1 space for each 300 gross square feet used for purposes other than alley space</td>
</tr>
<tr>
<td>Dance hall and assembly halls without fixed seats; exhibition halls except churches</td>
<td>1 space for each 100 square feet of floor area used for assembly or dancing</td>
</tr>
<tr>
<td>Medical or dental clinic</td>
<td>5 spaces for each staff doctor or dentist (5 spaces minimum)</td>
</tr>
<tr>
<td>Commercial schools (music, dance, etc.)</td>
<td>1 space for every 2 employees, plus 1 space for every 5 students (5 spaces minimum)</td>
</tr>
<tr>
<td>Indoor theater</td>
<td>1 space for every 3 seats up to 400 seats, plus 1 space for every 4 seats over 400</td>
</tr>
<tr>
<td>Animal hospitals and kennels</td>
<td>2 spaces per employee including doctors or professionals</td>
</tr>
<tr>
<td>Car wash</td>
<td>1 space per employee plus 1 space for manager plus spaces equaling 5 times the vehicle capacity of the wash</td>
</tr>
<tr>
<td>Cartage and express facilities</td>
<td>1 space per vehicle operated plus 1 space for every 2 employees (5 spaces minimum)</td>
</tr>
<tr>
<td>Contractor or construction offices</td>
<td>1 space per employee (5 spaces minimum)</td>
</tr>
<tr>
<td>Laundries</td>
<td>1 space per employee (5 spaces minimum)</td>
</tr>
<tr>
<td>Warehousing</td>
<td>1 space per employee (5 spaces minimum)</td>
</tr>
<tr>
<td>Wholesaling</td>
<td>1½ spaces per employee (5 spaces minimum)</td>
</tr>
<tr>
<td>School gyms, stadiums, etc.</td>
<td>1 space for every 2 seats</td>
</tr>
<tr>
<td>Institutions for care of the aged</td>
<td>1 space for every 4 beds, plus 1 space per employee per shift, average plus 1 space for each doctor on staff</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space for every 2 beds plus 1 space per employee per shift, average plus 1 space for each doctor on staff</td>
</tr>
<tr>
<td>Philanthropic and charitable uses</td>
<td>1 space for every 2 employees, plus 1 space for each 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Public utilities and service uses</td>
<td>1 space for every 2 employees, plus 1 space for each 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Private clubs</td>
<td>1 space per lodging room, plus spaces equal to 30 percent of capacity in persons</td>
</tr>
<tr>
<td>Noncommercial community center</td>
<td>Parking spaces equal to 30 percent of capacity in persons</td>
</tr>
<tr>
<td>Radio and TV stations</td>
<td>1 space per 2 employees (5 spaces minimum)</td>
</tr>
<tr>
<td>Churches, etc</td>
<td>1 space per 3 seats in auditorium including balcony</td>
</tr>
<tr>
<td>Apartment hotels</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Boarding houses, etc.</td>
<td>1 space for every 3 rooming units, plus 1 space for manager (3 spaces minimum)</td>
</tr>
<tr>
<td>Taverns and restaurants</td>
<td>Parking spaces equal to 30 percent of capacity in persons</td>
</tr>
<tr>
<td>Service stations</td>
<td>1 space for every 2 employees (per regular working shift) plus 1 space for manager (3 spaces minimum)</td>
</tr>
<tr>
<td>Resorts</td>
<td>1 space for every 2 employees plus space equal to 20 percent of capacity or 1 space per rental unit, whichever is greater</td>
</tr>
<tr>
<td>Hotels</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>Motels</td>
<td>1 space per unit plus 1 space for manager</td>
</tr>
<tr>
<td>Riding stables</td>
<td>1 space per employee, plus 1 space for each stable</td>
</tr>
<tr>
<td>Automobile or machinery sales</td>
<td>1 space per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Manufacturing plants, testing laboratories, or bottling plants</td>
<td>1 space per 1.5 plant employees plus 1 space for each research or managerial person plus 1 visitor parking space for each 10</td>
</tr>
</tbody>
</table>

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165.52 DEFERRAL OF PARKING SPACES. The City Council may approve a smaller number of parking spaces than required in the above table as part of a special land use approach, subject to the following.

1. The owner can demonstrate that the required number of parking spaces is excessive.

2. An area of sufficient size to meet the deferred number of parking spaces, along with the access drive, aisles, and other required parking lot features, shall be retained as open space.

3. A deferred parking site plan shall identify the area where parking is being deferred, including dimensions and dotted parking lot layout.

4. Storm water management requirements shall be based on the required parking to ensure adequate capacity if an expansion is necessary.

5. The owner agrees in writing to construct the deferred parking within the time frame designated by the Council upon written request from the Council.

6. There is sufficient evidence that a “green” or “sustainable” standard can justify the reduction of parking spaces and impervious surfacing.

165.53 PUD PLANNED UNIT DEVELOPMENT DISTRICT. The purpose of this district is to promote and encourage development or redevelopment of tracts of land on a planned, unified basis by allowing greater flexibility and diversification than is normally permitted by conventional single lot development in other zoning districts because of the substantial public advantages of planned development. Although Planned Unit Developments (PUDs) may appear to deviate in certain respects from a literal interpretation of the comprehensive plan, regulations adapted to such unified planning and development are intended both to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use through an improved level of amenities, appropriate and harmonious variety, creative design, and a better living environment.

1. Where Permitted. Planned Unit Developments shall be permitted on any two-acre or larger tract of land that has been zoned or rezoned for PUD purposes by the Council. Said PUDs may consist of residential, commercial, industrial, public, semi-public and/or conservancy land uses.

2. Procedure.

   A. Pre-application Conference. In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the Code Compliance Officer, who shall involve representatives of other departments as deemed appropriate. The Code Compliance Officer may require submittal of a generalized sketch plan providing such information as follows:

      (1) Location and size of the overall site, and of the individual types of development or uses proposed within the site.
(2) Existing topography, indicating major earthwork areas, storm water runoff and detention considerations, flood plains, and any problem areas.

(3) Existing trees masses, geological and environmentally important characteristics.

(4) Generalized vehicular and pedestrian systems and parking areas.

(5) Generalized building locations.

(6) Approximate gross density, and number and types of dwelling units in accordance with the comprehensive plan; approximate gross floor areas of commercial and industrial land use.

(7) Generalized utility line considerations with sanitary sewer capacity limitations so noted.

(8) Generalized public and private ownership boundaries, including common ownership areas, if any.

The Code Compliance Officer shall have fifteen days in which to review and comment on the pre-application sketch plan. Following the department’s review, the developer may request an informal consideration of the proposal by the Plan and Zoning Commission. Said consideration shall be non-binding on either party.

B. Application for Rezoning. Following the pre-application conference the applicant shall submit a petition for rezoning in accordance with standard City procedures for rezoning, accompanied by a master plan and related documents containing the information required by other paragraphs of this section, and required fees. The petition and master plan shall be referred to the Plan and Zoning Commission for study and report, and for public hearing as required by this Zoning Ordinance for rezoning. The Commission shall review the master plan for conformity to the standards of this section, and may approve the plan as submitted; require the petitioner to modify, alter, adjust, or amend the plan as deemed necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare; or recommend that it be denied. The action of the Commission shall be reported to the City Council, whereupon the Council may approve or disapprove the petition and master plan as reported or may require such changes thereto as deemed necessary to effectuate the intent and purpose of this section. All public hearings shall be scheduled as soon as possible after all required information has been submitted. The Commission shall report their findings to the Council in a timely manner. In the event they fail to take action within sixty days after the date of the public hearing, the petitioner or anyone located within the notification area as defined for rezoning may request in writing that the Commission complete their considerations. The Commission shall then take action within the next thirty days and report their findings to the Council for consideration by the Council, unless the Council expressly grants the Commission additional time to complete negotiations, studies, or other items necessary.

