

CHAPTER 1

CODE OF ORDINANCES

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

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

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Sioux Center, Iowa.
3. “Clerk” means the city clerk of Sioux Center, 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).
5. “Code of Ordinances” means the Code of Ordinances of the City of Sioux Center, Iowa.
6. “Council” means the city council of Sioux Center, Iowa.
7. “County” means Sioux 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means the ordinances of the City of Sioux Center, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,

and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

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

15. "Shall" imposes a duty.

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

17. "State" means the State of Iowa.

18. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

1.09 CATCHLINES AND NOTES. The catchlines of the several sections of 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 that 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])

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CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties of City Officers

2.04 Number and Term of Council

2.05 Term of Mayor

2.06 Copies on File

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** Ordinance No. SC-0-1-75 adopting a charter for the City was passed and approved by the Council on June 24, 1975. The charter has been amended twice, by Ordinance No. SC-0-8-83 on November 25, 1983, and by Ordinance No. SC-0-4-97 on February 5, 1997.

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Criminal Penalties

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

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

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

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
 - B. Each repeat offense – not to exceed \$1,000.00

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

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

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

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

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.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

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

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

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected, no later than noon of the first day that is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

5.06 MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with Chapter 21 of the *Code of Iowa*.

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[3a])

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (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[3i])

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

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

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

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

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

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

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

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

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Candidacy
6.03 Run-Off Election in Lieu of Primary
6.04 Run-Off Election Procedure

6.05 Qualification
6.06 Time Held
6.07 Candidates Elected
6.08 Precincts

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 376 of the *Code of Iowa*.
(*Code of Iowa, Sec. 376.3*)

6.02 CANDIDACY. An eligible elector of the City may become a candidate for an elective City office by filing with the City Clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be signed by eligible electors equal in number to at least two percent (2%) of those who voted to fill the same office at the last regular City election, but not less than ten (10) persons.

6.03 RUN-OFF ELECTION IN LIEU OF PRIMARY. A run-off election shall be held in lieu of a primary election for the choosing of persons for elective offices.

(*Code of Iowa, Sec. 376.6*)

6.04 RUN-OFF ELECTION PROCEDURE. A run-off election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular City election.

(*Code of Iowa, Sec. 376.9*)

6.05 QUALIFICATION. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular City election, to the extent of twice the number of unfilled positions, are candidates in the run-off elections.

(*Code of Iowa, Sec. 376.9*)

6.06 TIME HELD. Run-off elections shall be held four (4) weeks after the date of the regular City election and shall be conducted in the same manner as regular City elections.

(*Code of Iowa, Sec. 376.9*)

6.07 CANDIDATES ELECTED. Candidates in the run-off election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

(*Code of Iowa, Sec. 376.9*)

6.08 PRECINCTS. The City of Sioux Center, Iowa, is divided into three (3) election precincts.

1. The first precinct, known as "Sioux Center North" shall include all that part of the City lying north of the centerline of 7th Street NW extended and 7th Street NE extended.

2. The second precinct, known as "Sioux Center Central" shall include all that part of the City lying south of the centerline of 7th Street NW extended and 7th Street NE extended; and that part of the City lying north of the following boundary: 9th Street SW to the centerline of US Highway No. 75 thence north to 2nd Street SE, thence east to 4th Avenue SE, thence north to 1st Street East extended to the east.

3. The third precinct, known as "Sioux Center South" shall include all that part of the City lying south of the following boundary: 9th Street SW to the centerline of US Highway No. 75 thence north to 2nd Street SE, thence east to 4th Avenue SE, thence north to 1st Street East extended to the east.

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose	8.06 Applications
8.02 Definitions	8.07 Approval
8.03 Period of Partial Exemption	8.08 Exemption Repealed
8.04 Amounts Eligible for Exemption	8.09 Dual Exemptions Prohibited
8.05 Limitations	

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 that 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 that are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure that 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 that 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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CHAPTER 10

LOCAL OPTION SALES AND SERVICES TAX

10.01 Tax Imposed; Exemptions
10.02 Collection and Enforcement

10.03 Effective Date
10.04 Disposition of Proceeds

10.01 TAX IMPOSED; EXEMPTIONS. There shall be a tax at the rate of one percent (1%) imposed on transactions occurring within the incorporated areas of the City. The tax shall be collected by all persons required to collect State gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 452A of the *Code of Iowa*, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 423A of the *Code of Iowa* during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99G of the *Code of Iowa*, and on the sale or rental of tangible personal property described in Chapter 423 of the *Code of Iowa*.

10.02 COLLECTION AND ENFORCEMENT. The Director of Revenue of the State of Iowa shall be responsible for the collection and enforcement of all taxes, penalties and interest imposed by this chapter pursuant to Chapter 423B of the *Code of Iowa*.

10.03 EFFECTIVE DATE. The tax established by virtue of this chapter shall be imposed on or after October 1, 1995.

10.04 DISPOSITION OF PROCEEDS. All revenues received by the City pursuant to the tax imposed in this chapter shall be credited to the General Fund of the City and the revenue shall be used as follows:

1. Fifty percent (50%) of the revenues derived therefrom shall be spent for property tax relief.
2. The remaining revenue may be spent by the City for debt reduction, parks and recreation, community improvements, and capital improvements.

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CHAPTER 11

HOTEL AND MOTEL TAX

11.01 Tax Imposed
11.02 Definition

11.03 Collection and Enforcement
11.04 Effective Date

11.01 TAX IMPOSED. There shall be a tax at the rate of five percent (5%) imposed upon the sales price from the renting of sleeping rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, manufactured home or mobile home that is tangible personal property, tourist court, or any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, except the sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the State of Iowa and the guests of a religious institution if the property is exempt under Section 427.1, subsection 8, of the *Code of Iowa* and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.

11.02 DEFINITION. “Renting” and “rent” include any kind of direct or indirect charge for such sleeping rooms, apartments, or sleeping quarters or their use. However, the tax does not apply to the sales price from the renting of a sleeping room, apartment, or sleeping quarters while rented by the same person for a period of more than 31 consecutive days.

11.03 COLLECTION AND ENFORCEMENT. The Director of Revenue of the State of Iowa shall be responsible for the collection and enforcement of all taxes, penalties, and interest imposed by this chapter pursuant to Chapter 423A of the *Code of Iowa*.

11.04 EFFECTIVE DATE. The tax established by virtue of this chapter shall be imposed on or after January 1, 2011.

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of four 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 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 Police Chief 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 that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. 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 Mayor Pro Tem, and the Mayor also appoints, with Council approval, the following officials:

(Code of Iowa, Sec. 372.4)

1. Police Chief
2. Park Board
3. Recreation and Arts Council
4. Heritage Board
5. Library Board of Trustees

In addition, the Mayor recommends individuals for appointment by the Council for membership on the Planning and Zoning Commission.

15.04 COMPENSATION. The salary of the Mayor is \$3,600.00 per year, payable annually.

(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
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure that 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 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

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

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

(Code of Iowa, Sec. 380.1[aj])

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 the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])
3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])
5. Compelling Attendance. Any three 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 Manager
2. City Clerk
3. Utilities Manager
4. City Attorney
5. City Treasurer
6. Fire Chief
7. Planning and Zoning Commission
8. Board of Adjustment

17.06 COMPENSATION. The salary of each Council member is nine hundred dollars (\$900.00) per year, payable annually.

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

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CHAPTER 18

CITY CLERK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT. The Council shall appoint by majority vote a City Treasurer to serve for an indefinite term.

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

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:
(*Code of Iowa, Sec. 372.13[4]*)

1. 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 an accurate 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.

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CHAPTER 20

CITY ATTORNEY

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

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents
20.09 Representation of City Employees

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve for an indefinite term. 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 that the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

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

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

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

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

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

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

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely private

benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

CHAPTER 21

CITY MANAGER

21.01 Office Established

21.02 Appointment and Term of Office

21.03 Powers and Duties Generally

21.04 City Manager Acting in Lieu of Appointive Officers

21.01 OFFICE ESTABLISHED. There is hereby created the office of City Manager for the City.

21.02 APPOINTMENT AND TERM OF OFFICE. The City Manager shall be appointed by a majority vote of the Council at a regular meeting thereof. The City Manager shall hold office at the pleasure of the Council and shall be subject to removal by a majority vote thereof.

21.03 POWERS AND DUTIES GENERALLY. The City Manager shall perform the duties assigned by the Mayor and City Council as listed in the current job description. Generally, the City Manager will administer and direct the affairs of City government, act as liaison between the various units of government, and act as an ombudsman for the community at large and its citizens. The City Manager shall have other duties assigned on an as-needed basis from time to time by the Mayor and Council.

21.04 CITY MANAGER ACTING IN LIEU OF APPOINTIVE OFFICERS. Whenever by ordinance or resolution of the Council the powers and duties heretofore vested in any other appointed City officer are to be wholly performed by the City Manager, no appointment of the appointive officer shall be made, and any appointment of such an appointive officer made prior to the adoption of such ordinance or resolution shall be thereby canceled.

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

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

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of nine members appointed by the Mayor with the approval of the Council. One member of the Board may be a rural resident and the remaining members shall be residents of the City.

22.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be eighteen (18) years of age or older.

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 years from January 1 following the appointment. Terms of trustees shall be so arranged so that not more than three terms shall expire each two years. Biannual appointments shall be made before January 31 for trustees retiring on December 31. All trustees shall be eligible for reappointment for new terms.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the area or if such member is absent without due explanation from six (6) consecutive regular meetings of the Board, except in the case of illness; or if the trustee is removed for cause by the Mayor with the approval of the Council. 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 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.
3. Charge of Affairs. To direct and control all affairs of the Library and to delegate authority as deemed necessary.

4. Hiring of Personnel. To employ a Librarian, assistants, and other employees necessary for the operation of the Library, within budgetary limits set by the Board and approved by the Council.
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.

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of 11 members appointed by the Council. The Mayor shall make recommendations for individual appointments. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five 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. Zoning Amendments. The Planning and Zoning Commission may, from time to time, recommend to the Council changes in the zoning regulations or districts. When proposed changes in the zoning regulations or districts are referred to the Planning and

Zoning Commission by the Council, the Planning and Zoning Commission shall file with the Council, with 30 days thereafter, its recommendations approving, disapproving, or modifying the proposed changes.

5. 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)

6. 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)

7. 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)

8. 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)

9. 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)

10. 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 BOARD

24.01 Park Board Created
24.02 Board Organization
24.03 Duties of the Board
24.04 Reports

24.05 Rules
24.06 Penalties
24.07 Technical Assistance

24.01 PARK BOARD CREATED. An advisory Park Board is hereby created to advise the Council, to plan for the needed facilities to provide open space such as parks, playgrounds, and facilities/equipment to be used in conjunction with the park system. The park system shall include but not necessarily be limited to the following: Open-space park, Central Park, Children's Park, Sandy Hollow Swimming and Park, Sandy Hollow Recreation Area, Tower Fields, and neighborhood parks. Further, the Park Board will work cooperatively with officials of Dordt College, Sioux Center Community Schools, and Sioux Center Christian School in the overall planning of a park and playground system.

24.02 BOARD ORGANIZATION. The Board shall consist of seven (7) members, all citizens of the City, appointed by the Mayor with the approval of the City Council for staggered terms of five years. Members may succeed themselves for appointment. The Mayor shall designate the first Chairperson and Vice Chairperson, and the Board shall choose its Chairperson and Vice Chairperson every two years thereafter. Members shall serve without compensation, but may receive their actual expenses. If any vacancies shall exist on the Park Board caused by resignation or otherwise, the Mayor shall appoint a successor for the remainder of the term, subject to the approval of the City Council.

24.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for parks and for park facilities and to update and revise these plans as required, the Board shall have authority over the properties and personnel devoted to parks, subject to the limitation of expenditures for salaries and supplies, contract and capital outlays set forth in the annual budget provided by the Council for park operations. The Park Supervisor shall order supplies by the procedures established by the Council for all departments of the City, and payments will be made by warrant written by the Clerk for invoices submitted and approved by the Board. The Clerk shall have custody of park monies, which shall be kept in the General Fund.

24.04 REPORTS. The Board shall make written reports to the Council of its activities from time to time as deemed advisable or upon Council request. 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 in the Clerk's report to the Council.

24.05 RULES. The Board shall have power to make rules and regulations for the use of park facilities, subject to the approval of the rules by the Council. These rules shall either be posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

24.06 PENALTIES. Violation of a Board rule that has been approved by the Council and adopted by ordinance may be cause for denial of use of a facility, but such denial that extends more than one day may be appealed to the Board or to the Council for a hearing. The violation shall be prosecuted.

24.07 TECHNICAL ASSISTANCE. The City Council may from time to time, as it deems necessary, appoint an ad hoc committee to assist the Park Board as resource persons to give technical assistance and advice to the Park Board. Such ad hoc committees may be of a short or permanent duration and their function will be reviewed annually by the Council.

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CHAPTER 25

RECREATION AND ARTS COUNCIL

25.01 Recreation and Arts Council Created
25.02 Organization
25.03 Duties

25.04 Reports
25.05 Rules
25.06 Penalties for Violation of Rules

25.01 RECREATION AND ARTS COUNCIL CREATED. The Sioux Center Recreation and Arts Council is hereby created to advise the City Council on the promotion of all forms of art and recreation, generally called leisure services, within the City and its immediate environs, to cooperate with similar organizations in Sioux County, Northwest Iowa, the State of Iowa, and neighboring states for the delivery of leisure services, and to assume responsibility relating to the support of the arts.

25.02 ORGANIZATION. The Recreation and Arts Council shall consist of nine members, all citizens of the City, appointed by the Mayor and approved by the City Council. Members are appointed to staggered terms of three years. The Mayor shall designate the first Chairperson and Vice Chairperson, and the Sioux Center Recreation and Arts Council shall choose its Chairperson and Vice Chairperson annually thereafter. Members shall serve without compensation, but may receive their actual expenses. If any vacancies shall exist on the Sioux Center Recreation and Arts Council caused by resignation or otherwise, the Mayor shall appoint a successor for the remainder of the term, subject to the approval of the City Council.

25.03 DUTIES. The principal duties of the Recreation and Arts Council shall be for the promotion of all forms of recreation and art, generally called leisure services, within the City and its immediate environs. These duties shall include but not be limited to the following:

1. Recommend the hiring of and directing the activities of an individual for the position(s) of Director of Recreation, Arts and Leisure Services and any support staff thereof.
2. Organize and promote leisure services that involve primarily local residents and participants.
3. Contract with nonresident performers, artists, exhibitors, and recreational personnel for the delivery of leisure services.
4. Serve as a calendar-developing agency for the Te Paske Theatre and other public facilities that may be assumed under its jurisdiction.
5. Provide a vehicle for which funds may be channeled for financing recreation and arts.
6. Give support to existing organizations that provide leisure services and are philosophically compatible with the purpose of the Recreation and Arts Council.
7. Solicit grants and other forms of financial assistance to be used in the programming and promotion of leisure services.
8. Encourage among constituents the appreciation for cultural activity and recreational outlets.

