



## **NOTICE OF PUBLIC MEETING**

### **Public Safety Committee**

The City of Adel's Public Safety Committee will meet in the council chambers at the Adel City Hall, 301 S. 10<sup>th</sup> Street, Adel, Iowa, on **Tuesday, September 3, 2019** at **6:45 p.m.**

### **AGENDA**

1. Call to Order
2. Consider Approval of March 7, 2019 Minutes
3. Regulation of ATVs
4. Open Burn Ban Ordinance
5. Any Other Business
6. Adjournment

8/29/2019 5:33:21 PM

*Please Note: Members or a quorum of members of other City Boards, Commissions, Committees, and / or the Council may be in attendance. Only items on the agenda may be acted upon and / or discussed.*



## **March 7, 2019 Public Safety Committee - Minutes**

**The City of Adel's Public Safety Committee met in the council chambers at Adel City Hall, 301 South 10<sup>th</sup> Street, Adel, Iowa, on March 7, 2019 at 6:00 p.m.**

Selby called the meeting to order at 6:00 p.m. Members present: McAdon, Ockerman, and Selby. Others: City Administrator Brown and Fire Chief Nemechek.

McAdon motioned, seconded by Ockerman, to approve the February 5, 2019 minutes. Motion carried unanimously.

Discussion began on the Fire Department's breathing air compressor. Nemechek stated that the compressor's lifespan is coming to an end. So far, two quotes have been obtained to replace it for less than \$20,000.

Selby stated that it would be beneficial for the Fire Department to review all equipment so that the City can begin planning for future budgets. Nemechek noted that the Department will be reviewing its trucks in the coming months. This review will help the Department's five-year plan.

Brown asked if there were any other options to replace the compressor. Nemechek stated that the Department could go to Dallas Center or De Soto in the interim. Ockerman asked if the old cascade system could be used or if bottles could be rented. Nemechek noted that the Department would not have the ability to fill the bottles back up.

McAdon stated that there may be some funds in the equipment upgrade line item. Nemechek stated that the bunker gear line item is miscoded and that there is only \$1,458 available.

Ockerman asked if the current budget had any room. Nemechek stated that the Department's budget is relatively adequate for operations. However, there is not much room for major expenses or future growth.

McAdon asked about the Department's relationship with the Fire Association. Nemechek noted that the Association, which is not controlled by the Department, has focused on fundraising for major equipment.

The committee and Nemechek agreed that communicating and working together on budget items like the compressor will help the City and the Department going forward. Ockerman asked if anything from the Department's FY19-20 Budget could be delayed. Brown asked whether the data processing line item would have extra funds this year. Nemechek stated that he will be reviewing the budget in detail.

Selby asked Nemechek to gather more information and to review the Department's budget in-depth. Nemechek will work with City staff to determine how to fund the compressor.

With no other business, the meeting was adjourned at approximately 6:55 p.m.

Respectfully submitted

Anthony Brown  
City Administrator

## CHAPTER 75

# ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

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

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle, with not less than three (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 75: BICYCLES AND RECREATIONAL VEHICLES**

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Section

### ***All-Terrain Vehicles, Golf Carts and Snowmobiles***

- 75.01 Purpose
- 75.02 Definitions
- 75.03 General regulations
- 75.04 Places of operation
- 75.05 Negligence
- 75.06 Accident reports
- 75.07 Time restriction
- 75.08 Speed regulated

### ***Unified Bicycle Subchapter***

- 75.20 Definitions
- 75.21 Alteration of serial frame number
- 75.22 Sirens and whistles prohibited
- 75.23 Lamps and reflectors
- 75.24 Stopping
- 75.25 Applicability of motor vehicle laws
- 75.26 Obedience to signals
- 75.27 Improper riding
- 75.28 Carrying packages
- 75.29 Control with hands on handlebars
- 75.30 Place of riding
- 75.31 Bicycle lanes
- 75.32 Emerging from alley or driveway
- 75.33 Operation on sidewalk
- 75.34 Clinging to other vehicles
- 75.35 Following emergency vehicles
- 75.36 Parking
- 75.37 Reckless operation

### ***Bicycle Identification Plates***

- 75.50 Identification plates required
- 75.51 Identification plates or decals

75.52 Maintenance of records

75.53 Alteration of serial number or plate number

75.99 Penalty

## **ALL-TERRAIN VEHICLES, GOLF CARTS AND SNOWMOBILES**

### **§ 75.01 PURPOSE.**

The purpose of this subchapter is to regulate the operation of all-terrain vehicles, golf carts and snowmobiles within the city.