C. Final Plans. Final plans for the Planned Unit Development shall be comprised of site plans and/or preliminary and final subdivision plats as
appropriate to the situation due to requirements of the site planning and subdivision ordinances or specific provisions of the master plan. Such site plans and plats shall contain all information and be processed in the manner set forth in said ordinances, in addition to complying with any specific provisions of the master plan, and shall generally comply with the development concepts outlined in the master plan. No public notice or hearing shall be required for final plans unless required by the master plan or caused to be required by the Commission or Council as deemed appropriate, provided that deviation from the master plan may be permitted as refinements to the design and planning if not defined by this Zoning Ordinance as a substantial modification requiring amendment to the master plan. Such deviations shall be expressly set out and shall be approved by the Commission and Council. Final plans may cover all or part of the Planned Unit Development, provided that a final plan covering only a part of a PUD is hereby defined as a phase irrespective of contrary provisions by the master plan and shall demonstrate the ability to be self-sustaining in terms of access, services, utilities, open space, economic viability, and other major considerations. If it is the desire of the petitioner, preliminary plat and/or final site plan approval may be obtained at the time of the master plan approval by expressly declaring such intent and filing all information required by the subdivision and site planning ordinances. Final site plan approval shall not be granted for an unplatted parcel. Upon approval of final plans, building permits shall be issued in the same manner as for building permits generally. In any event where platting is required, no building permits shall be issued until the final plat is approved and recorded and all other requirements complied with. Final plans shall be binding on the petitioner and any and all successors in title so long as PUD zoning applies to the land, unless amended in accordance with the procedures set forth.

D. Amendments or Modifications. Substantial modification to the master plan shall be processed in the same manner as a rezoning and additionally shall comply with the provisions of paragraph B above. Notice and public hearing requirements and the effect of a denial shall be the same as for a rezoning, provided that the notification area shall be those property owners legally required to be notified as opposed to the entire PUD. Further provided, in the event a requested amendment for a portion of the entire PUD is denied, such action shall not create any limitations under rezoning procedure on the filling of an amendment to another portion of the PUD having a substantially different notification area. Any ambiguities or disputes between this section and procedures for rezoning shall be resolved in favor of the more restrictive requirements. Substantial modifications are hereby defined to include, but are not limited to, the following: increased density; intensification of use by changing to a lower classification, with conventional single family being the highest classification and progressing to attached single family, multiple family, commercial offices, retail, warehousing, and light industry, to heavy industry; addition of uses, or elimination of conditions or restrictions on a use or uses; increased floor area ratios, or other modifications considered probable to generate increased traffic, sewage, water consumption, or other detrimental conditions; significant modifications to peripheral buffering or screening, setbacks, height, locations of buildings, drives, or other improvements, which were intended for protection of proximate properties, provided that substitution of equivalent screening materials shall not be considered a substantial
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modification; modifications to the street pattern, such as that of major streets or continuations of existing streets, which will have a demonstrable impact on traffic flow such as to effectively change the functional classification of the street; modifications to access which may lead to increased congestion, or to additional commercial or industrial traffic on a local residential street; or other changes deemed substantial by the Code Compliance Officer. Modifications to final plans shall follow the procedures of the site planning or subdivision ordinances, as appropriate, except in the case of a substantial modification as defined above.

3. Information Required on Master Plan. The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:

A. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale.

B. Legal description of the PUD, and map of the boundary of the proposed PUD as well as interior boundaries of proposed development phases, and of any existing separate ownerships.

C. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern.

D. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and one hundred year flood plains, floodways, heavy woods or other significant natural areas, and existing structures; multiple family, commercial, and industrial structures, and recreation facilities; further delineating areas with different uses or building types, and gross density per acre.

E. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained.

F. Existing and proposed general circulation systems, including streets, pedestrian ways, and major points of access with estimated traffic generation.

G. Existing and proposed general sanitary and storm sewer systems, water mains, and drainage ways.

H. Proposed development standards, including but not limited to, uses, density, floor area ratios, or bulk regulations including open space, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances.

I. Estimated sewer and water usage computations in accordance with the criteria of the regulating agency.

J. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and landscaping areas, fences or other screening, height limitations or other provisions.

K. A narrative or graphic explanation of the planning and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed
development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space and so forth.

L. A statement of intent with regard to selling or leasing all or portions of the proposed development.

M. Proposed energy conservation methods, such as siting or design or structures.

N. Proposed phasing timetable.

The above information should be shown in a clear and logical manner at a legible scale. Sheet size should not exceed 24” x 36” for paper copies and Mylar reproducible sheets. The final document is required to be a PDF file that contains all pages of the PUD. Generally, existing conditions should be illustrated on a separate sheet for sake of clarity, although existing topography, access, utility and sewer lines and other items that are appropriate for understanding the proposal should also appear on the proposed development plan.

It is strongly recommended that an architect, landscape architect, and civil engineer be employed to prepare the plans. The Commission or Council may require any additional information which may be needed to evaluate the proposed PUD on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed PUD.

4. Development Controls. Although PUDs are intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this Zoning Ordinance.

A. Any use that is approved and made a part of the master plan, subject to any conditions attached thereto, shall be permitted.

B. Height, setback, bulk, and other requirements set out in the master plan shall constitute the basis for and become the zoning requirement for that particular PUD, provided that refinements may be made through final plan approval if not defined as a substantial modification; in lack of any special provisions set out in the master plan, the requirements of the most proximate zoning district, as defined by use, shall be applied.

C. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the PUD, unless the City concurs this is the most feasible means of developing the property in terms of access, sewer service, or similar physical constraints, or will permit earlier development of common amenities.

D. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility. It is the intent of this section to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain
conventional regulations or standards. Examples of design techniques, not requirements, are: orienting views, access, and principal activities away from the land use needing protection by placing those least compatible activities farthest from the common boundary and those compatible nearest to create an effective buffer; using setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing differences in architecture and bulk, and reducing heat generated by development, and the use of dense landscaping can reduce the width of physical separations needed for such purposes; the use of proper grading will control drainage, can alter views, subdue sound, and channel access; fences, walls and berms can be used to channel access and control visual, sound and light pollution; proper architectural use of color, bulk, materials and shape will enhance compatibility and reduce contrast, although details added to the building for esthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrian ways, streets and points of access and proper location of parking areas, will reduce congestion and safety hazards and help prevent introduction of noise, pollutants and other conflicts into areas with less intensive land use. Other techniques may also be used.

E. Permanent care and maintenance of common elements such as open space, recreation amenities, and others shall be provided in a legally binding form. If the common elements are to be maintained by a home owners’ association, the applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed:

1. Membership shall be mandatory for each buyer and any successive buyer.

2. The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the owners’ association and the City;

3. The owners’ association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities not dedicated to the City;

4. Owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property;

5. The association shall be able to adjust the assessment to meet changes needed;

6. No change in open space use or dissolution of the owners’ association shall occur without approval by the City.

F. Performance bonds or other security acceptable to the City may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.

G. Except where the City agrees to other arrangements, a PUD shall be comprised of a single owner, or a group of owners acting as a partnership or
corporation with each agreeing in advance to be bound by the conditions which
will be effective in the PUD.

5. Validity. In the event the first development phase has not commenced within
two years after the date of rezoning, or if subsequent phases are delayed more than two
years beyond the indicated development schedule, the developer shall file appropriate
information detailing the reasons for the delay with the City. The Code Compliance
Officer shall review the circumstances and prepare a report recommending appropriate
action to be taken concerning the PUD. The Plan and Zoning Commission and Council
shall review the matter, and may continue the PUD zoning with revised time limits;
require that appropriate amendments be made or action taken, such amendments to
comply with the procedures of this section if deemed substantial; continue with PUD
zoning for part of the area, with or without revised time limits, and initiate rezoning of
the remainder to an appropriate district; or initiate rezoning of the entire parcel to an
appropriate district, provided that the rezoning shall not be to a zone more restrictive
than the one applied immediately prior to the rezoning to PUD except after
comprehensive planning analysis. The Commission and Council may schedule such
public hearings as deemed appropriate. Approval of a final site plan or preliminary plat
shall be deemed to commence development, provided that the permanent placement of
construction materials shall have started and be proceeding without delay within two
years after the date of site plan approval, and a final plat approved and filed with the
Dallas County Clerk and Recorder within one year after the date of preliminary plat
approval in the event a site plan is not required. Failure to comply with this provision
shall void the site plan and preliminary plat approvals, and make the PUD subject to
review as provided above. It shall be the responsibility of the developer to comply with
all prescribed time limits without notice from the City.