9. The Recreation and Arts Council shall have the authority to make recommendations concerning the agreements with other associations and/or agencies such as this.

10. The Recreation and Arts Council shall annually prepare a budget proposing the expenditures of funds for the purposes stated in this chapter. The City Council shall give final approval and allocate funds for such purposes.

25.04 REPORTS. The Sioux Center Recreation and Arts Council shall make written reports to the City Council of its activities from time to time as it deems advisable or upon City Council request. Its revenues and expenditures shall be reported quarterly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Recreation and Arts Council and in the Clerk's report to the City Council.

25.05 RULES. The Recreational and Arts Council shall have the power to make rules and regulations for the use of facilities or for the conduct of programs, subject to the approval of the rules by the City Council.

25.06 PENALTIES FOR VIOLATION OF RULES. Violation of a Sioux Center Recreation and Arts Council rule that has been approved by the City Council may be cause for denial of the use of a facility or participation in a program, but such denial that extends more than one day may be appealed first to the Sioux Center Recreation and Arts Council and then to the City Council for a hearing.

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CHAPTER 26

HERITAGE BOARD

26.01 Board Created

26.02 Organization

26.03 Duties

26.04 Contract with Others for Use of Facilities

26.05 Reports

26.06 Rules

26.07 Penalties for Violation of Rules

26.01 BOARD CREATED. A Heritage Board is hereby created to advise the City Council on the acquisition, display and maintenance of objects of lasting interest or value and for purposes of promoting and/or maintaining historic values and themes.

26.02 ORGANIZATION. The Board shall consist of 11 members, a majority of whom shall reside within the City, appointed by the Mayor with the approval of the Council for staggered terms of five years. Members may succeed themselves for appointment. The Board shall choose its Chairperson and Vice Chairperson annually and shall appoint a Treasurer from the Board to provide financial supervision. Members shall serve without compensation, but may receive their actual expenses. If any vacancies shall exist on the Heritage Board caused by resignation or otherwise, the Mayor shall appoint a successor for the remainder of the term, subject to the approval of the City Council.

26.03 DUTIES. The principal duties of the Board will be to make a plan for the acquisition, display, and maintenance of objects of lasting interest or value and for the purposes of promoting and/or maintaining historic values and themes.

1. The Board shall have authority to update and to revise these plans as required and to have advisory authority over the properties and personnel devoted to such facilities, subject to the limitation of expenditures for salaries and supplies, contract and capital outlays that are set forth in the annual budget provided by the Council for Heritage operations. The Board shall also serve as a vehicle to which funds may be channeled for financing Heritage Board activities.

2. The Board shall have the authority to make recommendations concerning agreements with other associations and/or agencies, where such exist, and to set apart the necessary space to care for such articles as may come into their possession. The Board is further authorized to recommend the purchase of receptacles and materials for the preservation and protection of said articles that are, in their judgment, of a historical and educational nature.

3. The Board shall annually prepare a budget proposing the expenditure of funds for the purposes stated in this chapter. The Council shall give final approval and allocate funds for historic preservation purposes.

26.04 CONTRACT WITH OTHERS FOR USE OF FACILITIES. The Board may recommend contracts with other historical boards and/or associations, any other City, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the board of any county historical association for the use of facilities by their residents.

26.05 REPORTS. The Board shall make written reports to the City 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.

26.06 RULES. The Board shall have the power to make rules and regulations for the use of facilities or for the conduct of programs, subject to the approval of the rules by the Council. Such rules shall either be posted on the facilities or otherwise publicized in a manner to provide adequate notice to the using public.

26.07 PENALTIES FOR VIOLATION OF RULES. Violation of a Board rule that has been approved by the Council and adopted by ordinance may be cause for denial of the use of a facility or participation in a program, but such denial that extends more than one day may be appealed first to the Board or to the Council for a hearing.

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CHAPTER 30

POLICE DEPARTMENT

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

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

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

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

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

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

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

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

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Police Chief shall select, subject to the approval of the Mayor, 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 that are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Training
35.04 Election of Fire Chief
35.05 Fire Chief: Duties
35.06 Obedience to Fire Chief

35.07 Accidental Injury Insurance
35.08 Liability Insurance
35.09 Calls Outside Fire District
35.10 Mutual Aid
35.11 Authority to Cite Violations

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 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])

35.04 ELECTION OF FIRE CHIEF. The Chief shall be elected annually by the members of the department and then appointed as such by the Council.

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

35.05 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 firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of 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 that 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, firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause, and location, and an analysis of losses by value, type and location of buildings.

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

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

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

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

35.08 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)

35.09 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])

35.10 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])

35.11 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)

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose
36.02 Definitions
36.03 Cleanup Required
36.04 Liability for Cleanup Costs

36.05 Notifications
36.06 Police Authority
36.07 Liability

36.01 PURPOSE. In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

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

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted

into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

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

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Chief of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Police Department, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

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CHAPTER 37

DISASTER SERVICES

37.01 Disaster Services Organization
37.02 Definitions

37.03 Authority
37.04 Liability

37.01 DISASTER SERVICES ORGANIZATION. There is hereby created a disaster services organization for carrying out the responsibility of the City in times of disaster. The Mayor shall be Executive Director of the disaster services organization and shall be responsible for the direction of all operations for the protection of the health, safety, and welfare of the citizens of the City. Said organization shall function in accordance with City disaster plans, which shall be coordinated with the plans adopted by Sioux County and the State, in accordance with State law.

37.02 DEFINITIONS. For the purposes of this chapter, the following words and terms have the meanings ascribed thereto:

1. “Disaster” means manmade catastrophes and natural occurrences such as fire, flood, earthquake, tornado, and windstorm, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the State.
2. “Disaster services” means preparations for, operations during, and recovery from, natural or man-made disasters. These actions are broad in scope and include, but are not limited to: disaster plans, mitigation, warning, emergency operations, training, exercising, research, rehabilitation, and recovery.
3. “City disaster plans” means plans developed to describe City emergency operations and which emphasize the responsibilities of City government forces, other emergency response organizations, and individuals. City plans are developed under the direction of the Mayor, and as approved by resolution of the Council.

37.03 AUTHORITY. The Mayor may delegate such portions of the details of operation as will best serve the carrying out of the City disaster plans. The Mayor shall designate the order of succession, subject to approval by the Council, to serve in the Mayor’s place in the event the Mayor is unable to act due to absence or disability.

37.04 LIABILITY. Insofar as permitted by State law, the City, when acting in consonance with City disaster plans, shall not be liable for failure to provide protection or to prevent damages to persons or property, the purpose of such plans being to improve conditions arising from the disaster by organized effort. The City shall carry such insurance on voluntary disaster workers as deemed advisable by the Council upon recommendation of the City Attorney.

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CHAPTER 38

EMERGENCY MEDICAL SERVICES DEPARTMENT

38.01 Establishment and Purpose	38.06 Worker's Compensation and Hospitalization Insurance
38.02 Election of President	38.07 Liability Insurance
38.03 Duties of EMS President	38.08 Medical Emergencies Outside of City Limits
38.04 Emergency Medical Services Personnel	38.09 Emergency Medical Services Personnel Association
38.05 Emergency Medical Services Personnel Duties	

38.01 ESTABLISHMENT AND PURPOSE. An Emergency Medical Services Department, hereinafter known as the EMS Department, is hereby established to respond to medical emergencies.

38.02 ELECTION OF PRESIDENT. The Emergency Medical Services Department may elect the department President subject to the approval of the City Council for a term of one year or as required to fill a vacancy. The City Council may remove, suspend, or demote the EMS President for neglect of duty, disobedience, misconduct, or failure to properly perform the duties of President by written order setting out the reasons for removal, which shall be filed with the City Clerk, and shall, upon request in writing filed with the City Clerk by the president, hold a public hearing on the proposed action.

38.03 DUTIES OF EMS PRESIDENT. The President shall manage the EMS Department. The President shall command all operations of the department, ensure training and be responsible for the care, maintenance, and use of all vehicles and equipment of the department. Subject to City Council approval, the President shall establish and maintain departmental rules and standard operating procedures to carry out the requirements of this chapter. The President shall provide all personnel with a written copy of these rules and procedures. The President shall appoint personnel, fill vacancies among them, and may discharge them. The President shall keep a record of the names, ages, and residences of personnel and shall be responsible for their training and supervision, and shall maintain attendance records for activities and training.

38.04 EMERGENCY MEDICAL SERVICES PERSONNEL. The EMS President shall appoint EMS personnel per established criteria.

38.05 EMERGENCY MEDICAL SERVICES PERSONNEL DUTIES. When dispatched, personnel shall report for duty immediately in the manner established by the squad. Personnel are to be considered on call at any time they have signed up for scheduled shift on the master call schedule. All responding personnel shall respond and perform emergency medical services within their scope of practice. The highest ranking senior responder shall assume command of an incident unless consent is given to another responder. Personnel shall complete the required number of training hours as established for their level of certification.

38.06 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the cost of hospitalization, nursing, and medical attention for emergency responders injured in the performance of their duties. All department personnel shall be covered by the contract.

38.07 LIABILITY INSURANCE. The City Council shall contract to insure the City against liability of the personnel of the department for injuries, death, or property damage arising out of and resulting from the performance of their departmental duties.

38.08 MEDICAL EMERGENCIES OUTSIDE OF CITY LIMITS. The department shall answer calls to medical emergencies outside the City limits per the department's standard operating procedures, contracts, mutual aid agreements, and other agreements.

38.09 EMERGENCY MEDICAL SERVICES PERSONNEL ASSOCIATION. EMS personnel may form an association and non-profit corporation to promote the welfare of EMS personnel, emergency medical response capabilities, and other civic and social duties as specified in the association's articles of incorporation and by-laws.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Disorderly Conduct

40.04 Unlawful Assembly

40.05 Failure to Disperse

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

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

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

2. Threat of Pain or Injury. Any act that is intended to place another in fear of immediate physical contact that 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 that is reasonably related to that sport.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Funeral or Memorial Service. Within 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 that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

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

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

41.08 Antenna and Radio Wires
41.09 Barbed Wire and Electric Fences
41.10 Discharging Weapons
41.11 Throwing and Shooting
41.12 Urinating and Defecating
41.13 Fireworks
41.14 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 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

41.07 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)

41.08 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])

41.09 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council.

41.10 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 consent of the Police Chief.
2. No person shall intentionally discharge a firearm in a reckless manner.

41.11 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])

41.12 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.

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

1. Definition. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2, which definitions are incorporated herein by reference.

(Code of Iowa, Sec. 727.2)

2. Sales – General Requirements. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the Code Enforcement Officer:

- A. License: Proof of valid license issued from the State Fire Marshal.
- B. Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.
- C. Fire Inspection: Any property, building, or premise whether it be permanent or temporary, intended for the sale of consumer fireworks shall have an initial fire inspection completed by the Code Enforcement official prior to engaging in the sale of consumer fireworks. The Code Enforcement official or their designee shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Code 1124 (2006 Edition) and the current fire code adopted by the City of Sioux Center. Inspection costs shall be assessed as follows:

Permanent or temporary structure where fireworks are sold – Annual inspection fee of \$100.

3. Use or Exploding of Fireworks. No fireworks shall be used or exploded within the City limits of the City of Sioux Center on any days other than June 13 through July 8.

4. Violations. All violations of any provisions of this chapter are hereby declared simple misdemeanors and/or municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the Code Enforcement Officer or peace officer. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. Fines for all other violations shall be set by resolution of the City Council. Violations of this chapter shall be reported to the State Fire Marshal.

5. 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.

(Section 41.13 – Ord. SC-O-03-17 – Jan. 19 Supp.)

41.14 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.

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Open Burning

42.08 Other Public Property Offenses

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 that 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)

42.07 OPEN BURNING. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section, other than bonfires, recreational fires, or fires in portable outdoor fireplaces conducted in accordance with the regulations below.[†]

1. Prohibited Open Burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous are prohibited. Open burning of yard waste debris such as grass clippings, leaves, garden waste, brush, and trees is prohibited.

2. Permit Required; Authorization. A permit shall be obtained from the fire code official in accordance with Section 105.6 of the *International Fire Code* prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. Where required by State or local law or regulations, open burning shall only be permitted with prior approval from the State or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

3. Extinguishment Authority. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible, or the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.

4. Location. The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Exceptions to this are: (i) fires in approved containers that are not less than 15 feet from a structure; and (ii) the minimum required distance from a

[†] EDITOR'S NOTE: Terms used in this section are defined in Section 302 of the *International Fire Code*.

structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

5. Bonfires. A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

6. Recreational Fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

7. Portable Outdoor Fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material. An exception to this is portable outdoor fireplaces used at one- and two-family dwellings.

8. Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 of the *International Fire Code* with a minimum of 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

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

1. Chapter 22 – Library
 - A. Section 22.10 – Injury to Books or Property
 - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.06 – Littering Prohibited
 - B. Section 105.07 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.14 – Fires or Fuel on Sidewalks

- C. Section 136.15 – Defacing
- D. Section 136.16 – Debris on Sidewalks
- E. Section 136.17 – Merchandise Display
- F. Section 136.18 – Sales Stands

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

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[2J])

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[3J])

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

3. A person shall not simulate intoxication in a public place.

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *[See Section 62.01(47) and (48) of this Code of Ordinances.]*

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:
 - A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.
 - B. "Knowingly" means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. "Minor" means any unemancipated person under the age of eighteen (18) years.
 - D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
 - E. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes such parts of buildings and other premises, whether publicly or privately owned, which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

F. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 12:00 midnight and 6:00 a.m.

3. Exceptions. The following are exceptions to the curfew:

A. The minor is accompanied by a responsible adult.

B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

C. The minor is present at or is traveling between home and one of the following:

(1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;

(2) Minor's place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;

(3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;

(4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.

D. The minor is on an emergency errand for a responsible adult;

E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating

the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.

C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

46.02 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)

46.03 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)

CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires
47.04 Littering

47.05 Parks Closed
47.06 Camping
47.07 Alcoholic Beverages

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.
(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of 11:00 p.m. and 6:00 a.m.

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 ALCOHOLIC BEVERAGES. No person shall bring into, use, consume, or have in his or her possession any alcohol, wine, or beer in any City park at any time, except in the designated campground area of Children's Park.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited

50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. Offensive Smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. Filth or Noisome Substance. Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. 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.
4. 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.
5. 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 62.06)**
6. 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)**
7. Air Pollution. Emission of dense smoke, noxious fumes, or fly ash.
8. 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.
9. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**

10. **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.

11. **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.

12. **Sound Equipment.** The operation of any sound equipment, machine, or amplifier amplifying sound, music, or talking of any kind within the City, whether the device is located upon mobile equipment or permanently located. (The City Manager may issue a permit upon the payment of \$1.00 under such reasonable restrictions as the City Manager may prescribe to permit and limit the use of such equipment.)