(1999 Code, § 75.01)

### **§ 75.02 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALL-TERRAIN VEHICLE** or **ATV**. A motorized flotation-tire vehicle with not less than three low pressure tires, but not more than six low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than 800 cubic centimeters and in total dry weight to less than 750 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Iowa Code § 321G.1(1))

**GOLF CART**. Also referred to as a **GOLF CAR** or **NEIGHBORHOOD ELECTRIC VEHICLE (NEV)**. A motorized vehicle generally used for transportation of person(s) that is either electric or gas powered used to convey short distances at speeds less than 30 mph.

**SNOWMOBILE**. A motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

(Iowa Code § 321G.1(20))

(1999 Code, § 75.02)

### **§ 75.03 GENERAL REGULATIONS.**

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

(Iowa Code Ch. 321G) (1999 Code, § 75.03) Penalty, see § 75.99

### **§ 75.04 PLACES OF OPERATION.**

The operators of ATVs, golf carts and snowmobiles shall comply with the following restrictions as to where ATVs, golf carts and snowmobiles may be operated within the city.

(A) **Streets**. ATVs, golf carts and snowmobiles shall not be operated at any time within the right-of-way or upon any interstate, highway, freeway, road or streets within the city except as provided in division (B) below.

(Iowa Code § 321G.9(4a))

(B) *Exceptions.* ATVs, golf carts and snowmobiles may be operated on prohibited streets only under the following circumstances.

(1) *Emergencies.* ATVs and snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Iowa Code § 321G.9(4c))

(2) *Direct crossing.* ATVs, golf carts and snowmobiles may make a direct crossing of a prohibited street provided:

(a) A golf cart shall not be operated upon a city street which is a primary road extension through the city, but shall be allowed to cross a city street which is a primary road extension through the city;

(Iowa Code § 321.247.1.a)

(b) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(c) The ATV or snowmobile is brought to a complete stop before crossing the street;

(d) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(e) In crossing a divided street, the crossing is made only at an intersection of that street with another street.

(3) *Age.*

(a) A snowmobile shall not be operated on or across a public highway by a person under 16 years of age.

(Iowa Code § 321G.9(2))

(b) A golf cart shall not be operated on or across a public street by a person without a valid driver's license.

(Iowa Code § 321.247.1.a.)

(c) Golf cart provisions.

1. Golf carts operated on city streets shall be equipped with adequate brakes.

(Iowa Code § 321.247.1.c.)

2. Golf carts operated on city streets shall be equipped with a slow-moving vehicle sign and a bicycle safety flag.

(Iowa Code § 321.247.1.b.)

(C) *Railroad right-of-way.* ATVs, golf carts and snowmobiles shall not be operated on an operating railroad right-of-way. An ATV, golf cart or snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Iowa Code § 321G.13(8))

(D) *Trails.* ATVs shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Iowa Code § 321G.9(4f and g))

(E) *Parks and other city land.* ATVs, golf carts and snowmobiles shall not be operated in any park, playground or upon any other city-owned property without the express permission of the city. A snowmobile shall not be operated on any city land without a snow cover of at least one-tenth of one inch.

(F) *Sidewalk or parking.* ATVs, golf carts and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this subchapter.

(1999 Code, § 75.04) Penalty, see § 75.99

## **§ 75.05 NEGLIGENCE.**



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

(Iowa Code § 321G.18) (1999 Code, § 75.05)

#### **§ 75.06 ACCIDENT REPORTS.**

Whenever an ATV, golf cart or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$200 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within 48 hours, in accordance with state law.

(Iowa Code § 321G.10) (1999 Code, § 75.06)

#### **§ 75.07 TIME RESTRICTION.**

Where the use of a snowmobile or ATV is permitted, they may be used only between the hours of 9:00 a.m. and 10:00 p.m. Golf carts are permitted only between the hours of sunrise and sunset.

(Iowa Code § 321.247) (1999 Code, § 75.07)

#### **§ 75.08 SPEED REGULATED.**

Snowmobiles, golf carts and ATVs shall not be driven in excess of 35 mph in the city.

(1999 Code, § 75.08)

### **UNIFIED BICYCLE SUBCHAPTER**

#### **§ 75.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BICYCLE.** Either of the following:

(1) 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; or

(2) A device having up to four wheels with fully operable pedals and an electric motor of one horsepower or less.

**MULTI-USE TRAIL.** 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.

(Ord. 2011-11, passed 9-20-2011)

#### **§ 75.21 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.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

#### **§ 75.22 SIRENS AND WHISTLES PROHIBITED.**

(A) A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle.