6. Application to Existing PUD Districts. Existing PUD districts shall comply
with the requirements and provisions of this section, provided that no additional filings
shall be required to maintain current valid status, and no currently expired approvals
shall be deemed to have been reapproved by passage of this section. Validity of existing
PUDs shall be computed according to the time limits set forth herein from the effective
date of the ordinance codified in this section.

7. Fees.

A. Before any action shall be taken as provided in this section, the party
or parties proposing the change shall pay the fee as established by the City
Council Resolution.

B. Under no condition shall said sum or any part thereof be refunded for
failure of such rezoning or substantial modification to be enacted into law.

C. Site plans and subdivisions in a PUD shall be subject to the normal fees
for such filings.

(Ord. 312 – Jan. 17 Supp.)

[The next page is 995]
CHAPTER 165
ZONING CODE

165.54 ADMINISTRATION: DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COMMISSION AND COURTS ON MATTER OF APPEAL.

(Ord. 290 – Jul. 13 Supp.)

1. Enforcement and Interpretation. All questions of interpretation and enforcement shall be first presented to the Zoning/Building Administrator, or that person’s assistant designee, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Administrator, and recourse from the decisions of the Board of Adjustment shall be to the District Court as provided by law and particularly by Chapter 414, Code of Iowa.

2. Amendments. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days’ notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In the case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property that is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the Council.

3. Violations. Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

4. Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Administrator and the City Clerk and may be altered or amended only by the Council, as recommended by the Commission.

5. Complaints Regarding Violations. Whenever a violation of this chapter 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/Building Administrator.
Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

6. Repeal of Conflicting Ordinances; When Effective. All ordinances or parts of ordinances in conflict with the Zoning Ordinance are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective upon publication.

165.55 SIGN REGULATIONS.

1. The following sign regulations shall apply to the R Districts, CN District and AG Districts:
   A. Off-premises signs, except real estate or political signs, are not permitted.
   B. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
   C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
   D. No sign may imitate or resemble an official traffic control sign, signal or device.
   E. Signs shall not encroach or extend over public right-of-way.
   F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
   G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
   H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

2. The following sign regulation shall apply to the C-1, C-2 and C-3 Districts:
   A. Off-premises signs are permitted.
   B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicles.
   C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
   D. No sign may imitate or resemble an official traffic control sign, signal or device.
   E. Signs shall not encroach or extend over public right-of-way.
   F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
   G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

I. Signs, any part of which project out from the building from 4 to 18”, shall be erected so that no portion of the sign is less than 9’ above grade.

J. Signs which project more than 18” from the building must be at least 9’ above grade and may extend a maximum of 8’, provided that they do not extend further than a point 2’ in the back of the curb face.

K. Signs must not exceed the maximum permissible building height in the district.

3. The following sign regulations shall apply to the M-1 and M-2 Districts:
   A. Off-premises signs are permitted.
   B. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
   C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
   D. No sign may imitate or resemble an official traffic control sign, signal or device.
   E. Signs shall not encroach or extend over public right-of-way.
   F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
   G. No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
   H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
   I. Signs, any part of which project out from the building from 4 to 18”, shall be erected so that no portion of the sign is less than 9’ above grade.
   J. Signs that project more than 18” from the building must be at least 9’ above grade and may extend a maximum of 8’, provided that they do not extend further than a point 2’ in back of the curb face.
   K. Signs must not exceed the maximum permissible height in the district.

4. The following sign regulations shall apply to the M-3 District:
   A. Off-premises signs are permitted.
   B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply.
   C. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
   D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
E. No sign may imitate or resemble an official traffic control sign, signal or device.

F. Signs shall not encroach or extend over public right-of-way.

G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

5. Other Sign Regulations.

A. Sign regulations that are not listed will follow the most current edition of The Manual on Uniform Traffic Control Devices published for the U.S. Department of Transportation Federal Highway Administration.

B. State and local political subdivisions shall be exempt from these sign regulations.

165.56 FENCE AND WALL REGULATIONS.

1. Permit Required. It shall be unlawful for any person to construct, alter, or relocate any fence or landscape wall within the City without first obtaining the appropriate permit(s) as required by City’s Code of Ordinances and Zoning Code.

2. Definition. For the purpose of this chapter it is understood that the terms fence and wall are synonymous and herein defined as a barrier consisting of wood, stone or metal intended to prevent ingress or egress, and / or enhance the appearance of the structure of the landscape.


A. Fences are to be constructed of customarily used materials such as chain link, wood, wrought iron, aluminum or polyvinyl chloride (PVC). Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, and similar materials as approved by the building inspector.

B. Prohibited Materials: A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited, unless specified otherwise herein.

C. No woven, twisted, welded or interlaced wire fence shall be erected and / or located in a residential or commercial district.

D. Barbed Wire and Electrical Fencing: In agriculture and conservation districts, barbed wire, woven wire, and electrical fencing are permitted, subject to a minimum setback often (10) feet, and only when used to contain livestock or to protect crops and plantings in areas containing ten (10) acres or more.
A. Fences may be erected along the side and rear property lines in all districts. In accord with paragraph B of this subsection, the property owner installing the fence must ensure there is a means for maintaining both sides of the fence subject to State and local laws and ordinances.
B. It is the property owner’s responsibility to maintain the fence on both sides.
C. The decorative, finished side of all wood fences must be facing out (away from the home).
D. No chain link or wired fence of any kind shall be constructed or maintained with the cut or selvage end of the fencing material exposed at the top.
E. All fences shall be maintained and kept safe and in a state of good repair.
F. The property owner erecting the fence is solely responsible for ensuring the fence is located on his/her property in accordance with the provisions of this section.
G. Fences may not be constructed within one-foot inside a public sidewalk.
H. No fence shall be constructed in a front yard that is more than 75% solid or opaque.
I. Fences may not be constructed on lots unless a primary building is in place, with the exception of a temporary fence for safety as approved by the City or Zoning Administrator.
J. The City does not enforce restrictive covenants in place and on file with the County Recorder. Property owners shall be aware of all restrictive covenants for their platted subdivision.
K. No fence shall be constructed within the clear zone.
L. Fences or walls may be erected in easements in accordance with the provisions of this section except that no fence or wall may be erected without the approval of the City Building Inspector and as a condition of that approval the Building Inspector may require that the applicant acknowledge the rights of the City as an easement holder and waive any and all damages that might be otherwise accrued if the City shall need to remove the fence or wall in the exercise of its rights under the terms of the easement.
M. Decorative features such as individual posts, trellises, brick or stone columns, and similar features constructed as part of a fence shall be allowed to exceed the maximum fence height by no more than 12 inches. Decorative features shall not be counted toward the open space percentage of the fence. Pedestrian entry features which only include arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review and approval by the Building Inspector.

5. Nonconforming Fences. Any fence existing within the City on the effective date of this section must be maintained, but alterations, modifications or improvements
of more than 50% of said fence shall require the owner to bring the fence into compliance with this section if it is not already in compliance.

6. Height and Vision Clearance.

A. The following are the height restrictions in all residential and commercial districts for fences and walls:

(1) No fence or wall in any required front yard may exceed four (4) feet in height. Corner lots with two front yards shall be allowed to have a six (6) foot tall fence located in the front yard with the smallest frontage. Such fence shall be set back a minimum of ten (10) feet from the property line or adjacent sidewalk; or in line with the home on the side. All other requirements of this section apply to a fence on a corner lot.

(2) Fences or walls along the side yard limits shall not exceed six (6) feet in height. The fence or wall on a side yard may be erected to a height of eight (8) feet if the fence or wall, or that portion of the fence or wall in excess of six (6) feet is constructed of materials which provide openings of not less than 75 percent in area of the vertical surface of the fence or wall to permit transmission of light, air and vision at a right angle.

(3) No fence or wall in a rear yard shall exceed eight feet in height.

(4) Any portion of a residential or commercial lot directly abutting an industrial district may exceed the height limits contained herein by two (2) feet.

B. The following are the height restrictions in all industrial districts for fences and walls:

(1) No fence or wall in any side or rear yard shall exceed ten (10) feet in height.

(2) No fence or wall in any front yard or yard abutting a street may exceed four (4) feet in height unless approved by the Zoning Administrator for purposes of limiting the view of unsightly materials consistent with the business conducted on site.