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

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

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

1. **Contents of Notice to Property Owner.** The notice to abate shall contain: [†]

[†] **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.

- A. Description of Nuisance. A description of what constitutes the nuisance.
- B. Location of Nuisance. The location of the nuisance.
- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12[3h])

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

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.
(Code of Iowa, Sec. 364.12[3h])

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.
(Code of Iowa, Sec. 364.12[3h])

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.
(Code of Iowa, Sec. 364.12[3h])

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds 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)

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

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

51.01 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 motor vehicle stored within the corporate limits of the City, not licensed for the current year as required by law, and which, because of any one of the following characteristics, constitutes a threat to the public health and safety:

- A. Has a broken or cracked windshield, window, headlight, or tail light, or any other cracked or broken glass.
- B. Has a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
- C. Has become the habitat for rats, mice, snakes, or any other vermin or insects.
- D. Contains gasoline or any other flammable fuel.
- E. Because of its defective or obsolete condition, constitutes a threat to the public health and safety in any other way.

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

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

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle. As used herein, “store” means leaving a motor vehicle or machinery upon private property for more than one month.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section

657.1 of the *Code of Iowa*. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be *prima facie* liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.
3. Fenced Area. A fully enclosed fence or wall six (6) feet in height, constructed so as to prevent unauthorized entrance and access to motor vehicles therein.

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.

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

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

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

1. “Animal” means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. “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.
3. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(Code of Iowa, Sec. 717.1)
4. “Owner” means any person owning, keeping, sheltering or harboring an animal.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City 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 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. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

55.12 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)

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

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, 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 dog, by

having it immediately vaccinated. 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 days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Sioux Center 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)

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. Approval Required. No parade shall be conducted without first obtaining approval from the Chief of Police. The person organizing or sponsoring the parade shall provide information concerning the time and date for the parade and the streets or general route therefor, and any approval given to such person includes all participants in the parade, provided they have been invited to participate.

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

4. Control by Peace Officers and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Traffic Control Devices
61.02 Installation
61.03 Compliance

61.04 Crosswalks
61.05 Traffic Lanes
61.06 Standards

61.01 TRAFFIC CONTROL DEVICES. The Police Chief shall establish 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 Police Chief shall also have the power to designate and indicate 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 Police Chief 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.

(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 Police Chief 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.

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

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

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

61.06 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)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle

62.05 Quiet Zones
62.06 Obstructing View at Intersections
62.07 Engine Brakes and Compression 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.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor's licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator's identification card.
22. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

23. Section 321.216C – Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver's license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Radar jamming devices; penalty.
32. Section 321.235A – Electric personal assistive mobility devices.
33. Section 321.247 – Golf cart operation on City streets.
34. Section 321.259 – Unauthorized signs, signals or markings.
35. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
36. Section 321.262 – Damage to vehicle.
37. Section 321.263 – Information and aid.
38. Section 321.264 – Striking unattended vehicle.
39. Section 321.265 – Striking fixtures upon a highway.
40. Section 321.266 – Reporting accidents.
41. Section 321.275 – Operation of motorcycles and motorized bicycles.
42. Section 321.276 – Use of electronic communication device while driving; text-messaging.
43. Section 321.277 – Reckless driving.
44. Section 321.277A – Careless driving.
45. Section 321.278 – Drag racing prohibited.
46. Section 321.281 – Actions against bicyclists.
47. Section 321.284 – Open container; drivers.
48. Section 321.284A – Open container; passengers.
49. Section 321.288 – Control of vehicle; reduced speed.
50. Section 321.295 – Limitation on bridge or elevated structures.
51. Section 321.297 – Driving on right-hand side of roadways; exceptions.
52. Section 321.298 – Meeting and turning to right.
53. Section 321.299 – Overtaking a vehicle.
54. Section 321.302 – Overtaking and passing.

55. Section 321.303 – Limitations on overtaking on the left.
56. Section 321.304 – Prohibited passing.
57. Section 321.306 – Roadways laned for traffic.
58. Section 321.307 – Following too closely.
59. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
60. Section 321.309 – Towing; convoys; drawbars.
61. Section 321.310 – Towing four-wheel trailers.
62. Section 321.312 – Turning on curve or crest of grade.
63. Section 321.313 – Starting parked vehicle.
64. Section 321.314 – When signal required.
65. Section 321.315 – Signal continuous.
66. Section 321.316 – Stopping.
67. Section 321.317 – Signals by hand and arm or signal device.
68. Section 321.318 – Method of giving hand and arm signals.
69. Section 321.319 – Entering intersections from different highways.
70. Section 321.320 – Left turns; yielding.
71. Section 321.321 – Entering through highways.
72. Section 321.322 – Vehicles entering stop or yield intersection.
73. Section 321.323 – Moving vehicle backward on highway.
74. Section 321.323A – Approaching certain stationary vehicles.
75. Section 321.324 – Operation on approach of emergency vehicles.
76. Section 321.324A – Funeral processions.
77. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
78. Section 321.330 – Use of crosswalks.
79. Section 321.332 – White canes restricted to blind persons.
80. Section 321.333 – Duty of drivers approaching blind persons.
81. Section 321.340 – Driving through safety zone.
82. Section 321.341 – Obedience to signal of train.
83. Section 321.342 – Stop at certain railroad crossings; posting warning.
84. Section 321.343 – Certain vehicles must stop.
85. Section 321.344 – Heavy equipment at crossing.
86. Section 321.344B – Immediate safety threat; penalty.
87. Section 321.354 – Stopping on traveled way.
88. Section 321.359 – Moving other vehicle.
89. Section 321.362 – Unattended motor vehicle.

90. Section 321.363 – Obstruction to driver's view.
91. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
92. Section 321.365 – Coasting prohibited.
93. Section 321.367 – Following fire apparatus.
94. Section 321.368 – Crossing fire hose.
95. Section 321.369 – Putting debris on highway.
96. Section 321.370 – Removing injurious material.
97. Section 321.371 – Clearing up wrecks.
98. Section 321.372 – School buses.
99. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
100. Section 321.381A – Operation of low-speed vehicles.
101. Section 321.382 – Upgrade pulls; minimum speed.
102. Section 321.383 – Exceptions; slow vehicles identified.
103. Section 321.384 – When lighted lamps required.
104. Section 321.385 – Head lamps on motor vehicles.
105. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
106. Section 321.387 – Rear lamps.
107. Section 321.388 – Illuminating plates.
108. Section 321.389 – Reflector requirement.
109. Section 321.390 – Reflector requirements.
110. Section 321.392 – Clearance and identification lights.
111. Section 321.393 – Color and mounting.
112. Section 321.394 – Lamp or flag on projecting load.
113. Section 321.395 – Lamps on parked vehicles.
114. Section 321.398 – Lamps on other vehicles and equipment.
115. Section 321.402 – Spot lamps.
116. Section 321.403 – Auxiliary driving lamps.
117. Section 321.404 – Signal lamps and signal devices.
118. Section 321.404A – Light-restricting devices prohibited.
119. Section 321.405 – Self-illumination.
120. Section 321.408 – Back-up lamps.
121. Section 321.409 – Mandatory lighting equipment.
122. Section 321.415 – Required usage of lighting devices.
123. Section 321.417 – Single-beam road-lighting equipment.

124. Section 321.418 – Alternate road-lighting equipment.
125. Section 321.419 – Number of driving lamps required or permitted.
126. Section 321.420 – Number of lamps lighted.
127. Section 321.421 – Special restrictions on lamps.
128. Section 321.422 – Red light in front.
129. Section 321.423 – Flashing lights.
130. Section 321.430 – Brake, hitch, and control requirements.
131. Section 321.431 – Performance ability.
132. Section 321.432 – Horns and warning devices.
133. Section 321.433 – Sirens, whistles, and bells prohibited.
134. Section 321.434 – Bicycle sirens or whistles.
135. Section 321.436 – Mufflers, prevention of noise.
136. Section 321.437 – Mirrors.
137. Section 321.438 – Windshields and windows.
138. Section 321.439 – Windshield wipers.
139. Section 321.440 – Restrictions as to tire equipment.
140. Section 321.441 – Metal tires prohibited.
141. Section 321.442 – Projections on wheels.
142. Section 321.444 – Safety glass.
143. Section 321.445 – Safety belts and safety harnesses; use required.
144. Section 321.446 – Child restraint devices.
145. Section 321.449 – Motor carrier safety regulations.
146. Section 321.450 – Hazardous materials transportation.
147. Section 321.454 – Width of vehicles.
148. Section 321.455 – Projecting loads on passenger vehicles.
149. Section 321.456 – Height of vehicles; permits.
150. Section 321.457 – Maximum length.
151. Section 321.458 – Loading beyond front.
152. Section 321.460 – Spilling loads on highways.
153. Section 321.461 – Trailers and towed vehicles.
154. Section 321.462 – Drawbars and safety chains.
155. Section 321.463 – Maximum gross weight.
156. Section 321.465 – Weighing vehicles and removal of excess.
157. Section 321.466 – Increased loading capacity; reregistration.

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

(Code of Iowa, Sec. 321.255)

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

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

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

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

62.07 ENGINE BRAKES AND COMPRESSION BRAKES.

1. It is unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.
2. The usage of an engine brake, compression brake, or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of 300 feet from the motor vehicle shall constitute evidence of a *prima facie* violation of this section.

CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries, and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 15 MPH Speed Zones. A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof:
 - A. On 1st Avenue SE from 7th Street SE to 9th Street SE.
2. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof:
 - A. On all streets in the Business District.
3. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. On Highway 75 from the 400 block north of 4th Street NW to the 200 block south of 2nd Street SW.
4. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Highway 75 North from the 400 block north of 4th Street NE to the 1300 block north.
 - B. On Highway 75 South from the 200 block south of 2nd Street SW to the 1200 block south.
5. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Highway 75 North from the 1300 block north to the 1800 block north.
 - B. On Highway 75 South from the 1200 block south to the 1600 block south.
6. Special 50 MPH Speed Zones. A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Highway 75 South from the 1600 block south to the 2100 block south.

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)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-Turns

64.03 Left Turn for Parking

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.

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield
65.02 School Stops
65.03 Stop Before Crossing Sidewalk

65.04 Stop When Traffic is Obstructed
65.05 Yield to Pedestrians in Crosswalks

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)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets
66.04 Truck Route

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

(Code of Iowa, Sec. 321.471 & 472)

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

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice 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 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)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

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CHAPTER 68
ONE-WAY TRAFFIC

(Reserved for Future Use)

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CHAPTER 69

PARKING REGULATIONS

69.01 **Parking Limited or Controlled**

69.02 **Park Adjacent to Curb**

69.03 **Park Adjacent to Curb – One-Way Street**

69.04 **Angle Parking**

69.05 **Angle Parking – Manner**

69.06 **Parking for Certain Purposes Illegal**

69.07 **Parking Prohibited**

69.08 **Persons With Disabilities Parking**

69.09 **Truck Parking Limited**

69.10 **Overnight Parking**

69.11 **Snow Emergency**

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 following locations:

(Code of Iowa, Sec. 321.361)

1. 2nd Avenue NW from 4th Street NW to 3rd Street NW (both sides of road);
2. 3rd Street NE from Highway 75 to 1st Avenue NE (north side of road);
3. 1st Avenue NE from 3rd Street NE to 4th Street NE (west side of road);
4. 1st Avenue NE from 3rd Street NE to 2nd Street NE (both sides of road);
5. 2nd Street NE from Highway 75 to 1st Avenue NE (both sides of road);
6. 2nd Street NW from Highway 75 to 1st Avenue NW (north side of road);
7. West 1st Street from Highway 75 to 1st Avenue NW (both sides of road);
8. Designated spaces in front of:
 - A. Hope Lutheran Church – 7 16th Street SE;
 - B. Christ the King Church – 501 2nd Avenue SW;

- C. American State Bank – Highway 75 and 6th Street NW and 1st Avenue NW;
- D. Kroese & Kroese – 6th Street NE;
- E. Bethel Christian Reformed Church – 341 South Main and 3rd and 4th Street SW;
- F. First Reformed Church – 10th Street SE and 1st Avenue SE and 2nd Avenue SE;
- G. Vos Motors – 1460 North Main Avenue;
- H. First Christian Reformed Church – 3rd Avenue SE.

69.05 ANGLE PARKING – MANNER. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when 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 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 the Code of Ordinances.
- 5. Extended Parking. No vehicle shall be parked on public property for more than 24 hours (or other posted time limit under the provisions of Section 69.01 of this chapter).

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 that 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 that 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 that is located on public or private property in a manner that 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.

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 that 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 that will not interfere with other traffic.

2. 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 OVERNIGHT PARKING. Parking of any kind of vehicle, trailer, or apparatus of any nature will not be allowed on any of the streets or avenues within the City between the hours of 2:00 a.m. and 6:00 a.m.

69.11 SNOW EMERGENCY. Upon the order of the Police Chief or the City Manager, a snow emergency shall be declared. A declared snow emergency shall have the effect of extending or modifying the hours of restricted parking as stated in 69.10 as necessary for the expedient removal of snow and ice accumulations.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of ten dollars (\$10.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

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

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

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

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public 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
75.02 Definitions
75.03 General Regulations
75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles
75.06 Negligence
75.07 Accident Reports

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

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle, with not less than three and not more than six low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

4. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa*.

or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that 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 that constitutes an immediate hazard; and

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

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. 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.

5. 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 "right-of-way 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 and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street. The Council designates all streets, with the exception of Main Avenue/US Highway #75, within the City limits for the operation of registered ATVs and off-road utility vehicles.

(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, upon any recreation trail or 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 "right-of-way parking" except for the purpose of snow removal, maintenance, or landscaping activities.

6. Permits. Operators of ATVs may apply at the Sioux Center City Clerk's office for a permit to allow such operator to operate an ATV on the City streets. Each individual operator of an ATV is required to have a permit. The fee for the permit shall be \$75.00 for three years and shall be issued by the Police Chief. A copy of the permit shall be carried by the operator named in the permit while operating the ATV. A permit decal shall be displayed next to the registration decal in the manner prescribed by rules of the National Resource Commission. A permit may be issued for the following purposes:

- A. Going to and from place of employment;
- B. Going to and from personal or business properties;
- C. Snow plowing/blading;
- D. Gardening/lawn work;
- E. Individuals having persons with disabilities parking privileges authorized by the Iowa State Department of Transportation; and
- F. Special events authorized by the City Council.

7. License. No person shall operate an ATV on a public street of the City without a valid motor vehicle operator's license.

8. Equipment. All ATVs shall be equipped with mufflers, headlights and tail lights, and brakes according to the provisions of Sections 321I.12 and 321I.13 of the *Code of Iowa*.

9. Traffic Code Observed. Any operator of any ATV must observe all State and local traffic control regulations and devices and shall not operate an ATV at a speed in excess of that posted, or at any time at a speed greater than is reasonable and proper under the existing conditions, and never in excess of 35 mph.