(B) This section shall not apply to bicycles ridden by peace officers in the line of duty.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.23 LAMPS AND REFLECTORS.**

(A) Every bicycle ridden at any time from sunset to sunrise and at those 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 300 feet ahead shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 300 feet to the front.

(B) Every bicycle shall be equipped with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear; except that a red reflector may be used in lieu of a rear light.

(C) 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.

(D) A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

(Ord. 2011-11, passed 9-20-2011)

### **§ 75.24 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.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.25 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 subchapter and other city traffic ordinances and the state statutes applicable to the drivers of motor vehicles, except as to special regulations in this subchapter 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.

(Ord. 2011-11, passed 9-20-2011)

### **§ 75.26 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 the person dismounts from the bicycle, then he or she shall then obey the regulations applicable to pedestrians.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.27 IMPROPER RIDING.**

(A) 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.

(B) This section does not apply to the use of a bicycle in a parade or special event authorized by the city.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

## § 75.28 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.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

## § 75.29 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.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

## § 75.30 PLACE OF RIDING.

(A) 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:

- (1) When overtaking and passing another bicycle vehicle proceeding in the same direction;
- (2) When preparing for a left turn at an intersection or into a private road or driveway;

(3) 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; and

- (4) A facility that would allow bicycle traffic on the left side of the roadway.

(B) 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 the roadway as practicable.

(C) When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.

(D) This section does not apply to the use of a bicycle in a parade or special event authorized by the city.

(Ord. 2011-11, passed 9-20-2011)

## § 75.31 BICYCLE LANES.

(A) 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.

(B) 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 the overtaking and passing cannot be done safely within the lane.

(C) 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.

(D) No person shall drive a motor vehicle in a bicycle lane established on a roadway except as follows:

- (1) To park where parking is permitted;
- (2) To enter or leave the roadway; and
- (3) To prepare for a turn within a distance of 200 feet from the intersection.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.32 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.

(Ord. 2011-11, passed 9-20-2011)

### **§ 75.33 OPERATION ON SIDEWALK.**

(A) Bicycles may be operated upon the public sidewalks in a careful and prudent manner and except where signs are erected to prohibiting riding on the sidewalk.

(B) 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.

(Ord. 2011-11, passed 9-20-2011)

### **§ 75.34 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.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.35 FOLLOWING EMERGENCY VEHICLES.**

No person riding a bicycle shall follow closer than 500 feet of an emergency vehicle as defined by Iowa Code § 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.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.36 PARKING.**

(A) 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.

(B) Local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

### **§ 75.37 RECKLESS OPERATION.**

No person shall operate a bicycle with willful or wanton disregard for the safety of persons or property.

(Ord. 2011-11, passed 9-20-2011) Penalty, see § 75.99

## **BICYCLE IDENTIFICATION PLATES**

### **§ 75.50 IDENTIFICATION PLATES REQUIRED.**

Application for a bicycle identification plate or decal shall be made upon a form provided by the city and shall be made to the Police Department.

(1999 Code, § 77.01) (Ord. 2009-08, passed 6-16-2009)

### **§ 75.51 IDENTIFICATION PLATES OR DECALS.**

Identification plates or decals are required as follows.

(A) *Issued.* The Police Department, upon receipt of a completed application, shall issue an identification plate or decal bearing the identification plate number assigned to the bicycle and the name of the city.

(Iowa Code § 372.13(4))

(B) *Attached to bicycle.* The Police Department shall cause the identification plate or decal to be firmly attached to the bicycle for which issued in a position as to be plainly seen from the rear.

(Iowa Code § 321.236(10))

(C) *Removal.* No person shall remove an identification plate or decal from a bicycle unless the bicycle is dismantled and no longer operated upon any street in the city.

(Iowa Code § 321.236(10))

(D) *Lost identification plate.* In the event of loss by the owner of a license plate, a duplicate plate shall be obtained from the Police Department within five days, upon application.

(1999 Code, § 77.02) (Ord. 2009-08, passed 6-16-2009) Penalty, see § 75.99

### **§ 75.52 MAINTENANCE OF RECORDS.**

The Police Department shall keep a record of the number of each identification plate, 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 identification plate fees collected.

(Iowa Code § 372.13(4)) (1999 Code, § 77.03)

### **§ 75.53 ALTERATION OF SERIAL NUMBER OR PLATE NUMBER.**

It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number or the identification plate information on any bicycle registered pursuant to the provisions of this chapter.