(3) Fences or walls in any required yard adjoining a commercial or residential district shall conform to the requirements applicable to the commercial or residential district.

C. Public Fences. Fences surrounding school yards or public parks shall be exempt from the height provisions as herein stated provided that visibility at intersection is not hindered.

D. Vision Clearance.

(1) Corner Lot / Intersection. No fence or wall shall be located which may obstruct vision between a height of thirty (30) inches and ten (10) feet on any corner lot within a vision triangle of twenty five (25) feet formed by intersecting street right-of-way lines.

(2) Driveways and Alleys. No fence or wall shall be located which may obstruct vision between a height of thirty (30) inches and ten (10)
feet on any corner lot within a vision triangle of fifteen (15) feet formed by intersecting driveway edge (including driveways on adjacent properties) and street right-of-way line.

(Ord. 288 – Mar. 13 Supp.)

**EDITOR’S NOTE**

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.05 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.

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(Chapter 165 - Ord. 281 – Jul. 12 Supp.)
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CHAPTER 166
SUBDIVISION REGULATIONS

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GENERAL PROVISIONS AND DEFINITIONS

166.01 PURPOSE. The purpose of this chapter is to provide rules, regulations and standards to guide land subdivision in the City and in the area within two (2) miles of the City limits in order to promote the public health, safety, convenience and general welfare of the City. This chapter shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services. To ensure the fulfillment of the purposes of this chapter the City, pursuant to Section 354.9 of the Code of Iowa, does hereby exercise its right of review and approval of all land subdivisions within an area of two (2) miles of the City’s corporate limits.

166.02 DEFINITIONS. For purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

1. “Alley” means a minor way, dedicated to the public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street.

2. “Block” means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, etc., or a combination thereof.

3. “Building line” means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

4. “City Engineer” means the City official responsible for the design, supervision and maintenance of all public works of the City or a duly authorized consulting engineer retained by the City.

5. “Cul-de-sac” means a minor street having one end open to traffic and being permanently terminated by a vehicular turn-around.

6. “Days” refers to calendar days.
7. “Developer” means the owner, or agent under legal authority of the owner, or owners who undertake to cause a parcel of land to be designed, constructed, and recorded as a subdivision. This term may be used interchangeably with the term “subdivider.”

8. “Easement” means a grant by the property owner to the public, a corporation, or persons, of the use of a parcel of land for a specific purpose.

9. “Final plat” means a drawing to engineering accuracy and containing the items specified by these regulations indicating the layout of lots, blocks and public ways in a completed and improved subdivision along with legal papers required for recording.

10. “General plan” means the plan or series of plans for the future development of the City and approved, as may be required, as the guide for future development. Such plan may alternatively be called by such descriptive terms as a master plan, a comprehensive plan, or a development plan.

11. “Improvements” means changes and additions to land necessary to prepare it for building sites, and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, pedestrian ways, and other public works and appurtenances.

12. “Lot” means a portion of a subdivision, or other parcel of land, intended as a unit for transfer or for development.

13. “Pedestrian way” means a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.


15. “Plat” means a map drawn to scale from an accurate survey and including items set forth herein along with all certificates and statements required herein and by statute, for the purpose of recording as a subdivision of land. Without modifying adjectives it refers to land subdivision documents which have been officially recorded. In appropriate context a plat may refer to the land represented by a recorded plat and may be synonymous with the word “subdivision.” It may also be used as a verb referring to the act of preparing a plat.

16. “Preliminary plat” means a drawing with supporting documents which represents a proposal upon which a final plat is to be based. A preliminary plat is not intended as a document to be filed of record.

17. “Replat” or “resubdivision” means a plat representing land which has previously been included in a recorded plat.

18. “Street” means a right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.

19. “Street, arterial” means a street of considerable continuity connecting various sections of the City, or a street primarily designated for heavy traffic.

20. “Street, collector” means a street which carries traffic from a local or residential street to an arterial street.

21. “Street, local or residential” means a street which is used primarily for access to the abutting properties.
22. “Street, service” means a local or residential street or frontage road which is approximately parallel to and adjacent to or part of an arterial street and provides access to the abutting properties and protection from through traffic.

23. “Subdivider” means the person or firm causing a plat to be prepared.

24. “Subdivision” means a parcel of land which has been platted; the act of preparing a plat.

All other terms used in these regulations shall have their normal meaning, except that terms common to engineering and surveying shall be used in their professional sense.

166.03 APPLICATION OF SUBDIVISION REGULATIONS; AREA. Any plat hereafter made or any subdivision or any part thereof lying within the limits of the City or in unincorporated territory within an area extending two (2) miles beyond the City limits shall be prepared, presented for approval, approved and presented for recording as herein prescribed. These regulations are enacted under the authority of Section 354.9 of the Code of Iowa and provide authorized additions to the provisions of Chapter 354 of the Code of Iowa.

166.04 APPLICATION OF SUBDIVISION REGULATIONS; LAND DIVISIONS. The regulations contained herein apply to the subdivision of a lot, tract or parcel of land into three (3) or more lots, tracts or other division of land for the purpose of sale, transfer or of building development, whether immediate or in the future, including the resubdivision or replatting of land or lots. These regulations shall apply to each situation where there is a dedication of a street, alley, easement or land for other public uses. The above provisions shall not be construed to limit the acceptance of deeds to right-of-way or land for other purposes by the Council or other agency of government when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

166.05 AGRICULTURAL LAND EXEMPTION. The division of land for agricultural use into parcels, all of which are ten (10) acres or more in area and have four hundred (400) feet or more of street or road frontage and which do not involve the creation of any new street or road, easement or other dedication, shall be exempt from the requirements of these regulations, provided however, that the provisions of applicable statutes and regulations are complied with.

166.06 DIVISION OF PLATTED LOTS. The division or consolidation of existing platted lots or parts of existing platted lots by description for the purpose of sale or development shall not be considered a subdivision within the scope of these regulations. However, any existing platted lot containing in excess of fifteen thousand (15,000) square feet which is to be divided into three (3) or more parcels intended as primary building sites or when such division involves a dedication to public use, such division shall fall within the jurisdiction of these regulations. The division and sale of a minor portion of any parcel of land for the purpose of adding land to an adjoining building site, when said adjoining parcel of land constitutes more than fifty percent (50%) of the newly created building site, shall not be counted as a division in determining the jurisdiction of these regulations.

166.07 APPROVALS NECESSARY. No plat or subdivision falling within the jurisdiction of these regulations shall be recorded or presented for recording under the provisions of Chapter 354 of the Code of Iowa until all provisions and approvals set forth herein have been met or obtained.

166.08 BUILDING PERMITS AND UTILITY CONNECTIONS PROHIBITED. No officer, employee, or agent of the City shall issue any building permit, make any water or sewer
connection, or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed on land divided contrary to the provisions of these regulations. No officer, agent or employee of the City shall perform or cause to be performed any construction or maintenance upon any street or public way purported to be dedicated as a public street or public way by virtue of being shown on a plat, unless such plat shall have been approved as provided by these regulations. The previously noted prohibitions shall not apply to any plat or dedication legally filed of record before the enactment of these regulations by the City.

166.09 IMPROVEMENTS TO BE COMPLETED. No final plat shall be approved for recording unless street and utility improvements necessary to serve the intended occupants of the subdivision have been completed in a satisfactory manner, as set forth herein, or other assurances are executed, as provided herein, that such improvements will be completed. The standards and details of design contained in Sections 166.28 through 166.30 are intended only as minimum requirements and the Subdivider should use standards consistent with the site conditions to assure an economical, pleasant, and durable neighborhood. All subdivisions shall conform to the comprehensive plan approved by the Commission and adopted by the Council.

(Ord. 322 – Oct. 17 Supp.)
CHAPTER 166
SUBDIVISION REGULATIONS

PLATTING PROCEDURES

166.10 PLANNING CONFERENCE. Any owner, developer or agent wishing to subdivide a parcel of land shall contact the City and arrange for a planning conference with the City Administrator and Public Works Director. This conference shall be for the purpose of determining the general requirements to be met in developing the subdivision. If the subdivision does not involve new streets or utilities, the planning conference may be waived.