10. Unattended ATVs and Parking. No owner or operator of an ATV shall leave an ATV unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs must obey all parking regulations in the City.

11. Registration; Inspection. The owner or operator of an ATV must maintain current vehicle registration as required by Iowa law. ATVs shall be subject to inspection and have adequate insurance.

12. Hours of Operation. No ATV shall be operated in the City between the hours of 11:00 p.m. and 6:00 a.m. except for emergency situations or for loading or unloading from a transport trailer, except that an ATV may be operated during prohibited hours for snow removal purposes.

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. The owner or operator of an ATV must maintain and provide current proof of financial responsibility in accordance with Section 321.20B of the *Code of Iowa*.

(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 five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Carrying Articles
76.02 Traffic Code Applies	76.09 Riding on Sidewalks
76.03 Double Riding Restricted	76.10 Towing
76.04 Two Abreast Limit	76.11 Improper Riding
76.05 Bicycle Paths	76.12 Parking
76.06 Speed	76.13 Equipment Requirements
76.07 Emerging from Alley or Driveway	

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

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

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

76.05 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway or a painted area is designated upon a roadway, bicycle riders shall use such path or area and shall not use the roadway.

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

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

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

76.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians

approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

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

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

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

76.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

2. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

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

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

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

76.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

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

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

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

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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

CHAPTER 77

GOLF CARTS

77.01 Definition

77.02 Operation of Golf Carts

77.01 DEFINITION. As used in this chapter, “golf cart” means any vehicle with three (3) or more wheels, powered either by electricity or an internal combustion engine, which is used and designed primarily for the transportation of golfers and golf clubs upon golf courses.

77.02 OPERATION OF GOLF CARTS.

1. No person who does not possess a valid motor vehicle driver’s license shall operate a golf cart upon the City streets and alleys.
2. All golf carts when in operation shall be equipped with a slow-moving vehicle sign or bicycle flag at least 60 inches in height and shall be operated between sunrise and sunset.
3. Any golf cart operated on the City streets shall have insurance and be equipped with adequate brakes, head lights and tail lights, and shall be operated in accordance with all motor vehicle laws.
4. Golf carts may only be operated on City streets in accordance with State Code.
5. Golf carts are required to be registered locally and the City shall collect a fee for such registration in the amount of \$75.00 for three years.
6. Any violation of this chapter shall be deemed a simple misdemeanor.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions
80.02 Authority to Take Possession of Abandoned Vehicles
80.03 Notice by Mail
80.04 Notification in Newspaper
80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles
80.07 Disposal of Totally Inoperable Vehicles
80.08 Proceeds from Sales
80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two 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 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 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. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “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 that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

(Code of Iowa, Sec. 321.89[3a])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part that 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])

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.12 Responsibility for Water Service Pipe
90.02 Utilities Manager Duties	90.13 Failure to Maintain
90.03 Use of Public Water	90.14 Curb Valve
90.04 Mandatory Connections	90.15 Interior Valve
90.05 Abandoned Connections	90.16 Completion by the City
90.06 Permission	90.17 Shutting off Water Supply
90.07 Connection Charge	90.18 Operation of Curb Valve
90.08 Compliance with Plumbing Code	90.19 Fire Hydrants
90.09 Excavations	90.20 Protection from Damage
90.10 Tapping Mains	90.21 Powers and Authority
90.11 Installation of Water Service Pipe	90.22 Special Penalties

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. “Utilities Manager” means the Manager 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” or “water utility” means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 UTILITIES MANAGER DUTIES. The Utilities Manager shall administer and direct the affairs of the City’s water system. The Utilities Manager shall also 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 Utilities Manager 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 Utilities Manager 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 USE OF PUBLIC WATER. There shall be no permanent or temporary physical connection between the City’s water system and any private water system, including wells, cisterns, or any other water sources. All existing private water sources or systems that drain their water into the City’s sanitary sewer shall be metered (minimum and standard water service

rates shall apply). All such systems shall be inspected and approved by the Utilities Manager. Right of entry to inspect shall be as written in subsection 90.21(3) of this chapter.

90.04 MANDATORY CONNECTIONS. The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official notice to do so.

90.05 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 at the customer's expense.

90.06 PERMISSION. Before any person makes a connection with the public water system, permission must be obtained from the City. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, permission shall be granted. Work must be completed within 180 days after permission is granted, except that when such time period is inequitable or unfair due to conditions beyond the control of the person seeking such permission, an extension of time within which to complete the work may be granted. Permission may be revoked at any time for any violation of these chapters.

90.07 CONNECTION CHARGE. Before permission is granted, a connection charge in an amount established by the Council shall be paid to the City Clerk. In addition, the cost of the service tap, meter valves, and other fittings and other costs incurred in making water service available to the property served shall be billed by the City and are the responsibility of the customer.

(Code of Iowa, Sec. 384.84)

90.08 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 current plumbing code adopted by the City.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection and located within City-owned rights-of-way and easements shall be performed in accordance with applicable provisions in the City specifications on file in the City offices.

90.10 TAPPING MAINS. All taps into water mains shall be made by the City. The size of, location and materials used for the tap shall be at the discretion of the City. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the City and unless provision is made so that each house, building, or premises may be shut off independently of the other.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper or Polyethylene pipe (PE). If Polyethylene pipe is used, the following specifications are also required: (1) the pipe shall be rated for a minimum of 200 psi; (2) the pipe shall be Copper Tube Size (CTS); (3) compression fittings and stainless steel stiffeners shall be used on all connections; and (4) a wire shall be installed with the pipe so that the pipe can be located when necessary, as well as any other requirements that the City may prescribe. The use of any other pipe material for the service line shall first be approved by the Utilities Manager. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

(Ord. SC-O-06-14 – Jan. 19 Supp.)

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, maintenance, and abandonment 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 in a location and of a design acceptable to the City a main shut-off valve on the water service pipe. 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 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. 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])

90.17 SHUTTING OFF WATER SUPPLY. The Utilities Manager may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters which is not being contested in good faith. This includes nonpayment of any billings issued by the City. The supply shall not be turned on again until all violations have been corrected and the Utilities Manager has ordered the water to be turned on.

90.18 OPERATION OF CURB VALVE. It is unlawful for any person except the Utilities Manager or a plumber to turn water on at the curb valve, and said plumber shall take no action contrary to the orders of the Utilities Manager and shall leave the water off or on, as directed by the Utilities Manager.

90.19 FIRE HYDRANTS. No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 PROTECTION FROM DAMAGE.

1. The water utility does not guarantee a constant supply of water. The utility shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water and no person shall be entitled to damages or have any portion of a payment refunded for any interruption of service which in the opinion of the utility may be deemed necessary or unavoidable.

2. Customers receiving a supply of water from the utility must have a check valve on the water supply line.
3. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection and available to repair by duly authorized employees of the utility.
4. Special terms and conditions may be made where water is used by the utility or community for public purposes such as fire extinguishment, public parks, etc.
5. If any loss or damage to the property of the utility or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of a customer, member of a customer's household, or the agent or employee of a customer, the cost of the necessary repairs or replacements shall be paid by the customer to the utility and any liability otherwise resulting shall be that of the customer.
6. Locates in accordance with One-Call standards are required.

90.21 POWERS AND AUTHORITY.

1. The water utility may construct extensions to its water lines to points within its service area, but the utility shall not be required to make such installation unless deemed appropriate by the Utilities Manager.
2. The water utility may refuse service to persons, not presently customers, when in the opinion of the utility the capacity of the facilities will not permit such services. The utility may also refuse service to a person whose property is not within the service territory of the utility.
3. The Utilities Manager and other duly authorized employees of the City shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

90.22 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Water Service chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters 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.

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CHAPTER 91

WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems – Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Repairs

91.07 Right of Entry

91.08 Meter Test

91.09 Meter Failure

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 customer.

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 Utilities Manager. No other open, unmetered 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 Utilities Manager and shall be of a design and construction approved by the Utilities Manager.

91.06 METER REPAIRS. Whenever a water meter is found to be out of order the Utilities Manager 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, then the property owner shall be liable for the cost of repairs.

91.07 RIGHT OF ENTRY. The Utilities Manager shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.08 METER TEST. The Utilities Manager shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in six months. Such request shall be accompanied by a deposit in an amount established by the City from residential customers guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent (2%) or more, the cost of the test shall be paid by the City and the meter test deposit shall be refunded to the customer. If the meter is found to be accurate or slow, or less than 2% fast, the customer deposit shall be forfeited as the reasonable costs of the test. Commercial customers will be charged the actual cost of contract meter testing if the test indicates meter accuracy within the limits of 2%.

91.09 METER FAILURE. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average

of the prior twelve (12) months' consumption, to include consideration for seasonal variations, and the conditions of water service prevailing during the period in which the meter failed to register.

CHAPTER 92

WATER RATES

92.01 Service Charges	92.07 Lien for Nonpayment
92.02 Rates For Service	92.08 Lien Exemption
92.03 Irrigation Rates	92.09 Lien Notice
92.04 Additional Rates Applicable for Sprinkler Systems	92.10 Utility Deposit
92.05 Billing for Water Service	92.11 Temporary Vacancy
92.06 Service Discontinued	

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 rates within the City:

(Code of Iowa, Sec. 384.84)

RESIDENTIAL RATE – RATE NO. 1

Monthly Service Charge	@	\$15.61
All Usage – Winter	@	\$3.93/M
First 10,000 gal. - Summer	@	\$3.93/M
Over 10,000 gal. - Summer	@	\$4.16/M

Minimum Monthly Bill – \$15.61

COMMERCIAL AND INDUSTRIAL – UNDER 2" METER – RATE NO. 2

Monthly Service Charge	@	\$15.61
First 40,000 gal.	@	\$3.93/M
Over 40,000 gal.	@	\$3.56/M

Minimum Monthly Bill – \$15.61

COMMERCIAL AND INDUSTRIAL – 2" OR LARGER METER – RATE NO. 3

Monthly Service Charge	@	\$25.84
First 100,000 gal.	@	\$3.56/M
Over 100,000 gal.	@	\$3.08/M

Minimum Monthly Bill – \$25.84

The winter rate schedule shall apply for the billing periods due and payable on the first day of December and continuing through the first day of May. The summer rate schedule shall apply for the billing periods due and payable on the first day of June and continuing through the first of November.

(Ord. SC-O-02-18 – Jan. 19 Supp.)

92.03 IRRIGATION RATES. Irrigation service is available at the following rates within the City:

<u>IRRIGATION – RATE NO. 4</u>		
(without sewer charges)		
Monthly Service Charge	@	\$5.78
All Usage	@	\$5.84/M
Minimum Monthly Bill – \$5.78		

Irrigation Rate No. 4 may be utilized by water consumers who are using water for irrigation purposes where water used does not enter the sanitary sewer system. The use of this rate is permitted only when used in addition to another meter billed under Rate No. 1, 2 or 3, however, master metering will not be allowed. To qualify for this rate, the consumer must gain prior approval from the City, and if approved, the consumer must install a separate water meter in an approved manner, at the consumer's expense, for the purpose of metering only the water which in no way will find its way to the sanitary sewer system. Furthermore, the meter shall be installed so as to be convenient for meter reading. Any nonapproved water utilization under this rate which water finds its way to the sanitary sewer system, will immediately bring about the removal of such meter and thereby the elimination of any further water use under Water Rate No. 4. The minimum bill for Rate No. 4 shall apply at all times when the meter billed under Rate No. 1 is in service.

(Ord. SC-O-02-18 – Jan. 19 Supp.)

92.04 ADDITIONAL RATES APPLICABLE FOR SPRINKLER SYSTEMS. The occupant of any building located within the City of Sioux Center that requires a four-inch or larger service line connection to the public water system to supply adequate capacity to serve a building sprinkler system for fire protection will be billed a monthly capacity charge of \$1.60 per 1,000 sq. ft. of floor space that is provided with sprinklers. The City reserves the right to limit the amount of capacity that is available at any one building for sprinkler fire protection use based upon the public water supply system capability at the location.

(Ord. SC-O-02-18 – Jan. 19 Supp.)

92.05 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The City 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 City office by the twentieth (20th) day of the same month.
3. Late Payment Penalty. Bills not paid when past due shall be considered delinquent. A one-time late payment penalty in an amount established by the City shall be added to each delinquent bill.

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

(Code of Iowa, Sec. 384.84)

1. Notice. The City shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges

were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Utilities Manager and City Manager shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
4. Fees. A fee of twenty-five dollars (\$25.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the 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)

92.08 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 two months of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

92.09 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.10 UTILITY DEPOSIT. A utility deposit is required of all customers having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay utility bills rendered by the City.

1. Amount of Deposit. The deposit amount shall be determined by previous history of the property, and shall equal the highest monthly amount billed to the property for combined utility charges (water, sewer, gas, electric and garbage).

2. Unpaid Account. When service has been discontinued for whatever reason, the deposit will be applied to any unpaid balance due the City utilities department.

3. Refund of Deposit. The utilities office will hold the deposit for twelve (12) months. If within the 12-month time period the customer has not been delinquent on paying the utility bill more than one time, the deposit will be refunded to the customer. If, however, the customer has been delinquent more than one time in the last 12 months, the utility office will hold the deposit another 12 months from the date of the last delinquency and the above procedure will again be used. A deposit will again be required if a customer's service is terminated for nonpayment.

92.11 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a fee in an amount set by the City 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.

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CHAPTER 93

WATER CONSERVATION

93.01 Shortages	93.06 Penalties for Violations of Water Warning Use Regulations; Appeal
93.02 Condition Declarations; Indicators	93.07 Water Appeal Board
93.03 Water Watch; Voluntary Consumer Limitations	93.08 Municipal Infraction
93.04 Water Warning, Tier I; Consumer Restrictions	93.09 Reduction in Flow of Water to Any Person
93.05 Water Warning, Tier II; Consumer Prohibitions	

93.01 SHORTAGES. From time to time during and following drought conditions, in case of significant fire protection requirements, or due to equipment failure, the City's water supply may become significantly and seriously depleted so that there will not then be a sufficient supply of water to meet all customary and usual demands. Under these conditions, the City Council may declare a public water watch, water warning, or water emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until the Council finds and declares the water shortage condition to be ended.

93.02 CONDITION DECLARATIONS; INDICATORS.

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: system operating at 75 percent of pumping capacity; moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells; moderate decrease in water storage levels.

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: system operating at 85 percent of pumping capacity; significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells or significant decrease in water storage levels. Indicators of the need to impose a Tier II water warning include severe system emergencies such as a chemical spill or major system failure in feeder mains, pumps, or treatment plant.

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: system operating at 95 percent of pumping capacity; serious decrease in the pumping water level of wells or serious decrease in recovery rate of water level in wells; serious decrease in water shortage levels.