(1999 Code, § 77.04) Penalty, see § 75.99

### **§ 75.99 PENALTY.**

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Bicycles.* Any person violating the provisions of §§ 75.20 through 75.37 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 days for the first offense, ten days for a second offense and 30 days for a third offense.

(1999 Code, § 76.14)

## CHAPTER 105

# SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Open Dumping Prohibited
105.03 Sanitary Disposal Required	105.09 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.10 Waste Storage Containers
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Separation of Yard Waste Required	105.12 Sanitary Disposal Project Designated

**105.01 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.

*(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” *(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.

*(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.

*(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.

*(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.

*(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.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

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

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

*(IAC, 567-23.2[3a])*

2. 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 (¼) 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. (Ord. 235 – Jul. 07 Supp.)

(IAC, 567-23.2[3e])

6. Residential Waste. (*Repealed by Ordinance No. 235 – Jul. 07 Supp.*)

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)*

*(IAC, 567-102.14[2] and 400-27.14[2])*

**105.10 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:
  - A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.
  - B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb 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.

# Open Burning & Fire Pits

**Open Burning is *prohibited*** within the boundaries of the City of Waukee, **except** when the following exists as per Waukee Municipal Code chapter 212:

- **This does not apply to indoor or outdoor fire places or barbecue grills** with untreated wood for entertainment, religious, ceremonial, cooking, warmth or similar purposes. **These are permitted.**
- A permit may be issued after review of the submitted application by the Fire Chief. The responsible party must provide the signed permit that was issued upon request.
- Organic fire within agricultural areas zoned **A-1** can be permitted as long as there are no fires within **1,000 feet** of any land zoned other than A-1.

**It is *NOT* permitted to burn rubbish/refuse which includes yard waste, tires, garbage or plastics.**

## Conditions

- Burning may not take place under any circumstances when the wind is in excess of 15 mph or any burning bans are in place by the City, County or State.
- No such fire shall be started within 30 feet of any combustible wall, fence, building, or structure.
- Any fire not within a portable outdoor fireplace shall not be less than 25 feet from structures or combustible materials.
- Any fire greater than 36 inches in width and/or two feet in height (bonfire) requires a permit.

## Control of Fire/Attendance

- Fires shall be constantly attended by a competent person until the fire is fully extinguished.
- The attendant shall have access and knowledge to use an approved fire extinguishing equipment such as; portable fire extinguisher, water truck, garden hose, dirt, sand or water barrel.
- Any permit granted requires that a reliable water supply, under pressure, must be available by hose line within 20 feet of the burn site.

## Home-Type Regulations

- **One- and two-family dwellings and townhouses**, constructed in accordance with the International Residential Code, are not regulated by the Waukee Fire Department regarding portable outdoor fireplaces and open-flame cooking devices due to the practical difficulties involved in enforcing such regulations. Grills should be placed at least 10 feet from any structure or combustible material. Portable outdoor fireplaces/fire pits should be constructed and operated in accordance with the manufacturer's instructions and not within 15 feet from structures or combustible materials.
- **In multi-family dwellings (apartments and condominiums)**, charcoal burners, other open-flame cooking devices and other devices that produce ashes or embers, shall not be operated on balconies or within 20 feet of combustible construction. LP-gas cooking devices having one LP-gas container with a water capacity not greater than 20 pounds may be operated per manufacturer's instructions or within 10 feet from structures or combustible materials.

### **Penalty**

Violating any provisions of this ordinance shall be guilty of a simple misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars (\$100), or imprisonment not exceeding 30 days. Each day upon which such violation occurs after a notice shall constitute a separate violation.

**The Fire Department does have the authority to order the extinguishing of a fire** when the open burning creates or adds to a hazardous situation or if a permit was required but was not obtained. An outdoor fire is prohibited when atmospheric conditions or local circumstances make such fires hazardous or a nuisance.

**Please use good judgment and common sense, and respect your neighbors.**

Call 515-978-7998 to speak with a member of the Waukee Fire Department. Of course, call 911 in the event of a fire emergency.

Open Burn Regulation Summary –  
(a) Prohibition, (b) Permits, (c) Exemptions & (d) Variances  
(Effective August 5<sup>th</sup>, 2013)

**5-7. Open Burning Prohibited.**

(a) Prohibition.

No person shall allow, cause or permit open burning of combustible materials within Polk County except as provided in 5.7(1-9).

For purposes of this Section, a person shall be deemed to have permitted the open burning if that person permits the setting or use of open burning for the disposal of refuse, rubbish, garbage or other combustible material under his control, on land under his control, or by employees or other persons under his control.