166.11 FINDINGS OF THE PLANNING CONFERENCE. The proceedings of the planning conference shall be informal and no records need to be kept. It shall be the responsibility of the subdivider to determine the areas of agreement among the conferees and the problems which must be explored further through individual conferences with departments charged with administering the provision of utilities, streets, drainage and other public facilities. During the conference the general features to be required in the subdivision will be determined. All agreements arrived at by the conferees shall be subject to ratification by the Planning Commission as a whole.

166.12 PRELIMINARY PLAT. After the subdivider has determined the general features to be required in the subdivision, the subdivider may proceed to cause a preliminary plat to be prepared. An application in writing for tentative approval of the preliminary plat, together with six (6) 24 x 36-inch prints and two (2) 11 x 17-inch prints thereof, shall be filed with the Planning Commission at least two (2) weeks before the meeting of the Planning Commission at which the preliminary plat is to be acted upon, along with the subdivision fee in accordance with the fee chart most recently approved by the Council.

166.13 FORM OF THE PRELIMINARY PLAT. The preliminary plat shall be drawn to a scale of one hundred (100) feet to an inch, or larger scale as may be approved by the Planning Commission, and shall show the following information:

1. The proposed name of the subdivision.
2. North point, scale and date.
3. The names and addresses of the subdivider and of the engineer or surveyor.
4. The tract designation and other description according to the real estate records of the City or County Auditor and Recorder, also the designation of the proposed uses of land within the subdivision.
5. The boundary lines (accurate in scale) of the tract to be subdivided.
6. Contours with intervals of five (5) feet or less, referred to official City datum.
7. The names of adjacent subdivisions or the names of record owners of adjoining parcels of unsubdivided land.
8. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and other important features, such as section lines, political subdivision or corporation lines, and school district boundaries.
9. Existing sewers, water mains, culverts, or other underground structures, within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.
10. All parcels of land intended to be dedicated for public use or reserved in the
  deeds for the use of all property owners in the proposed subdivision, together with the
  purpose of conditions or limitations of such reservation, if any.
11. The layout, names, and widths of proposed streets, alleys and easements.
12. A plan of proposed water distribution system, sanitary sewers and storm sewers
  showing pipe sizes and the location of valves, fire hydrants, and fittings.
13. The layout, numbers, and scaled dimensions of proposed lots.
14. Indication of any portion of the subdivision for which a final plat is to be
  proposed when the subdivision is to be developed in stages.
15. The layout of proposed sidewalks.
16. The proposed zoning classification(s) for the subdivision as well as the existing
  zoning classifications of surrounding properties.

166.14 REVIEW AND APPROVAL OF PRELIMINARY PLAT. Upon receipt of the
  preliminary plat, the City shall cause copies thereof to be distributed to the representatives of
  any utility entities not under control of the Public Works Director. The recommendations of the
  utility companies shall be reported to the Planning Commission. The Planning Commission
  shall approve or disapprove a preliminary plat within sixty (60) calendar days of receipt unless
  a longer time is agreed upon with the subdivider. Upon approval or disapproval by the Planning
  Commission, the preliminary plat and the Planning Commission’s recommendation shall be
  transmitted to the Council.

166.15 COUNCIL APPROVAL OF THE PRELIMINARY PLAT. The Council shall
  approve or disapprove the preliminary plat not later than the fourth regular meeting following
  the receipt of the report from the Planning Commission. The Council may give notice and hold
  public hearings.

166.16 EFFECT OF APPROVAL OF THE PRELIMINARY PLAT. Approval of the
  preliminary plat as set forth herein shall constitute authority to proceed with construction of the
  subdivision and preparation of the final plat subject to approval of detailed plans and
  specifications for improvements as set forth herein. The subdivision shall be constructed and
  the final plat prepared in conformity with the approved preliminary plat. Material deviation
  from such approved preliminary plat shall require resubmission for approval. Approval of a
  preliminary plat shall not constitute authority to sell lots, record the plat, advertise the future or
  conditional sale of lots based on the preliminary plat, or authority to construct permanent
  buildings in reliance upon the preliminary plat layout.

166.17 LARGE DEVELOPMENT STAGING PROCEDURE. In order to discourage
  premature subdivision and uneconomic improvements, the following procedure is provided for
  large development schemes:
  1. When a developer or group of developers has in its control an area of land which
     such developer or group wishes to plat, the size of which is so large that the majority of
     the lots would take more than a year to sell, the developer may cause to be prepared a
     preliminary plat for the entire area.
  2. On such preliminary plat, successive development divisions may be designated.
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3. Upon approval of the preliminary plat, the developer may cause a final plat to be prepared for one or more development divisions, provided the order of development allows for logical provision of streets and utilities.

4. Each development division shall be considered as a final plat, and provisions of these regulations shall apply individually to each development division presented as a separate filing for record.

166.18 FEES.

1. Before a preliminary plat, final plat or plat of survey shall be considered by the Commission, the applicant or agent shall deposit with the Clerk a fee according to a schedule adopted from time to time by resolution of the Council. The appropriate fees shall be deposited following Council action on the preliminary plat, final plat or plat of survey. In the event that said fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary plat, final plat or plat of survey, the Subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.

2. In addition to the plat filing fees, the Subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing, or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

3. The City shall annually, by resolution, determine the hourly rate which it shall pay for professional engineering services which shall be deemed to be the maximum rate which may be imposed upon any Subdivider during such annual period.

(Ord. 322 – Oct. 17 Supp.)

166.19 APPROVAL OF IMPROVEMENT PLANS. After approval by the Council of the preliminary plat, the subdivider may proceed to prepare and submit plans, profiles and specifications for improvements to the Public Works Director for approval. Such plans, profiles and specifications shall conform to design standards and standard specifications of the City and shall be in essential conformity with the approved preliminary plat. The Public Works Director shall give his or her approval in writing and no field changes shall be made without the approval of the Council.

166.20 INSPECTION DURING CONSTRUCTION. The City shall cause inspections to occur during construction, the cost of which will be borne by the subdivider. The subdivider will coordinate inspections with the City Engineer. A complete set of as-built plans indicating locations of water, sewer and storm sewer hookups will be provided to the City.

166.21 FINAL PLAT FILING. Within two (2) years of the approval by the Council of the preliminary plat, the subdivider shall file a final plat of the area covered by said preliminary plat in the office of the Planning Commission. Sufficient copies shall be submitted to facilitate review and approvals. If a final plat is not filed within two (2) years of the aforesaid approval of the preliminary plat, the latter shall be subject to review, revision or cancellation of approval by the Council.

166.22 FORM OF FINAL PLAT. The scale shall be one (1) inch equals one hundred (100) feet or larger. In the event that the entire plat cannot be drawn on one sheet, it shall be submitted in two or more sheets of the specified dimensions along with an index sheet of the same
dimensions showing the entire development in simplified form at a smaller scale. The original
shall be submitted for checking and signature and shall become a permanent public record upon
recording. Duplicate originals may be submitted for signatures and may become the property
of the subdivider. The final plat shall portray the following information:

1. Name of subdivision, points of the compass, scale of the plat, name of
subdivider, date and name, address and seal of the surveyor. Location of boundary
lines, in relation to section, quarter section, all of which comprise a legal description of
the property. All locations shall be tied to a Land Survey corner which has the approval
of the County Engineer.

2. The lines of all streets and alleys and other lands to be dedicated with their
widths and names shall conform to existing street name patterns and shall also portray
the lines of the sidewalks on said streets.

3. All lot lines and dimensions and numbering of lots and blocks according to a
uniform system. Statutory systems shall be complied with if applicable.

4. Indication of building lines with dimensions if such lines are desired.

5. Easements for any right-of-way provided for public use, drainage, services or
utilities, showing dimensions and purpose.

6. All dimensions, both linear and angular, necessary for locating the lines of lots,
tracts, or parcels of land, streets, alleys, easements and the boundaries of the
subdivision. The linear dimensions are to be expressed in feet and decimals of feet.
The plat shall show all curve data necessary to reconstruct on the ground all curvilinear
boundaries and lines and radii of all rounded corners.

7. Closure. The perimeter and blocks of the plat shall close to an allowable
unadjusted error of one in five thousand. Latitudes and departure computations shall
be submitted. All lines in the plat shall meet this standard of accuracy.