93.03 WATER WATCH; VOLUNTARY CONSUMER LIMITATIONS. Under a water watch, all customers of the municipal water system are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

1. No watering of lawns, shrubs, or gardens between the hours of 8:00 a.m. and 8:00 p.m. Customers may be asked to restrict such water use to every other day, using the odd/even street address method.
2. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
3. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
5. Water should be served at restaurants only upon the request of the customer.

93.04 WATER WARNING, TIER I; CONSUMER RESTRICTIONS. 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:

1. Outdoor watering or irrigation of lawn is prohibited.
2. Outdoor watering of any kind is prohibited between the hours of 8:00 a.m. and 8:00 p.m. daily. Customers may be required to restrict such water use to every other day, using the odd/even street address method.
3. Watering or irrigation of flower and vegetable gardens, trees, and shrubs less than four years old and new seeding or sod started before the issuance of warning is permitted once per week with an application not to exceed one inch.
4. Car washing is prohibited except in commercial establishments which provide such service.
5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
6. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
8. Water shall be served at restaurants only upon the request of the customer.
9. 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, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water pumped from a private well, water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

93.05 WATER WARNING, TIER II; CONSUMER PROHIBITIONS. 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:

1. All outside water use, except for domestic, sanitation, and fire, is prohibited.
2. All commercial and industrial uses of water not essential in providing products or services is prohibited.
3. Irrigation of agricultural crops is prohibited.

4. Recreational and leisure water use, including lawn watering and other incidental or recreational use, is prohibited.
5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

93.06 PENALTIES FOR VIOLATIONS OF WATER WARNING USE REGULATIONS; APPEAL. The following penalties apply for violations of water warning use restrictions imposed under this chapter:

1. First Violation. For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a water warning or water emergency.
2. Second Violation. For a second violation within an 18-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill.
3. Subsequent Violations. For any subsequent violation within an 18-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill and, in addition, the utility shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee and has provided reasonable assurance that future violations of water warning or water emergency use restrictions will not occur.

Any customer charged with a violation of the water warning or water emergency use restrictions may request a hearing before the Water Appeal Board. The Water Appeal Board 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 penalty.

93.07 WATER APPEAL BOARD. The Water Appeal Board shall consist of the Mayor and the City Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a water warning or water emergency, except that, if a customer is charged with a municipal infraction relating to this division, that proceeding shall be conducted pursuant to Section 364.22 of the *Code of Iowa*.

93.08 MUNICIPAL INFRACTION. A second or subsequent violation of the water warning or water emergency use restrictions by any person within a 12-month period constitutes a municipal infraction. Any person who, in making application to the Water Appeal Board for adjustment of the premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction.

93.09 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Utilities Manager is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a water warning or water emergency.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Utilities Manager
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Use of Easements
95.09 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) 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. “Customer” means any person responsible for the production of domestic, commercial or industrial waste that is directly or indirectly discharged into the public sewer system.
5. “Floatable oil” means oil, fat, or grease in a physical state such that it will separate by gravity from waste water by treatment in an approved pretreatment facility. Waste water shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection 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. “May” is permissive; (see “shall.”)
10. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

11. "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.
12. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
13. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food which have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
14. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
16. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
17. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
18. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
19. "Sewer" means a pipe or conduit for carrying sewage.
20. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
21. "Shall" is mandatory; (see "may.")
22. "Slug" means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
23. "Storm drain" or "storm sewer" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
24. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
25. "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.
26. "Utilities Manager" means the Manager of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

27. "Waste water treatment works" means an arrangement of devices and structures for treating waste water, industrial wastes, and sludge and is sometimes used as synonymous with "waste treatment plant" or "waste water treatment plant" or "water pollution control plant."

28. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 UTILITIES MANAGER. The Utilities Manager is appointed by the City Council and shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that 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 Utilities Manager.

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 and approved by the City Council.

(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. Unless exceptions are granted by the Council, 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 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 approval of terms and conditions stipulated by the Council.

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

95.07 RIGHT OF ENTRY. The Utilities Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters.

95.08 USE OF EASEMENTS. The Utilities Manager 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.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permission Required
96.02 Connection Fee
96.03 Connection Requirements
96.04 Sewer Tap

96.05 Excavations
96.06 Inspection
96.07 Property Owner's Responsibility
96.08 Abatement of Violations

96.01 PERMISSION REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining permission from the City. The owner shall be required to complete construction and connection of the building sewer to the public sewer within 180 days after permission has been granted, 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 permission for a sewer connection may be revoked at any time for a violation of these chapters.

96.02 CONNECTION FEE. The person who seeks permission shall pay a connection fee in the amount determined by the City to the Clerk to cover the cost of connecting to the City's system. In addition, a sewer lift station fee shall also be paid by any person seeking permission to connect and whose sewage flows through a City-owned lift station.

96.03 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the current plumbing code adopted by the Council, the laws of the State and other applicable rules and regulations of the City.

96.04 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 Utilities Manager. 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 permission is received from the Utilities Manager and in accordance with the Manager's direction if such connection is approved.

96.05 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the current plumbing code adopted by the City and the City specifications on file at the City offices.

96.06 INSPECTION. The City reserves the right to inspect all building sewers and connections.

96.07 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, maintenance, and abandonment 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.

96.08 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 Prohibited Discharges
97.03 Restricted Discharges
97.04 Restricted Discharges – Powers
97.05 Treatment Agreement

97.06 Additional Information Requirements
97.07 Special Facilities
97.08 Control Manholes
97.09 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, sump pump discharge, 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 Utilities Manager. Industrial cooling water or unpolluted process waters may be discharged on approval of the Utilities Manager, to a storm sewer, combined sewer, or natural outlet.

97.02 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.
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.

97.03 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 Utilities Manager that such wastes can harm either the sewers, sewage treatment process, or equipment, or which would cause operational problems/issues in the system, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. The Utilities Manager may set limitations lower than the limitations established in the regulations below if in the Manager's opinion such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability of these wastes, the Utilities Manager 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 degrees (150°) F (65° C).
2. Fat, Oil, Grease. Waste water containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Viscous Substances. Waste water from industrial plants containing floatable oils, fat, or grease.
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.
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, mercury, 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 Utilities Manager for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Utilities Manager 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 Utilities Manager in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. **Damaging Substances.** Any waters, wastes, materials or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. **Untreatable Wastes.** Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

14. **Excessive BOD, Solids or Flow.** Any waters or wastes having (a) a five-day BOD 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 (2) percent of the average sewage flow of the City, shall be subject to the review of the Utilities Manager. Where necessary in the opinion of the Utilities Manager, the owner shall provide at his expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per 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 water or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Utilities Manager, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED AND PROHIBITED 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 Sections 97.03 and 97.04 and which in the judgment of the Utilities Manager 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 Utilities Manager 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.

97.05 TREATMENT AGREEMENT. The City may require any contributor to enter into a treatment agreement in accordance with established State or Federal requirements.

97.06 ADDITIONAL INFORMATION REQUIREMENTS. The Utilities Manager may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Waste waters discharge peak rate and volume over a specified time period;
2. Chemical analysis of waste waters;

3. Information on raw materials, processes, and products affecting waste water volume and quality;
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
6. Details of waste water pretreatment facilities;
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

97.07 SPECIAL FACILITIES. If the Utilities Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be 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.

97.08 CONTROL MANHOLES. When required by the Utilities Manager, 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 Utilities Manager. 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.

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

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CHAPTER 98

PRIVATE SEPTIC SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter and provided by the Council, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Special Rates
99.04 Private Water Systems

99.05 Payment of Bills
99.06 Lien for Nonpayment
99.07 Deposit
99.08 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. Residential and Commercial Rate: Class I Service

	Effective Date July, 2017	Effective Date July, 2018
Monthly Service Charge	\$18.00 Net	\$22.00
All Gallons @	4.25/1,000 gal.	5.40/1,000 gal.
Minimum Monthly Bill	\$18.00	\$22.00

2. Industrial Rate: Class II Service

Wastewater Parameter	Billing Units	Effective Date July, 2017 Unit Cost	Effective Date July, 2018 Unit Cost
Monthly Service Charge		\$1,200.00 Net	\$1,700.00 Net
BOD	\$/pound	0.19/lb	0.21/lb
TKN	\$/pound	0.88/lb	0.84/lb
TSS	\$/pound	0.14/lb	0.11/lb
TP	\$/pound	1.51/lb	1.54/lb
Grease	\$/pound	0.20/lb	0.20/lb
Flow	All TG/Month	1.55/M Gal	1.86/M Gal
Minimum Monthly Bill		\$1,200.00	\$1,700.00

(Ord. SC-O-02-17 – Jan. 19 Supp.)

99.03 SPECIAL RATES. Where, in the judgment of the Utilities Manager and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Utilities Manager and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

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

(Code of Iowa, Sec. 384.84)

99.05 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

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

(Code of Iowa, Sec. 384.84)

99.07 DEPOSIT. There shall be utility deposits as provided in Section 92.10 of the Code of Ordinances.

(Code of Iowa, Sec. 384.84)

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

CHAPTER 100

BENEFITED SEWER DISTRICTS

100.01 General Provisions
100.02 Definitions
100.03 Service Areas to Connect
100.04 Costs Established
100.05 Acreage Established
100.06 Connection Fee

100.07 Application
100.08 Subdivided Lots
100.09 Use of Connection Fees
100.10 Other Fees
100.11 Disconnection

100.01 GENERAL PROVISIONS. The City Council of the City of Sioux Center, after public notice and hearing as prescribed by law, has determined the necessity of establishing Sanitary Sewer Benefited District Service Areas and the imposition of a fee for connecting to the City sanitary sewer upon each person who owns property in said area and will be served by connecting to the City sanitary sewer. It is the intent of the City to utilize said connection fees to recover 100% of the original cost of constructing sanitary sewer utilities to serve the properties in Benefited Service Areas.

100.02 DEFINITIONS.

1. “Benefitted service area” means a designated area to which sanitary sewer service will be provided by a sanitary sewer utility of a given design and capacity.
2. “Sanitary sewer utility” means and includes sanitary sewer trunklines and sanitary sewer interceptors, sanitary sewer force mains, pumping stations and detention basins.
3. “Connection” means any act that results in a direct or indirect discharge into a City sewer utility, including but not limited to, the connection of a private sewer system to a lateral sewer or manhole or the connection of a lateral sewer serving a subdivision to a trunk sewer or manhole.
4. “Lot” means a parcel of land under one ownership. Two or more contiguous parcels under common ownership may be treated as one lot for the purposes of this ordinance if the parcels bear common improvements or if the Council finds that the parcels have been assembled into a single unit for the purpose of use or development.
5. “Original cost” means all costs incurred in the design, construction and financing of City sewer utilities, including but not limited to, the cost of labor, materials, engineering, fees, legal fees, closing costs, and the reasonable loss of return on City cash reserves used to finance construction or the interest on any indebtedness incurred to finance construction.
6. “Service Area No. 1” means an area within the City limits of Sioux Center, Iowa, described as follows:

That portion of the North Half (N½) of Section Nine (Sec. 9), Township Ninety-five North (T95N), Range Forty-five West (R45W), of the 5th Principal Meridian, Sioux Center, Sioux County, Iowa, described as follows:

Commencing at the Southwest Corner (SW Cor.) of the Southeast Quarter of the Northwest Quarter (SE¼–NW¼) of said Sec. 9; thence

east along the south line of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$ for a distance of 356 feet to the point of beginning; thence north parallel with the west line of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$ for a distance of 1,659 feet to the south line of the North Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ –SW $\frac{1}{4}$ –NE $\frac{1}{4}$ –NW $\frac{1}{4}$) of said Sec. 9; thence west along said south line for a distance of 356 feet to the west line of the East Half of the Northwest Quarter (E $\frac{1}{2}$ –NW $\frac{1}{4}$); thence north along said west line for a distance 332 feet to the north line of said N $\frac{1}{2}$ –SW $\frac{1}{4}$ –NE $\frac{1}{4}$ –NW $\frac{1}{4}$; thence east along said north line for a distance of 664 feet to the west line of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ –NE $\frac{1}{4}$ –NW $\frac{1}{4}$) of said Sec. 9; thence north along said west line for a distance of 664 feet to the north line of the Northwest Quarter of said Sec. 9; thence east along said north line for a distance of 664 feet to the North Quarter Corner (N $\frac{1}{4}$ Cor.) of said Sec. 9; thence east along the north line of the Northeast Quarter (NE $\frac{1}{4}$) of said Sec. 9 for a distance of 300 feet; thence south for a distance of 510 feet; thence east for a distance of 440 feet; thence southeasterly to a point on the south line of the North Half of the Northeast Quarter (N $\frac{1}{2}$ –NE $\frac{1}{4}$), which point lies 1,150 feet west of the Southeast Corner of said N $\frac{1}{2}$ –NE $\frac{1}{4}$; thence south to a point on the south line of said NE $\frac{1}{4}$, which point lies 1,150 feet west of the East Quarter Corner (E $\frac{1}{4}$ Cor.) of said Sec. 9; thence west along the south line of said NE $\frac{1}{4}$ to the Center of Section (Ctr. Sec.) of said Sec. 9; thence west from said Ctr. Sec. along the south line of the Northwest Quarter (NW $\frac{1}{4}$) of said Sec. 9 for a distance of 966 feet to the point of beginning, containing approximately 127 acres.

7. “Service Area No. 2” means an area within the City limits of Sioux Center, Iowa, described as follows:

That portion of Section Nine (Sec. 9), Township Ninety-five North (T95N), Range Forty-five West (R45W), of the 5th Principal Meridian, Sioux Center, Sioux County, Iowa, described as follows:

The East Half of the Southwest Quarter (E $\frac{1}{2}$ –SW $\frac{1}{4}$) of said Sec. 9, containing 80.4 acres.

and

That portion of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ –NW $\frac{1}{4}$) of said Sec. 9, described as follows:

Beginning at the Southwest Corner (SW Cor.) of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$; thence north along the west line of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$ for a distance of 925 feet; thence east for a distance of 356 feet; thence south parallel with the west line of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$ for a distance of 925 feet to the south line of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$; thence west along the south line of said SE $\frac{1}{4}$ –NW $\frac{1}{4}$ for a distance of 356 feet to the point of beginning, containing 7.6 acres.

and

The Southeast Quarter (SE $\frac{1}{4}$) of said Sec. 9 excepting therefrom the following described parcel:

Beginning at the East Quarter Corner (E $\frac{1}{4}$ Cor.) of said Sec. 9; thence west along the north line of said SE $\frac{1}{4}$ for a distance of 1,150 feet; thence southeasterly to a point on the east line of said SE $\frac{1}{4}$, which point lies 1,223 feet south of said E $\frac{1}{4}$ Cor.; thence north along the east line of said SE $\frac{1}{4}$ for a distance of 1,223 feet to the point of beginning.

The above-described property contains approximately 145 acres.

Service Area No. 2 contains approximately 233 acres.