It shall be unlawful for any person to open burn or to permit open burning of any landscape waste within Polk County from any industrial source, commercial source, or multiple dwelling containing two or more apartment units.

It shall be unlawful for any person to open burn or to permit open burning of any refuse, rubbish, garbage, landscape waste or other combustible material within the cities of Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill from any source from and after September 21, 1983.

In all other areas of Polk County, it shall be unlawful to open burn or permit open burning of any refuse, rubbish, garbage, landscape waste, or other combustible material, except that, unless prohibited by local ordinance, on any land site where the land use is for single-family dwelling or agricultural operations, open burning may be used to dispose of landscape waste originating on or growing on the same site.

(b) Burn Permits.

Upon receipt of a written request on a form provided by the Local Program, the Health Officer is authorized to issue a permit for an open fire for the following purposes. Such permit may contain conditions and is subject to the provisions set forth in this chapter.

- (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. Burning any structures or demolished structures shall be conducted in accordance with 40 CFR Section 61.145 amended through January 16, 1991 as adopted in 567 IAC Chapter 23, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants.
- (2) Tree and tree trimmings. The open burning of trees and tree trimmings not originating on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building. However,

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when the open burning of trees and tree trimmings causes air pollution as defined in section 455B.131(3) Code of Iowa, the Health Officer may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

- (3) Flare stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with Article IV.
- (4) Landscape waste. The disposal by open burning of landscape waste originating on or growing on the same land site only where permitted in this section. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth 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.
- (5) Training fires.  
For purposes of this section, a “training fire” is a fire set for the purposes of conducting bona fide training of public or industrial employees in firefighting methods. For purposes of this paragraph, “bona fide training” means training that is conducted according to the National Fire Protection Association 1403 Standard of Live Fire Training Evolutions (2002 Edition) or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:
  - (a) A training fire on a building is conducted with the building structurally intact.
  - (b) The training fire does not include the controlled burn of a demolished building.
  - (c) If the training fire is to be conducted on a building, written notification must be provided to the Local Program and Iowa Department of Natural Resources (IDNR) on DNR Form 542-8010 and is postmarked or delivered to the Local Program at least ten working days before such action commences.
  - (d) Notification shall be made to the Local Program and IDNR in accordance with 40 CFR Section 61.145, “Standard for Demolition and Renovation” of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991.
  - (e) All asbestos-containing materials shall be removed prior to the training fire.
  - (f) Asphalt roofing may be burned in the training fire only if notification to the Local Program contains testing results indicating that none of the layers of asphalt roofing contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt roofing has not been removed, provided that for each of those training

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fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos.

(h) Rubber tires shall not be burned during a training fire.

- (6) Paper or plastic pesticide containers and seed corn bags. Open burning as specified in Chapter 567 IAC 23.2(3)"h" only where permitted by this section.
- (7) For public gatherings under the legitimate sponsorship of civic fraternal, religious, education or similar organization.
- (8) Crews operating under the authority of any political subdivision, only where permitted by this section.
- (9) Prairie re-establishment and maintenance at sites which are publicly owned or normally open to the general public.

Authorization to permit an open fire will not be granted by the health officer when such conditions arise that would deem such fires to be a safety hazard.

Permit fees may be established by resolution of the Polk County Board of Supervisors.

(c) Exemptions.

1. Fireplaces or grills. This section shall not apply to outdoor fireplaces or grills burning untreated wood or charcoal, used solely for the non-commercial preparation of food or recreation. Such outdoor fireplaces or grills shall not be used for the burning of refuse, rubbish, or garbage.

2. Outdoor patio heaters. This section shall not apply to outdoor patio heaters burning only natural gas, propane, or alcohol. Such outdoor patio heaters shall not be used for the burning of wood, refuse, rubbish, vegetative matter or garbage.

3. Recreational bonfires, fireplaces and grills. Open fires burning charcoal or untreated seasoned wood for cooking, recreation and ceremonies located within a geographic area designated as a neighborhood, community, county or state park; unless prohibited by local authority, ordinance or regulation, provided they comply with Article IV, Section 5-9. Such fires shall not be used for the burning of refuse, rubbish, or garbage

(d) Variance application.

1. Any person wishing to conduct open burning of materials prohibited in section 5-7 (a), meeting the permit requirements in section 5-7 (b) or not exempted in section 5-7 (c) may make application for a variance as specified in section 5-59.

2. In addition to requiring the information specified in section 5-59, the health officer may require any person applying for a variance from the open burning rules to submit adequate documentation to allow the health officer to assess whether granting the variance will hinder attainment or maintenance of a National Ambient Air Quality Standard (NAAQS).