8. The description, location and elevation of all bench marks.

9. The description and location of all permanent monuments set in the subdivision.

10. Names in dotted lettering of adjacent plats with location of adjoining streets
shown by dashed lines.

11. Legal description of the lands being subdivided.

12. Certificate of dedication signed and acknowledged by all parties having any
title interest in the land subdivided and consenting to the preparation and recordation of
the plat as submitted.

13. Engineer’s certificate and seal.

14. Certificates of approval in legally correct form and places for the signatures of
the following: notary public acknowledging dedication, the Chairperson of the
Planning Commission, the Mayor and City Clerk. Other certificates as may be required
by law may be recorded as separate instruments accompanying the plat.

Fees for signage are due upon filing of the final plat in accordance with the fee chart most
recently approved by the Council.

166.23 ACTION BY THE PLANNING COMMISSION. The Planning Commission shall
consider the final plat at the regular meeting during the month following the month of filing and
shall either approve or disapprove the plat. If the Planning Commission finds that the final plat
has been prepared in compliance with these regulations and in substantial compliance with the preliminary plat, such plat shall be approved. In the event of disapproval, specific points of variance with the aforesaid requirements shall be spread upon the record of this Planning Commission and a copy shall be transmitted to the subdivider. The Planning Commission may approve final plats at a special meeting called in accordance with the rules and regulations of the Planning Commission. Upon approval or disapproval, the Planning Commission shall within ten (10) days transmit to the Council the final plat along with the report of the Planning Commission.

166.24 COUNCIL ACTION. The Council shall consider the final plat along with the report of the Planning Commission not later than the second regular meeting following the date of filing with the Clerk. If the Council finds that the plat has been prepared in compliance with the preliminary plat, such final plat shall be approved. In the event of disapproval, the record shall show the specific points on which the final plat varies from these regulations or the preliminary plat. The Council may give notice of and hold any public hearings.

166.25 BONDING INCOMPLETE IMPROVEMENTS. In lieu of final completion of the improvements required herein before approval of the final plat, the subdivider shall post a performance bond approved by the City Attorney. Such bond shall insure to the City that improvements will be completed by the subdivider within one (1) year after approval by the Council. The bond amount shall be not less than the estimated cost of completing the improvements and inspections as specified by these regulations, other ordinances, resolutions or regulations of the City, and by the plans and specifications as approved for the preliminary plat. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete said improvements. Failure of the Council to take action on the bond immediately shall not bar the Council from taking appropriate action within a reasonable time.

1. Letters of Credit. The owner or developer may submit a letter of credit in lieu of a performance bond for sidewalk and erosion control improvements. Said letter of credit shall be from any approved bank or savings and loan in a form approved by the City Attorney, which letter, among other things, shall comply with the following requirements:
   A. Shall run in favor, of the City;
   B. Be in an amount determined by the City Administrator and approved by the Mayor and City Council to be sufficient to complete the improvements and installations in compliance with the regulations set forth in this chapter;
   C. Be issued by any approved bank or savings and loan association within the County;
   D. Specify that, in the event the owner or developer fails to complete the required improvements and installations within one year of the date of the approval of the plat, the bank or other assuring institution, shall pay to the City, upon demand, a sum sufficient to complete said improvements, or the face amount thereof, whichever amount shall be the lesser.

(Ord. 322 – Oct. 17 Supp.)

166.26 MAINTENANCE BOND. Before approval of the final plat, the subdivider shall post a maintenance bond for an amount to be approved by the Public Works Director and the Council. Said maintenance bond shall cover a period of four (4) years from the project completion date.
as determined by the Public Works Director. The maintenance bond shall be conditioned on
the subdivider’s maintaining all improvements in good repair.

(Ord. 239 – Jan. 08 Supp.)

166.27 FILING OF RECORD. After the final plat has been approved and all signatures
required herein have been affixed, the subdivider will deliver the plat and all necessary papers
to the County Recorder as provided in Chapter 354 of the Code of Iowa, and the subdivider
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. All filing fees shall be paid by the subdivider.
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166.28 STREETS.

1. Streets Must Conform with General Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to the General Plan of the City and to any plans which may be adopted by the Planning Commission or the Council.

2. Continuation of Existing Streets. New streets shall normally continue as an extension of existing streets unless good planning indicates a different solution. Street patterns shall take into consideration access needed to develop adjoining properties and shall conform to topography so as to provide the best building sites. Sketches of a proposed street system for adjoining property may be required if it is owned or under the control of the subdivider. Street names shall take the name of existing streets on the same general alignment. New street names shall be approved by the Planning Commission and not be so similar to existing names as to cause confusion.

3. Traffic Circulation. When possible, local or residential streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto the collector and arterial streets.

4. Dead-end Streets Prohibited. Dead-end streets are prohibited, except that where the General Plan indicates a street is to continue past the subdivider’s property, a temporary dead end may be allowed until such time as the street is continued.

5. Cul-de-sacs. Cul-de-sacs will be permitted where topography and other conditions justify their use. They may be up to 600 feet in length, as approved by the Planning Commission and Council. If necessary, a landscape plan shall be submitted for cul-de-sac islands, the maintenance of which shall be the responsibility of the adjacent owners.

6. Half Streets. Half streets are prohibited.

7. Angle of Intersection. Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography and other conditions justify variations. The minimum angle of intersection of streets shall be seventy-five (75) degrees.

8. Street Jogs. Street jogs with centerline off-sets of less than one hundred fifty (150) feet shall be avoided.


A. A developer may be required to extend or expand existing off-site public infrastructure as necessary to fully improve a proposed subdivision, or the City Council may, at its sole discretion, require a proposed subdivision to be delayed until such extension or expansion can be funded and construction by the city or other governmental entity.

B. Costs, Responsibilities. Developers may be fully responsible for the entire costs of improving all collector and local streets within a subdivision, and for the costs of paving a width of not less than 15.5 feet of roadway along all street frontages by providing a 10-year cash escrow to be held in a city account or by posting surety therefore, and turn lanes that serve or will serve the subdivision whether located within the subdivision or on a street.

(Subsection 9 – Ord. 322 – Oct. 17 Supp.)
10. Street Grades. Street grades shall conform with the overall drainage pattern of the locality of the subdivision and shall fall within the minima and maxima as follows: arterial street – 6%; local or residential and collector streets – 10%. No street grade shall be less than 0.5%.

11. Vertical Sight Distances. Change of grade shall conform to current standards of the City for the type of street in question, provided that in no case shall there be constructed a sight distance of less than one hundred (100) feet, measured four (4) feet above pavement surface at the ends of the tangent.

12. Horizontal Sight Distances. A tangent at least one hundred (100) feet long shall be introduced between reverse horizontal curves on collector and arterial streets. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for collector streets and of such greater radii as the Planning Commission shall determine for arterial streets and in other special cases.

13. Pedestrian Ways. Pedestrian ways may be required by the Planning Commission so as to allow cross access for pedestrians in very long blocks. In general, blocks of eight hundred (800) feet or more in length should have a pedestrian way near the center of the block.

14. Standard Right-of-way Widths. For all streets, alleys and other thoroughfares hereafter dedicated and accepted, the minimum right-of-way widths shall not be less than the minimum dimensions for each classification of public way as follows:

   A. Arterial Streets – Seventy (70) feet or as set forth in the General Plan or other plan adopted by the Planning Commission or the Council.
   B. Collector Streets – Sixty (60) feet.
   C. Local or Residential Streets – Sixty (60) feet.
   D. Cul-de-sac – sixty (60) feet with a 130’ diameter turn-around at the closed end. Cul-de-sacs are subject to approval by City on project-by-project basis; provide areas designated for snow removal storage from cul-de-sac.

   (Subsection 14 (C-D) – Ord. 322 – Oct. 17 Supp.)

   E. Alleys – twenty (20) feet.
   F. Pedestrian Ways – ten (10) feet.

For details of grades and pavement widths, see provisions under the heading of Improvements. Reserve strips controlling access to streets shall be allowed under conditions adequate to protect future public interests.

166.29 BLOCKS.

1. Block Length. Intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets and customary subdivision practice in the immediate area. Blocks shorter than four hundred fifty (450) feet and longer than one thousand two hundred (1,200) feet in residential districts should be avoided. Blocks longer than six hundred (600) feet should be avoided in business districts.