8. “Service Area No. 3” means an area within the City limits of Sioux Center, Iowa, described as follows:

Those parts of Sections Sixteen (16) and Seventeen (17), Township 95 North, Range 45 West of the 5th P.M., City of Sioux Center, Sioux County, Iowa, described as follows:

All that part of the South Ridge Estates Addition to the City of Sioux Center, Iowa, (said South Ridge Estates Addition located in said Section 16), lying northwesterly of the following described line:

Commencing at the West Quarter Corner of said Section 16; thence south 01°33'34" west along the west line of the SW $\frac{1}{4}$ of said Section 16 and along the west line of said South Ridge Estates Addition for a distance of 419.79 feet to the Point of Beginning of said described line; thence south 88°26'43" east for a distance of 665.70 feet; thence north 01°30'47" east for a distance of 149.73 feet; thence south 88°29'13" east for a distance of 802.09 feet; thence north 01°15'09" east for a distance of 478.82 feet; thence north 53°35'11" east for a distance of 1,273.44 feet; thence north 32°56'01" east for a distance of 703.18 feet; thence north 75°17'08" east for a distance of 1,844.98 feet; thence north 55°38'02" east for a distance of 807.60 feet to the point of intersection of the south right-of-way line of 20th Street S.E. with the west right-of-way line of Harrison Avenue and to the Point of Termination of said described line.

EXCEPT the right-of-way of 20th Street S.E. within said South Ridge Estates Addition.

The above described parcel contains 174.27 acres.

and

All of Lots One (1) and Two (2) of the Vermeer's Subdivision of Part of the NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 16-T95N-R45W, Sioux County, Iowa, containing 2.37 acres.

And

All of the Vermeer Second Addition to the City of Sioux Center, Iowa, containing 3.20 acres. (The Vermeer Second Addition is located in the NW $\frac{1}{4}$ of said Section 16.)

And

All that part of the west 230 feet of the NW $\frac{1}{4}$ of said Section 16 lying south of Vermeer Second Addition to the City of Sioux Center, Iowa, and

lying north of the South Ridge Estates Addition to the City of Sioux Center, Iowa, containing 2.02 acres.

and

That part of said Section 17, described as follows: Beginning at the East Quarter Corner of said Section 17; thence south along the east line of the SE $\frac{1}{4}$ of said Section 17 for a distance of 870 feet; thence west to the east right-of-way line of the Burlington Northern Railroad; thence northeasterly along said east railroad right-of-way line to the north line of the NE $\frac{1}{4}$ of said Section 17; thence east along the north line of said NE $\frac{1}{4}$ to the Northeast Corner of said Section 17; thence south along the east line of the NE $\frac{1}{4}$ to the East Quarter Corner of said Section 17 and to the Point of Beginning.

EXCEPT THE FOLLOWING THEREFROM:

That part of 20th Street S.W. right-of-way lying south of the north line of the NE $\frac{1}{4}$ of said Section 17.

and

The west 233 feet of the east 816 feet of the north 366 feet of the NE $\frac{1}{4}$ of said Section 17.

and

The west 233 feet of the east 583 feet of the north 366 feet of the NE $\frac{1}{4}$ of said Section 17.

and

The east 350 feet of the north 500 feet of the NE $\frac{1}{4}$ of said Section 17.

The above-described property contains approximately 182 acres.

Service Area No. 3 contains approximately 360 acres.

9. “Service Area No. 4” means an area within the City limits of Sioux Center, Iowa, described as follows:

Those parts of Sections Three (3) and Ten (10), Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa, described as follows:

I. All of the South 130 acres of the Southwest Quarter (SW $\frac{1}{4}$) of Section 3-T95N-R45W of the 5th P.M., Sioux County, Iowa.

II. All of the N $\frac{1}{2}$ -NW $\frac{1}{4}$ of Section 10-T95N-R45W of the 5th P.M., Sioux County, Iowa, containing 80.37 acres.

Service Area No. 4 contains approximately 210.37 acres.

10. “Service Area South Ridge Estates Second Addition Sanitary Service Area” means an area within the City limits of Sioux Center, Iowa described as follows:

Block 12, South Ridge Estates in the Incorporated City of Sioux Center, Iowa, according to the recorded plat thereof.

South Ridge Estates Second Addition Sanitary Service Area contains approximately 48.95 acres.

100.03 SERVICE AREAS TO CONNECT. The lots within Service Areas constitute Benefited Service Area to be served by connecting to the City sewer utility.

100.04 COSTS ESTABLISHED. The original cost to the City of extending the City sewer utility to the properties in Service Area No. 1 is \$143,819. The original cost to the City of extending the City sewer utility to the properties in Service Area No. 2 is \$455,008. The original cost to the City of extending the City sewer utility to the properties in Service Area No. 3 is \$323,000. The original cost to the City of extending the City sewer utility to the properties in Service Area No. 4 is \$164,895.42. The original cost to the City of extending the City sewer utility to the properties in South Ridge Estates – Second Addition Sanitary Service Area is \$300,600.

(Ord. SC-O-07-18 – Jan. 19 Supp.)

100.05 ACREAGE ESTABLISHED. The Benefited Service Area defined as Service Area No. 1 contains approximately 127 acres. The Benefited Service Area defined as Service Area No. 2 contains approximately 233 acres. The Benefited Service Area defined as Service Area No. 3 contains approximately 360 acres. The Benefited Service Area defined as Service Area No. 4 contains approximately 210.37 acres. The Benefited Service Area defined as the South Ridge Estates – Second Addition Sanitary Sewer Service Area contains approximately 48.95 acres.

100.06 CONNECTION FEE. There is imposed on all lots within the Service Areas, for which a sewer connection fee has not previously been paid, a fee for connection to the City sewer utility. The connection fee shall be equal to that percentage of the original cost of bringing the City sewer utility to each respective Service Area that equals the percentage of area that the connected lot constitutes in relation to the entire Service Area. In Service Area No. 1 the connection fee shall be \$1,113 per acre. In Service Area No. 2 the connection fee shall be \$1,760 per acre. In Service Area No. 3 the connection fee shall be \$660.77 per acre. In Service Area No. 4 the connection fee shall be \$784 per acre plus accrued interest for up to 15 years. In the South Ridge Estates – Second Addition Sanitary Sewer Service Area the connection fee shall be \$6,141 per acre plus accrued interest for up to fifteen (15) years.

(Ord. SC-O-07-18 – Jan. 19 Supp.)

100.07 APPLICATION. Before any connection is made to a City sewer utility to serve a lot in the Service Area, the owner of the lot or lots to be served by the connection shall file an application, on a form provided by the City, with the City Utilities Manager. Upon approval of the application, the City Utilities Manager shall advise the applicant of the connection fee to be paid. Upon payment of the connection fee to the City Treasurer, the City shall issue a connection permit. Upon completion of the connection the owner of the lot or lots being connected shall notify the City Utilities Manager and the City Utilities Manager shall, at his or her discretion, inspect the connection.

100.08 SUBDIVIDED LOTS. If the owner of a lot exceeding two (2) acres in size affected by this ordinance desires to make a connection to the City sewer utility that will serve only a portion of the lot, the owner may make application to the City Council to divide the lot. If the Council finds that a portion or portions of the lot will not be served by the proposed connection, and the plan of division is approved by the City Council, the original connection fee shall be calculated and paid only upon the area included in the subdivided lots that will be served by the connection. A new application must be filed, and a connection fee paid, when the subdivided lots not served by the original connection to the City sewer utility are connected.

100.09 USE OF CONNECTION FEES. Connection fees collected by the City Treasurer shall be used only for the purpose of operating or paying debt of the City sewer utility.

100.10 OTHER FEES. The sewer connection fees established by this ordinance are in addition to, and not in lieu of, any other fees for connection required under the Plumbing Code, other provisions of the municipal code, or City policy.

100.11 DISCONNECTION. In the event a connection is made to a City sewer utility serving the Service Area without the permit required by this ordinance or without payment of the connection fee set forth in this ordinance, the City shall disconnect such service from the City sewer utility until such time as the property owner has received a permit for the connection and paid the required connection fee.

(Ch. 100 – Ord. SC-O-06-17 – Jan. 19 Supp.)

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CHAPTER 101

STORM WATER DRAINAGE UTILITY

101.01 Purpose
101.02 Storm Water Drainage Utility Established
101.03 Rate Categories

101.04 Rates
101.05 Use of Funds
101.06 Governing Board

101.01 PURPOSE. The purpose of this chapter is to establish a Storm Water Drainage Utility and provide a means of funding the construction, operation, and maintenance of storm water management facilities, including (but not limited to) detention and retention basins, storm water sewers, inlets, ditches and drains, and cleaning of streets. The Council finds that the construction, operation, and maintenance of the City's storm and surface water drainage system should be funded through charging users of property that may connect or discharge, directly or indirectly, into the storm and surface water drainage system of properties receiving the indirect benefit of drainage diverted into the City's system.

101.02 STORM WATER DRAINAGE UTILITY ESTABLISHED. It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare, and convenience that a storm water drainage utility is created for all of the City and for the purpose authorized by Section 384.84(1) *Code of Iowa*; that is, to establish and collect rates for a storm water drainage system.

101.03 RATE CATEGORIES. The billing rates are divided into categories, as follows:

1. Residential: Single-Family Residential, Duplex Family Dwelling Units used for residential, i.e. non-commercial, purposes.
2. Commercial:
 - A. Small: Commercial (including not-for-profit commercial users) with less than a 7,000 square foot impervious coverage area.
 - B. Medium: Commercial (including not-for-profit commercial users) with more than 7,000 square foot impervious coverage area and less than a 30,000 square foot impervious coverage area.
 - C. Large: Commercial (including not-for-profit commercial users) with more than a 30,000 square foot impervious coverage area.

Renters/tenants shall pay the applicable residential rate. At any time when there is not a renter/tenant, the owner shall be responsible for the residential rate. Triplex and multi-family dwelling units shall pay the applicable commercial rate, but the residential rate shall not be imposed on individual dwellings units within the complex. Square footage is determined by adding the square footage of both contiguous and noncontiguous impervious coverage areas together to measure the total square footage of impervious coverage areas on the property.

101.04 RATES. The following rates are charged for the following categories:

Category	Monthly Rate
Residential	\$ 2.00
Commercial – Small	\$ 4.00
Commercial – Medium	\$10.00
Commercial – Large	\$20.00

101.05 USE OF FUNDS. The money paid and collected pursuant to this chapter shall be held by the City in a special fund to be expended only for the purpose of constructing, operating, managing, repairing, and maintaining all kinds of conduits, drains, storm water detention devices, flow impediments, ponds, ditches, sloughs, filter strips, rip-raps, erosion control devices, and any other things and activities useful to the proper control management, collection, drainage, and disposition of storm water in the City.

101.06 GOVERNING BOARD. The governing board of the Storm Water Drainage Utility is the City Council. The Storm Water Drainage Utility shall be under the direction, management, and control of the Utility Manager, who shall function as its Director. In that capacity, the Director shall supervise the day-to-day operation of the Storm Water Drainage Utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted pursuant to this chapter, and shall carry out the policy directives of the Council acting in its role as governing body of the Storm Water Drainage Utility.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose

105.02 Definitions

105.03 Sanitary Disposal Required

105.04 Health and Fire Hazard

105.05 Separation of Yard Waste Required

105.06 Littering Prohibited

105.07 Open Dumping Prohibited

105.08 Toxic and Hazardous Waste

105.09 Waste Storage Containers

105.10 Prohibited Practices

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

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

2. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])

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

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])

7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

9. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including four separate dwelling units. All other structures shall be classified as institutional, commercial or industrial.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. "Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

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

105.05 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and may be composted on the premises or placed in acceptable containers and set out for collection or disposed of at the City's yard waste disposal site. 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.

105.06 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)

105.07 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water in a floodplain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

105.08 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.09 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 solid wastes shall be stored and disposed of in containers owned and provided by the City or in other containers approved by the City.

B. The weight of the contents in an individual container shall not exceed 100 pounds.

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 and 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 outdoors at some easily accessible place by the owner or occupant of the premises served.

4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.10 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week. No more than one solid waste container per week, per residential premises, shall be collected at the normal rate of charge for collection. Additional containers shall be collected for an additional fee.

106.05 BULKY RUBBISH. Bulky rubbish that 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 and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fee for Collection. The fee for solid waste collection and disposal service, used or available, is established by the City Council.
2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. 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.

[The next page is 551]

CHAPTER 110

MUNICIPAL NATURAL GAS UTILITY

110.01 Purpose
110.02 Policy Direction
110.03 Utilities Manager
110.04 Rates
110.05 Large Volume Industrial User Rate Schedule

110.06 Wholesale Gas Cost Adjustment
110.07 Deposit
110.08 Payment of Bills
110.09 Lien for Nonpayment

110.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned natural gas distribution system.

110.02 POLICY DIRECTION. The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the system, as provided in the City's most recently adopted service rules of the Municipal Gas Utility.

110.03 UTILITIES MANAGER. The Utilities Manager, appointed by the Council, shall be responsible for execution of policies governing the utility, as established by the Council.

110.04 RATES. The rates for natural gas sold by the Municipal Natural Gas Utility are as follows:

1. Rate No. 148 – Residential and Small Commercial

Monthly Service Charge	\$ 7.00 net
Monthly Rural Service Charge.....	\$ 9.00 net
First 5,000 CF or less	\$ 8.38 per MCF
Balance of CF per month	\$ 8.10 per MCF
Minimum Monthly Bill	\$ 7.00 (Rural \$9.00)
2. Rate No. 149 - Commercial

Monthly Service Charge	\$ 10.00 net
First 25,000 CF or less	\$ 8.50 per MCF
Balance of CF.....	\$ 7.95 per MCF
Minimum Monthly Bill	\$ 10.00
3. Rate No. 150 – Small Volume Interruptible

Monthly Service Charge	\$ 17.50 net
First 100,000 CF per month	\$ 7.43 per MCF
Next 400,000 CF per month.....	\$ 6.93 per MCF
Balance of CF.....	\$ 6.53 per MCF
Minimum Monthly Bill.....	\$ 17.50
4. Rate No. 218 – Large Volume Interruptible

Monthly Service Charge	\$195.00 net
All CF.....	\$ 6.46 per MCF
Minimum Monthly Bill.....	\$195.00

Rate No. 218 is applicable only to non-seasonal high load factor process users who use in excess of 12 MMCF per annum.

110.05 LARGE VOLUME INDUSTRIAL USER RATE SCHEDULE.

1. The City may enter into a natural gas sales contracts with large volume industrial users, as defined in this rate schedule, on the following terms:

A. The delivery period shall not be longer than three years, including renewal options, for take-or-pay or take-and-pay contracts, nor longer than 30 years in the case of requirements contracts.

B. The facilities of the industrial customer must be located in the City's current service area or in a County contiguous to such area where gas distribution service is not otherwise being provided.