2. Block Width. The width of a block shall be sufficient to allow for two (2) tiers of lots with alley or utility easement if required. Blocks intended for business or
industrial use shall be of such width as may be best suited for the contemplated use of the property, taking into consideration the probable arrangement of parking and truck loading and maneuvering upon the property.

3. Very Large Lots and Blocks. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extension of such streets may, at the direction of the Planning Commission, be made a requirement of the plat.

166.30 LOTS.

1. Minimum Lot Dimensions. Lot sizes shall meet or exceed the requirement of the Zoning Regulations as to lot size and shall as near as practical meet or exceed the typical lot size for existing building sites in the immediate vicinity. Each lot shall be a buildable site after taking into account all yard spaces required by the Zoning Regulations. Excessive lot depth in relation to width shall be avoided. In general, the ratio of width to depth should be one to one and one-half (1:1.5).

2. Corner Lots Wider. Corner lots in residential areas shall be enough wider than inside lots so as to allow an appropriate setback from both streets.

3. Side Lines Perpendicular. Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.

4. Double Frontage. Lots with street frontage at both front and rear shall be avoided except when backing on an arterial street.

5. Street Frontage. Each lot shall have frontage on a street. An alley shall not suffice as a sole means of access.

6. Reversed Frontages and Key Lots. Reversed frontages at cross street intersections shall be avoided except where it will match existing development. Key lots, being those inside lots fronting on side streets, shall be avoided except where they are matching existing development and other lots are excessively deep. Key lots shall be prohibited where they disrupt utility or drainage easements. Reverse frontage and normal corner lots when adjacent to a key lot shall have additional width to allow full front yard setbacks on both streets. Homes on streets with several reversed frontage lots shall be required to face the same direction.

7. Outlots shall be prohibited.

166.31 EASEMENTS.

1. Utility Easements. Utility easements shall be twenty (20) feet wide, falling half on adjoining lots along rear lot lines. They shall be planned for easy and continuous access for maintenance, shall be continuous through the block and shall connect as nearly in line as possible with adjoining easements. To facilitate the use of easements, rear lot lines in curvilinear platting shall form straight lines for as long a distance as feasible. Side lot easements may be ten (10) feet wide. Where topography dictates, the full width of an easement may fall on one lot.

2. Drainage Easements. Drainage easements for storm sewers or open channels may be required where storm drainage cannot be practically carried under streets or on other rights-of-way. Open channel drainage easements may be required where there is
evidence that the natural drainage for a large area traverses the subdivision. Drainage easements shall be sufficient in width so that motorized equipment may be used in their maintenance.

**166.32 IMPROVEMENTS.** Every subdivision shall contain normal improvements before acceptance or have such improvements assured by the posting of a bond or other device as set forth herein. Improvements shall include:

1. **Monuments.** Permanent monuments shall be set at each corner at the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be metallic, at least thirty (30) inches long, and installed with an inert cap indicating the Iowa registration number of the land surveyor.

2. **Compaction.** *(Repealed by Ord. 322 – Oct. 17 Supp.)*

3. **Storm Drainage.** Storm drainage shall be provided with sufficient capacity to handle all surface water traversing the subdivision. The design of waterways, pipes, culverts and catch basins shall conform with standard practice, specific plans and standard specifications of the City. All storm drainage piping shall be cleaned, inspected, and tested per standard specifications of the City prior to acceptance. *(Ord. 322 – Oct. 17 Supp.)*

4. **Sanitary Sewers.** Sanitary sewers shall be installed for service to each lot according to standard specifications of the City and shall meet the Iowa Department of Natural Resources regulations. The City may require over-sizing of the system to allow greater capacity for future use, and in said event, there shall be an arrangement or an agreement whereby the developer will be reimbursed in a satisfactory manner. Where public water supply and sanitary sewers are reasonably available, the Subdivider shall connect to these systems. Where the public systems are not available, the Subdivider shall indicate the type of water supply and sewage treatment proposed to be provided. The Subdivider shall include dry sewers where public sewer system is not available unless this requirement is waived by the City Council. All sewer piping shall be cleaned, inspected, and tested per standard specifications of the City prior to acceptance. *(Ord. 322 – Oct. 17 Supp.)*

5. **Water Supply.** Water supply shall be completed to each lot in accordance with the design standards and standard specifications of the City. Fire hydrants shall be installed in a pattern approved by the City. All public water supply plans and specifications shall meet the Iowa Department of Natural Resources and City regulations. The City may require over-sizing of the system to allow greater capacity for future use, and in said event, there shall be an arrangement or an agreement whereby the developer will be reimbursed in a satisfactory manner. *(Ord. 322 – Oct. 17 Supp.)*

6. **Grading.** Grading shall be completed to official grade on all streets for the full width of the right-of-way, and fills shall be compacted sufficiently to assure adequate support for permanent paving, as set forth by City specifications.

7. **Paving.** Paving of a permanent type shall be completed on all streets in accordance with the standard specifications of the City and in conformity with any official street plans which may be adopted by the Planning Commission or by the Council.

   A. Minimum pavement thickness shall be six (6) inches reinforced or seven (7) inches of non-reinforced Portland cement concrete.
B. Six (6) inches of granular material to be placed under all new roads may be required unless a geotechnical analysis has been provided.  
(Ord. 322 – Oct. 17 Supp.)

C. An appropriate amount of ballast shall also be used when deemed necessary by the Public Works Director.

D. A minimum of six-inch (6”) subdrains on both sides of the street to drain water from the street and provide an outlet for sump pumps shall be installed and connected to proper storm sewer drains. In some cases, a separate “mini” storm sewer system may be required.  
(Ord. 322 – Oct. 17 Supp.)

E. Six-inch (6”) concrete driveways.  
(Ord. 322 – Oct. 17 Supp.)

F. Curb and gutter – 6” x 30” (standard vertical) or roll back 6” radius.

Typical cross sections of streets will be provided by the Public Works Director. Standard installations for sanitary sewer, storm drainage and water supply shall be installed before paving, even though such facilities cannot be connected with the City system at the time of approval of the plat.

8. Minimum Paving Widths. For all streets and other thoroughfares, the minimum paving widths shall not be less than the minimum dimensions for each classification of public way as follows and consistent with the Major Streets Plan:

A. Arterial Streets* – Thirty-one (31) foot paving back to back of curb.
B. Collector Streets – Thirty-one (31) foot paving back to back of curb.
C. Local or Residential Street – Twenty-nine (29) foot paving back to back of curb.
D. Cul-de-sac Turn-around – Ninety (90) foot paving back to back of curb.

*Greater widths may be required. Each situation will be reviewed on a case by case basis.  
(Ord. 322 – Oct. 17 Supp.)

9. Utilities. All utility services shall be made available to each lot in such a manner as will eliminate the necessity for disturbing the street paving, curbs, gutter, and drainage structures when connections are made. All utilities shall be placed underground and in accordance with standard specifications of the City.

10. Inspections and Testing. An appropriate number of inspections and tests determined by the City Engineer shall be provided for by the subdivider so as to meet the requirements of the engineer. All test results shall be submitted to the City and a letter certifying that all improvements have been completed according to the City with be provided by the City Engineer. All inspection and testing costs will be borne by the subdivider.

11. Final Plans. Upon completion of construction of any such utilities or improvements, one (1) set of reproducible tracings of complete as-built final plans, dated, signed and certified by the engineer in charge, shall be filed with the Clerk showing all features as actually installed, including materials, size, location depth or elevation, numbers, ends of lines, connections, wyes, valves, storm sewer drains, inlets and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the foregoing has been complied with.

12. Sidewalks. The Subdivider shall provide for the installation of sidewalks along all newly created lots, including sidewalks on adjacent existing streets. Sidewalks shall
be built according to the standards and specifications of the City. The Subdivider shall indicate in the application for approval of a preliminary or final plat those sidewalks that will be constructed at the time of installation of public improvements, and those that the Subdivider would like the Council to defer until a later date. If the Council agrees to defer construction of the sidewalks, sidewalks shall be constructed at the time a principal structure is built upon the adjacent lot or lots or within five (5) years of plat approval, whichever is earlier. Notwithstanding the above, the Council may require the sidewalk’s construction at the time adjacent roadway construction takes place or at any other time as noted in the final plat approval. At the time sidewalk construction is required as provided above, such construction shall be completed at the sole cost and expense of the person or entity that owns the property or lot at the time of construction.