C. Provided however that serving an industrial customer outside the City's current service area is subject to a determination of authority to serve the proposed customer.

2. Large volume industrial users eligible for service under this rate schedule shall be those that will purchase a monthly average of not less than 1,500 MMBtu per day from the City and that elect to enter into a contractual arrangement with the City for purchases of gas under this rate schedule.

3. The contract between the City and the customer pursuant to this rate schedule shall be either (i) in the form of a North American Energy Standards Board ("NAESB") base contract for the sale and purchase of natural gas, with such special conditions and commercial terms set forth in a transaction confirmation as shall be established by the City, or (ii) a similar natural gas contract.

4. The commodity price per MMBtu for service under this rate schedule shall be the applicable monthly Index price published by *Inside FERC's Gas Market Report*, a publication of S&P Global Platts, a division of S&P Global Inc., in the chart entitled "Monthly Bidweek Spot Gas Prices – Platts Locations (\$/MMBtu)" for the applicable month of deliveries, under the heading "Midcontinent," for "Ventura" (or such other point as may be selected by the City), under the column "Index" (the "Index Price"), less a discount not greater than 50% of the discount below the Index Price represented by all of the City's firm gas supply purchases in its gas supply portfolio at the time the contractual arrangement with the eligible purchaser under this rate schedule is entered into by the City. The City may negotiate lesser discounts with any eligible customer.

5. In appropriate circumstances, the City may combine sales service of commodity gas supply under this rate schedule with transportation service to the City's city gate and then across the City's system so as to provide a delivered service at the industrial customer's premises. In such circumstances, the delivered price to the customer shall include a transportation service component or components in addition to the price for the commodity gas supply under this rate schedule. However, the City may make sales to the customer at a pipeline interconnect or other point at which the customer customarily takes delivery of gas supplies that the customer purchases.

6. The City shall serve customers under this rate schedule from its available long-term, firm natural gas supply contracts. The City shall not be obligated to supply any new eligible customer under this rate schedule, or supply any portion of such quantity requested by such customer, if under advisement of the Utilities Manager, the City concludes that it does not have sufficient long-term, firm gas supplies or transportation in its gas supply and transportation portfolio available to it for sale and delivery to such new customer under this rate schedule.

(Section 110.05 – Ord. SC-O-11-18 – Jan. 19 Supp.)

110.06 WHOLESALE GAS COST ADJUSTMENT. The rates established in Section 110.04 may be increased or decreased 1/10 cent (\$.001) per MCF for each 1/10 cent or major fraction thereof of increase or decrease in wholesale gas cost. Each month's GCA will include all demand, commodity, BTU, and transfer in lieu of taxes factors. For purposes of applying the rate adjustment of this section, the wholesale gas cost base is hereby established at \$6.836 per MCF for Rates No. 148 and No. 149; \$6.275 per MCF for Rate No. 150; and \$5.950 per MCF for Rate No. 218.

110.07 DEPOSIT. A utility deposit is required pursuant to Section 92.10 of this Code of Ordinances.

110.08 PAYMENT OF BILLS. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

110.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for natural gas. 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.

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CHAPTER 111

MUNICIPAL ELECTRIC UTILITY

111.01 Purpose	111.07 Aggregation of Retail Customer Demand Response
111.02 Policy Direction	111.08 Ancillary Services Provided by Demand Response
111.03 Utilities Manager	Resources
111.04 Service Rules and Regulations	111.09 Deposit
111.05 Rates	111.10 Payment of Bills
111.06 Wholesale Electric Cost Adjustment Clause (ECA)	111.11 Lien for Nonpayment

111.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric system.

111.02 POLICY DIRECTION. The Mayor and Council shall establish appropriate rules and regulations governing the operation and maintenance of the electric system, as provided in the most recently adopted service rules of the Municipal Electric Utility.

111.03 UTILITIES MANAGER. The Utilities Manager, appointed by the Council, shall be responsible for execution of policies governing the system as established by the Council.

111.04 SERVICE RULES AND REGULATIONS. The rules and regulations for electric service are contained in the "Municipal Electric Utility of the City of Sioux Center Tariff," on file with the Utilities Division of the Iowa Department of Commerce. Also, an official copy of the rules and regulations as adopted is now on file in the office of the Clerk. The rules and regulations contained therein shall apply to all users of the municipal electric system.

111.05 RATES. The rates for electric service shall be as follows:

1. Residential and Rural Rates

	Effective Date September, 2018	Effective Date September, 2019
Monthly Residential Service Charge	\$12.00 net	\$14.00 net
Monthly Rural Service Charge	\$16.00 net	\$19.00 net
All KWH per month		
June-September @	9.1¢ per KWH	9.1¢ per KWH
October – May @	7.9¢ per KWH	7.9¢ per KWH
Minimum Monthly Bill	\$12.00 (Residential) \$16.00 (Rural)	\$14.00 (Residential) \$19.00 (Rural)

2. Residential (All Electric) Rates

	Effective Date September, 2018	Effective Date September, 2019
<u>Summer Rate (June-September)</u>		
Monthly Service Charge	\$12.00 net	\$14.00 net
First 300 KWH per month @	8.4¢ per KWH	8.4¢ per KWH
Balance KWH per month @	9.1¢ per KWH	9.1¢ per KWH
<u>Winter Rate (October-May)</u>		
Monthly Service Charge	\$12.00 net	\$14.00 net
First 750 KWH per month @	6.8¢ per KWH	6.8¢ per KWH
Balance KWH per month @	6.8¢ per KWH	6.8¢ per KWH
Minimum Monthly Bill	\$12.00	\$14.00

3. Commercial Rate

	Effective Date September, 2018	Effective Date September, 2019
Monthly Service Charge – Single Phase	\$18.00 net	\$21.00 net
Monthly Service Charge – Three Phase	\$22.00 net	\$27.00 net
All KWH per month		
June-September @	9.5¢ per KWH	9.5¢ per KWH
October – May @	8.2¢ per KWH	8.2¢ per KWH
Minimum Monthly Bill	\$18.00 (Single Phase) \$22.00 (Three Phase)	\$21.00 (Single Phase) \$27.00 (Three Phase)

4. Commercial Demand Rate

	Effective Date September, 2018	Effective Date September, 2019
Monthly Service Charge	\$40.00 net	\$50.00 net
Monthly Demand Charge		
June-September	\$16.80 per KW	\$16.90 per KW
October – May	\$12.80 per KW	\$12.90 per KW
All KWH per month @	3.9¢ per KWH	3.9¢ per KWH
Maximum Monthly Rate @	10.5¢ per KWH	11.0¢ per KWH
Minimum Monthly Bill	\$6.50 per KVA/year of connected load	

The Commercial Demand Rate is applicable to all customers where the fifteen (15) minute demand exceeds one hundred (75) KW in any two months during the preceding 12 month period including the current billing month and the previous 11 months. Once a customer meets this criteria, this rate shall apply for the current billing month and 11 subsequent months. Any customer billed under the Commercial Demand Rate whose combined demand and energy bills result in an average KWH cost greater than the above Maximum Monthly Rate shall be billed at the above Maximum Monthly Rate including the applicable ECA.

5. Commercial (All Electric) Rates

	Effective Date September, 2018	Effective Date September, 2019
Monthly Service Charge – Single Phase	\$18.00 net	\$21.00 net
Monthly Service Charge – Three Phase	\$22.00 net	\$27.00 net
All KWH per month		
June-September @	9.5¢ per KWH	9.5¢ per KWH
October – May @	7.0¢ per KWH	7.0¢ per KWH
Minimum Monthly Bill	\$18.00 (Single Phase) \$22.00 (Three Phase)	\$21.00 (Single Phase) \$27.00 (Three Phase)

The above Commercial (All Electric) Rates are established for single meter large use commercial all electric heating customers. This rate is not available to customers (1) using less than a total of 5,000 KWH per month, or (2) if KWHs used for electric space heating are less than 50% of total KWHs when the winter rate is in effect. Further, to qualify for this rate, the customer's total permanent energy requirements must be satisfied with the use of electrical energy, unless there is a special process fuel need for which electrical energy cannot be utilized, in which case a variance will be considered on a case by case basis.

The summer All Electric Rates (Residential and Commercial) shall apply for the billing periods due and payable on the first day of June and continuing thru the first of November. The winter All Electric Rates (Residential and Commercial) shall apply for the billing periods due and payable on the first day of December and continuing thru the first day of May.

Any customer who meets the criteria for the commercial Demand Rate and is also eligible for the Commercial (All Electric) Rate shall declare which rate will be applied for the next 12 months.

6. Water Heating Rate

	Effective Date September, 2018	Effective Date September, 2019
All KWH per month		
June-September @	8.4¢ per KWH	8.4¢ per KWH
October – May@	6.8¢ per KWH	6.8¢ per KWH
Minimum Monthly Bill	\$1.50 per mo., per meter	

7. Security Lighting

	Effective Date September, 2018	Effective Date September, 2019
Monthly Service Charge	\$5.00 net	\$5.25 net

(Section 110.05 – Ord. SC-O-06-18 – Jan. 19 Supp.)

111.06 WHOLESALE ELECTRIC COST ADJUSTMENT CLAUSE (ECA). The rates established in Section 111.05 of this chapter may be increased or decreased 1/10th mill (\$.0001 or .01¢) per kilowatt hour (KWH) for each 1/10th mill or major fraction thereof increase or decrease in wholesale power cost. The ECA will be determined on the basis of wholesale power costs including all demand, energy and transmission cost factors. For purposes of applying the rate adjustment of this section, the wholesale annual electric cost base is hereby established as 63 mills per kilowatt hour (\$.0630/KWH). The ECA will be determined based on projected power costs for the following year, and the monthly ECA will remain the same for a twelve month period unless power costs substantially change during the year.

(Ord. SC-O-06-18 – Jan. 19 Supp.)

111.07 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE. The Sioux Center Municipal Electric Utility or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Municipal Electric Utility directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets. Retail customers served by the Sioux Center Municipal Electric Utility wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Sioux Center Municipal Utility or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Sioux Center Municipal Electric Utility.

111.08 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES. The Sioux Center Municipal Electric Utility or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Sioux Center Municipal Electric Utility directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff). Retail customers served by the Sioux Center Municipal Electric Utility wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so by participating in the program established by the Sioux Center Municipal Electric Utility or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Sioux Center Municipal Electric Utility.

111.09 DEPOSIT. A utility deposit is required pursuant to Section 92.10 of this Code of Ordinances.

111.10 PAYMENT OF BILLS. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

111.11 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for electric service. 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.

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CHAPTER 112

CABLE TELEVISION DISTRIBUTION NETWORK REGULATIONS

112.01 Purpose	112.06 Rules Governing Franchise
112.02 Definitions	112.07 Procedure Prior to Revocation
112.03 Cable Television Distribution Network Franchise	112.08 Interconnection
112.04 System	112.09 Protection of Privacy
112.05 Installation, Operation and Maintenance	

112.01 PURPOSE. The purpose of this chapter is to regulate cable television distribution networks in Sioux Center, Iowa, which operate pursuant to City franchise for the provision of cable television and other services; providing definitions; providing for the term, nature and franchise area; providing for the payment of a franchise fee; providing for the terms, conditions, and requirements relating to the construction, operation and maintenance of cable television distribution networks; providing for the regulation of cable television distribution networks; providing for rates and charges; providing for penalties and damages; providing for termination of the franchise; and providing for the severability thereof. This chapter shall be known and may be cited as the "Cable Television Distribution Network Regulatory Ordinance."

112.02 DEFINITIONS. The following terms, phrases and words and their derivatives shall have the meaning specified herein:

1. "FCC" means the Federal Communications Commission and any legally appointed or elected successor.
2. "Franchisee" means any person receiving a franchise pursuant to this chapter and its lawful successor, transferee or assignee.
3. "Cable television distribution network" means all of the component physical operational and programming elements of any network of cables, optical electrical or electronic equipment, including cable television, use of the purpose of transmission of electrical impulses of television, radio or other intelligences, either analog or digital for sale or use by the inhabitants of the City.
4. "Franchise" or "franchise ordinance" means an ordinance passed by the Council, approved by the voters of the City, duly published as required by law, authorizing a franchisee to construct and operate a cable television distribution network along the public ways within all or a specified area in the City.
5. "Annual gross revenues" means only those revenues derived from the monthly service charges paid by subscribers located within the City for regular cable television reception service, which service includes only the transmission of broadcast signals and the programming presented on the required access and origination channels, if any. Gross subscriber revenues do not include any revenues received: (i) as reimbursement of expense in the operation of any access channels; (ii) as advertising payments; (iii) from the leasing of cable channels; (iv) from programs for which a per-channel or per-program charge is made; and (v) from furnishing other communications and non-broadcast services either directly or as a carrier for another party or any other income derived from the system. Gross subscriber revenues also do not include revenues

received as installation charges and fees for reconnections, inspection, repairs, or modifications of any installations.

6. "Substantially completed" means the condition of an operation when sufficient distribution facilities have been installed so as to permit the offering of "full network services" to at least 90 percent of the dwelling units in the service area to which access is reasonably and legally available.

7. "Street" includes all streets, roadways, highways, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, easements, rights-of-way or other public ways in the City which have been or may hereafter be dedicated and open to public use, or such other public property so designated by law.

112.03 CABLE TELEVISION DISTRIBUTION NETWORK FRANCHISE.

1. Franchise Required. No person shall construct, install, maintain, or operate, on or within any street, any equipment or facilities for the distribution of television signals or radio signals or other intelligences, either analog or digital, over a cable television distribution network to any subscriber unless a franchise authorizing the use of the streets has first been obtained pursuant to the provision of this chapter and thereafter only while said person is legally operating under the terms and provisions of said franchise ordinance.

2. Election and Costs. In order for a nonexclusive franchise to be granted pursuant to this chapter, an election must be held and a majority of those voting must vote in favor of the granting of such franchise. The entire cost of the election together with all printing and publishing costs relating thereto shall be paid by the applicant selected by the Council to be franchisee, regardless of whether or not the applicant is granted a franchise by said election.

3. Term of Franchise. The nonexclusive franchise and the rights, privileges, obligations, and authority thereby granted shall take effect and be enforced as provided herein within 30 days from and after final passage thereof by the qualified electors at a special or general election thereon and shall continue in full force and effect for a term of 25 years from date of acceptance, subject however to the right of the City to terminate said franchise as provided herein.

4. Franchise Fee. The franchisee hereunder shall pay to the City an annual fee in the amount equal to three percent of the total annual gross revenues. Such payment shall be in addition to any other payment charges or fees owed to the City by the franchisee and shall not be construed as payment in lieu of personal or real property taxes levied by the State, County, or local authority. Sales taxes or other taxes levied directly on a per-subscription basis and collected by the franchisee to be remitted by the franchisee to a governmental agency shall be deducted from the gross subscriber revenue prior to the computation of the annual franchise payment. The payment due the City under the provisions of this subsection shall be computed and due not later than 90 days after the end of the City's fiscal year and payable at the office of the City Clerk during its regular business hours.