A. Sidewalks shall be five (5) feet wide and located within the right-of-way with the outer edge one (1) foot from the right-of-way line.

B. Sidewalks will be installed by developer on streets adjoining the subdivision and having double frontage lots prior to final plat approval. The sidewalks will be installed on street side that adjoins the subdivision unless waived by the City Council.

(Ord. 322 – Oct. 17 Supp.)

13. Driveway Approaches. Driveways shall be hard surface (asphalt or concrete) from the traveled portion of the street to the property line and shall be installed when the lot is developed.

14. Developers shall provide for the perpetual maintenance of any and all subdivision improvements that are not dedicated to the City or other governmental entity, by establishing an owner's association or other person, whether an individual or individuals, in a manner and form that is acceptable to the City. Such improvements may include but are not limited to storm water detention and infiltration basins; buffer yards, landscaping, fencing or walls, and other screening; subdivision signs, directional signs, traffic signs and pavement markings; and on-site lighting.

(Ord. 322 – Oct. 17 Supp.)
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SUBDIVISION REGULATIONS

MODIFICATIONS AND ENFORCEMENT

166.33 MODIFICATION OF REQUIREMENTS. The strict application of the terms of these regulations may be modified by three-fourths (¾) vote of the Council upon the recommendation of the Planning Commission in the event that it is found that any specific provision is impractical in its application to a specific parcel of land because of characteristics peculiar to said parcel and the intent of these regulations will not be compromised.

166.34 ENFORCEMENT. The Public Works Director shall be responsible for the enforcement of these regulations. All employees and officials of the City shall report in writing to the Public Works Director any violation or suspected violation of these regulations.

166.35 DEVELOPMENT APPLICATION PARK LAND DEDICATION.

1. This Park Land Dedication section is effective for any plat that has not received final approval prior to adoption.

2. For purposes of this section the term "development application" shall mean any presentation or filing with the City for residential development purposes of any subdivision of land over which the City has subdivision review and approval authority, or the filing or presentation of any site plan, PUD, PUD specific plan, permitted conditional use plan or development, subdivision master plan or area development plan, over which the City has approval authority or a declaration of horizontal property (condominium) regime pursuant to Iowa Code Chapter 499B.

3. All persons making a development application shall dedicate to the City, within the land covered by the development application, land for park and recreational purposes sufficient to meet the requirements of this section.

4. In each tract of land covered by a development application, there shall be reserved and dedicated to public use ten (10) acres of land for park purposes for each one thousand (1,000) people, based upon the projected population of the completed development application as calculated in accordance with this section. Such dedication shall be prorated to the amount indicated by the projected population to the nearest one thousand (1,000) square feet of land to be dedicated, but in any event, no dedication of land for park use shall contain a total for park usage of less than ten thousand (10,000) square feet of land so dedicated. For purposes of this section, property subject to a horizontal property condominium regime under Iowa Code Chapter 499B shall be treated as single-family detached.

5. For purposes of this section, population in the completed area covered by the development application will be determined by multiplying the number of housing units projected in the area covered by the development application for each use category times the anticipated average per unit as given below. The quantity calculated for each residential type shall be added together and the sum shall be the projected population for purposes of the development application. For the purposes of this section, the following population estimates per residential type will be used:

   A. Single-family detached: 2.90 people.
   B. Single-family attached: 2.59 people.
   C. Multi-family unit: 1.82 people.
6. The City may require that all land dedicated under this section be configured or located to optimize aggregations of land and thus may require that the dedicated land be adjacent to the land affected by other development applications or to otherwise maximize usefulness of the land in accordance with the City's Comprehensive Plan and Parks & Trails Master Plan. (Ord. 322 – Oct. 17 Supp.)

7. This section shall not apply to any development application which does not include residential development, provided, however, to the extent any development application includes residential uses then dedication of park land shall be required to the extent determined in accordance with this section.

8. For purposes of this section the water area of ponds, streams, retention basins, detention basins and other bodies of water, or the land area of buffer park easements and site plan open space requirements, shall not be included in determining any area dedicated for park purposes.

9. The dedication of land for park purposes shall include dedication of a corridor or point of connection for public pedestrian access, the areas of which shall be included in determining compliance with this section.

10. The required land dedication under this section shall be reduced when the person making the development application provides public access by easement to recreational facilities, playgrounds, unobstructed open spaces, ball fields, soccer fields, tennis courts, basketball courts, volleyball courts, picnic shelters, recreational trails and other similar non-duplicated recreational facilities which have been (or will be) constructed and maintained by the applicant. There shall not be any credit for swimming pools, clubhouses, and other similar facilities. In order to determine the credit the City shall ascertain the fair market value of the land required to be dedicated under this section and from such value subtract the cost of the recreational facilities constructed by the applicant and provided under this section. The person making the development application shall then only be required to dedicate land equal in value to the remainder.

11. As an alternative to dedication under this section, any person filing a development application may provide jointly with other persons for the dedication of land in an amount at least equal to the amount required under this section, at a location which is not part of the land for which approval is sought, provided such alternative is within the same neighborhood park area as the land for which a development application has been made, that the alternative jointly provided will provide for a park with a total land area of at least five (5) acres, consistent with the Comprehensive Plan and that such alternative dedication of land is or has actually been dedicated to the City and has been accepted by the City for use in accordance with the Comprehensive Plan and Parks & Trails Master Plan. (Ord. 322 – Oct. 17 Supp.)

12. Where application of the formula set forth in subsection 4 of this section results in a dedication requirement of less than ten thousand (10,000) square feet the person making or filing the development application may elect to dedicate ten thousand (10,000) square feet of land or fulfill their obligation by participating in an option provided by subsection 10 of this section, but such alternative participation shall be based upon the actual calculation under subsection 4 of this section and not upon the equivalent of ten thousand (10,000) square feet of land.

13. Subsections 10 and 11 of this section notwithstanding, any entity required to comply with this section may present an alternate plan which meets the purposes of this
section as a means of complying herewith. It will be the burden of the entity presenting such plan to establish that such plan meets the purposes of this section. Any such plan shall be first reviewed by the Plan and Zoning Commission. Any alternate proposal must directly and proportionately benefit the development. A plan may include a payment in lieu of land dedication equal to the fair market value of the land to be dedicated. Such payment may be used only for park and recreation facility purposes consistent with the Comprehensive Plan.

14. This section shall not apply to any development application containing three (3) or fewer single-family residential units. A person making or filing a development application shall not divide land into separate plats in order to seek a waiver under this provision. Where a development application is made for multiple contiguous tracts within any two (2) years the City may treat all the development applications as one for purposes of this section.

15. No declaration of a condominium regime and under Iowa Code Chapter 499B, nor any conversion of an apartment to a condominium under Iowa Code Section 499B.3 shall be completed before the person or entity filing the declaration shall have complied with the land dedication requirements of this chapter.

16. If any subsection or provision of this section is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this section which can be given effect without the invalid portion or portions and to this end each subsection and provision of this section is severable.

17. Any person making or filing a development application or any person, entity, or developer affected by any decision made by any department acting under this chapter, may appeal to the City Council by filing notice of appeal with the City Clerk and a filing fee of one hundred dollars ($100.00) payable to the City of Adel to be credited to the general fund of the City. Such appeal shall be taken within ten (10) days from the decision of the department acting under this chapter and shall set out in detail the reasons and grounds for the appeal. The City Clerk shall forthwith transmit to the City Council all papers constituting the record upon which the action appeal is taken. An appeal stays all proceedings in furtherance of the appeal.

18. The City Council shall upon the filing of an appeal fix a reasonable time for a hearing, giving public notice thereof as well as due notice to the parties in interest. All interested persons may offer oral or written testimony at the public hearing on the appeal. A vote of three (3) members of the City Council may affirm, modify, or reverse any decision of any department acting under this chapter.

19. Any person, entity, or developer aggrieved by any appeal decision of the City Council may within thirty (30) days from the date of the City Council rendering a decision, appeal therefrom to the district court of Dallas County, Iowa, in accordance with the rules of civil procedure, division XIV, entitled "certiorari."

(Sec. 166.35 – Ord. 297 – Jan. 14 Supp.)