5. Franchise Nonexclusive. Any franchise granted hereunder shall not be exclusive and the City reserves the right to grant a similar franchise to any other person at any time.

6. Authority Granted. Any franchise granted hereunder shall give to the franchisee the right and privilege to construct, erect, operate, modify, and maintain in,

upon, along, above, over, and under the streets, such towers, antennas, cables, electronic equipment, and other network appurtenances necessary for the operation of a cable television distribution network in the City, provided, however, that the exercise of such right and privilege shall not interfere with the use of such streets, and the City may demand the removal of the foregoing as have been constructed by the franchisee at any time the City believes that such is interfering with the use of the streets.

7. **Privileges Subordinated.** Any privilege claimed under a franchise by the franchisee in any street or other public property shall be subordinate to any lawful occupancy of the streets or other public property.

8. **Franchise Held in Personal Trust.** Any such franchise shall be a privilege to be held in personal trust by the original franchisee. It cannot in any event be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, or otherwise, without prior consent of the Council as provided herein.

9. **Obligations of Franchisee.** Any such franchise granted shall not relieve the franchisee of any obligations involved in obtaining pole or conduit space from any department of the City, utility company, or from others maintaining utilities in street.

10. **Acceptance of Franchise.** Written acceptance shall be filed by the franchisee not later than 12:01 p.m. of the 30th day next following the franchise election granting such franchise. In default of the filing of such written acceptance as herein required, the franchisee shall be deemed to have rejected and repudiated the franchise and shall be deemed to have forfeited the franchisee's proposal bond or certified check in lieu thereof. Thereafter, the acceptance of the franchisee shall not be received by the City Clerk. The franchisee shall have no rights, remedies, or redress unless and until the Council, by resolution, shall determine that such acceptance be received, and then upon such terms and conditions as the Council may impose. In addition and within the same 30-day period, the grantee shall:

- A. File a certificate of insurance as provided herein;
- B. File a performance bond as provided herein unless such bond requirement has been waived by the Council; and
- C. Advise the City in writing of the franchisee's address for mail and official notifications from the City.

11. **Franchise Territory.** This nonexclusive franchise relates to any territorial limits of or within the City as designated by the Council and to any area henceforth added thereto during the term of this nonexclusive franchise.

12. **Abandonment of Service.** After franchisee has established service pursuant to this chapter in the franchise area, such service shall not be suspended or abandoned in the whole of or any part of the franchise area unless the suspension or abandonment is authorized by the Council.

112.04 SYSTEM.

1. **Network Description.** The cable television distribution network permitted to be installed herein shall:

- A. Be operationally capable of relaying to subscriber terminals whose television and radio broadcast signals for the carriage of which the franchisee is now or hereafter authorized by the Federal Communications Commission;
- B. Provide at least two dedicated, noncommercial access channels for use by the educational and governmental agencies within the City;
- C. Have a minimum capacity of 20 channels.

2. Emergency Alert Override. The franchisee shall incorporate into its facilities the capability for an emergency override audio alert whereby a designee of the City, in times of emergency, may introduce an audio message on all cable television distribution network channels simultaneously.

112.05 INSTALLATION, OPERATION AND MAINTENANCE.

1. Regulatory Jurisdiction and Procedures.
 - A. The Council shall have continuing regulatory jurisdiction and primary supervision over the operation of any franchise granted hereunder. However, it is recognized that the daily routine, administrative responsibilities and supervision of the franchise should be entrusted to the City Manager.
 - B. The Council does hereby designate the City Manager to exercise the City's continuing regulatory and supervisory jurisdiction over the franchisee and, in this regard, the City Manager shall have the following responsibilities and duties (as set out in this chapter) and such other responsibilities and duties that the City may assign and delegate.
2. Construction Schedules.
 - A. Permits. Within 90 days after the effective date of a franchise grant, the franchisee shall file with the appropriate governmental authorities, and with the necessary utility companies, all initial papers, applications, contracts and other documents necessary to permit the commencement of construction and operation of the cable television distribution network and shall thereafter make diligent efforts to obtain the proper execution and delivery of such documents and any amendments thereto. The franchisee shall report to the City every 90 days of its progress in obtaining necessary permits, contracts and other necessary documents as contemplated above.
 - B. Target Dates. Within three months after accepting the franchise, franchisee shall furnish the City with a construction schedule and map setting forth target dates by areas for commencement of service to subscribers. The schedule and map shall be updated whenever substantial changes become necessary.
 - C. Commencement of Construction. Within 90 days after the effective date of FCC certification, providing all other necessary permits and contracts have been obtained and entered into, the franchisee shall commence the construction of the cable television distribution network and pursue such with reasonable diligence.
 - D. Commencement of Operation. Within 12 months after the commencement of construction, the franchisee shall commence operation.

E. Substantial Completion of Construction. Within 36 months after the commencement of construction, the franchisee shall have substantially completed construction.

F. Delays and Extension of Time Provision. The franchisee shall file with the City a formal written request for any extensions of time as per the above construction schedules. Such request shall give documented evidence of reasons for delay or extensions sought. The Council after reviewing such requests may grant a revised construction schedule, the same to be appropriate and reasonable.

3. Construction Standards.

A. All construction practices shall be in accordance with all applicable sections of the *Occupational Safety and Health Act* of 1970 and any amendments thereto as well as all state and local codes are applicable.

B. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with all applicable codes, including the provisions of the Sioux Center electrical code.

C. All of the franchisee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with the safety of any persons or property, or to interfere with improvements the City may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.

D. The franchisee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

4. Standards of Operation.

A. The franchisee shall maintain an office in the City which shall be open during all usual business hours, have a locally listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time. In addition, the franchisee shall maintain a convenient office in the City, open during normal business hours, for the receipt of sums due by its subscribers and shall provide for regular billing of accounts.

B. The Council may adopt rules, regulations, and standards governing the operation of a cable television distribution network in the City. Such rules, regulations, and standards shall apply to and govern the operations of the franchisee.

C. The technical standards for operation of the network shall, in addition to meeting the requirements specified in the franchise ordinance, conform to all requirements specified by this chapter and any other standards or codes as may be adopted by the City.

D. Any damage caused by the franchisee's negligence shall be repaired fully by the franchisee.

5. Records, Reports and Maps to be filed with City.

A. An "Annual Report of Cable Television Systems" (FCC Form 325, Schedules 1, 2, 3 and 4).

B. The franchisee's current schedule of charges, contract or application forms for regular subscriber service, policy regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures, and any other terms and conditions adopted as the franchisee's policy in connection with its subscribers shall be filed with the City and conspicuously posted in the franchisee's local office.

C. The performance bond or a certified copy thereof and written evidence of payment of required premium.

D. All policies of insurance or certified copies thereof and a certificate of insurance as provided.

E. All rules, regulations, terms and conditions which it has adopted for the conduct of its business.

F. A full and complete set of plans, records and "as-built" maps showing the exact location of all cable television distribution network equipment installed or in use in the City, exclusive of subscriber service drops.

6. Street, Right-of-Way and Easement Occupancy.

A. The facilities of the franchisee shall be installed underground in all areas of the City and shall utilize existing conduits and other facilities when possible, and shall not construct or install any new, different or additional owned property until the written approval of the City is obtained, which approval shall not be unreasonably withheld.

B. A franchisee shall notify the City at least two days prior to the intention of the franchisee to commence any construction in any streets. The City shall cooperate with the franchisee in granting any permits required, providing such grant and subsequent construction by the franchisee shall not unduly interfere with the use of such streets and that proposed construction shall be done in accordance with the pertinent provisions of this Code of Ordinances.

C. All transmission lines, equipment, and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate, and substantial condition, and in good order and repair. The franchisee shall at all times employ ordinary care and shall install and maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. Suitable barricades, flags, lights or other devices shall be used at such times and places as are reasonable required for the safety of all members of the public. Such devices shall be used in accordance with the Uniform Traffic Manual.

D. Franchisee shall, at its own expense and in a manner approved by the City, restore to City standards and specifications any damage or disturbance caused to the public way as a result of its operations or construction on its

behalf. Franchisee shall guarantee and maintain such restoration during the term of the franchise against defective materials or workmanship.

E. Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the City Manager or the Fire Chief or Police Chief to remove or damage any of the franchisee's facilities, no charge shall be made by the franchisee against the City for restoration and repair, unless such acts amount to gross negligence by the City.

F. The franchisee, at the franchisee's expense, shall locate (and expose if necessary), protect, support, temporarily disconnect, relocate, or remove any property of franchisee when, in the opinion of the City Manager, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, water pipes, natural gas lines, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including but not limited to movement of buildings, urban renewal and redevelopment, and any general program under which the City shall undertake to cause all such properties to be located beneath the surface of the ground. The franchisee shall, in all cases, have the privilege, subject to the corresponding obligations, to abandon any of its property in place. Nothing hereunder shall be deemed a taking of the property of franchisee and franchisee shall not be entitled to a surcharge by reason of anything hereunder.

G. The franchisee shall make no road cuts or curb cuts unless absolutely necessary, but only after written permission has been given by the City Manager.

H. The City shall notify the franchisee at least 10 days prior to the intention of the City to commence any construction in the streets that requires the relocation of franchisee's lines, wires or other network appurtenances so as not to interfere with such construction.

7. Fees, Rates and Charges.

A. A franchisee shall maintain and file with the City a complete and current schedule of subscriber rates including all fees and charges for services.

B. The franchisee shall receive no consideration whatsoever for or in connection with its provision of service to its subscribers other than as filed with the Council.

C. Any request for an increase in rates by the franchisee shall be submitted to the City Manager and shall be supported by a showing of increased costs for the existing or any proposed services.

D. The City Council may amend this chapter whenever necessary to enable the franchisee or the City to take advantage of any developments in the field of transmission of communications signals which will afford it an opportunity to more effectively, efficiently, or economically serve its customers; provided, however, this section shall not be construed to require the City to make any such amendment.

112.06 RULES GOVERNING FRANCHISE.

1. Employment Practices.

A. In the carrying out of the construction, maintenance, and operation of the cable television distribution network, the franchisee shall not discriminate against any employee or applicant for employment because of race, creed, age, color, sex, national origin or handicap.

B. The franchisee shall, in all solicitations of advertisements for employees placed by or on behalf of the franchisee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, national origin, age or handicap.

C. The franchisee shall incorporate the foregoing requirements in all of its contracts for work relative to construction, maintenance and operation of the cable television distribution network, other than contracts for standard commercial supplies or raw materials, and shall require all of its contractors for such work to incorporate such requirements in all subcontracts for such work.

2. Liability and Indemnification.

A. Franchisee shall indemnify and hold harmless the City, its officers, boards, commissions, agents, and employees against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages (including but not limited to damages to City property and damages arising out of copyright infringements and damages arising out of any failure by franchisee to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by franchisee's cable television distribution network), costs or liabilities (including costs or liabilities of the City with respect to its employees) of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expense arising out of or pertaining to the exercise or the enjoyment of any franchise hereunder by franchisee or the granting thereof by the City. Provided, the franchisee shall not be liable for any such damages, fees, or expenses where any lawsuit is based on the actions or omissions of the City but not on any act or omission by the franchisee.

B. The franchisee shall maintain a general comprehensive liability insurance policy in the amount of:

(1) \$1,000,000.00 for bodily injury or death to any one person, within the limit, however, of \$2,000,000.00 for bodily injury or death resulting from any one accident.

(2) \$1,000,000.00 for property damage resulting from any one accident.

(3) Worker's compensation insurance in such coverage as may be required by the worker's compensation insurance and safety laws of the State of Iowa and amendments thereto.

3. Performance Bond. The franchisee shall maintain throughout the period of network construction, a faithful performance bond in favor of the City, with a surety approved by the City in the penal sum total of \$100,000.00 conditioned upon the faithful performance by the franchisee of its obligations under this chapter and the franchise. When the network construction is substantially completed as defined herein, the penal sum total of the performance bond shall be reduced to \$25,000.00 through the remainder of the term of the franchise, or any renewal or extension thereof and upon the further condition that in the event the franchisee shall fail to comply with any law, ordinance or regulation governing the franchise, there shall be recoverable, jointly and severally, from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the franchisee, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond. The City, at its sole discretion, may at any time subsequent to completion of construction, waive the requirement of the franchisee to maintain said bond. The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be cancelled or the intention not to renew be stated until 30 days after receipt by the City by registered mail a written notice of such intent to cancel or not to renew."

4. Permits and Authorizations. The franchisee shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition thereof, including necessary easements, and necessary authorizations from the Federal Aviation Agency to construct such receiving antenna towers as may be required, and any necessary authorizations or waivers from the Federal Communications Commission.

5. Rights Reserved to the City.

A. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the franchisee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the City's right of eminent domain.

B. There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any law, and the franchisee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the city in its exercise of such rights or power, heretofore or hereafter enacted or established.

C. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

D. If the Federal Communications Commission or any other Federal or State body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise granted under this chapter, then to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the City the jurisdiction of the City shall cease and no longer exist. The preemption or preclusion of the exercise by the City of any of its police power shall not diminish, impair, alter, or affect any contractual benefit to the City.

E. At the expiration of the term for which a franchise is granted or upon the termination and cancellation as provided therein, the City reserves the right to require the franchisee to remove at its own expense any and all portions of the cable television distribution network from the public ways within the City.

6. Forfeiture or Revocation. The City reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this chapter and the franchise ordinance:

A. If the franchisee should default in the performance of any of its material obligations under this chapter or under the franchise ordinance or under such documents, contracts and other terms and provisions entered into by and between the City and the franchisee;

B. If the franchisee should fail to provide or maintain in full force and effect, the liability and indemnification coverage or the performance bond as required herein;

C. If any court of competent jurisdiction, the FCC, or any State regulatory body, by rules, decision, or other action, determines that any material provision of the franchise documents, including this chapter, is invalid or unenforceable prior to the commencement of construction of the network by the franchisee;

D. If the franchisee should frequently violate any orders or rulings of any regulatory body having jurisdiction over the franchisee relative to this franchise;

E. If the franchisee fails to receive necessary FCC certification;

F. If the franchisee ceases to provide services for any reason within the control of the franchisee over the cable television distribution network. The franchisee shall not be declared at fault or be subject to any sanction under any provision of this chapter in any case in which performance of any such provision is prevented for reasons beyond the franchisee's control. A fault shall not be deemed to be beyond the franchisee's control if committed by a corporation or other business entity in which the franchisee holds a controlling interest, whether held directly or indirectly.

112.07 PROCEDURE PRIOR TO REVOCATION.

1. Upon the occurrences of any of the events enumerated in subsection 6 of Section 112.07, the Council may, after hearing, upon 30 days' written notice to the franchisee citing the reasons alleged to constitute cause for revocation, set a reasonable time in which the franchisee must remedy the cause. If, during the 30-day period, the cause shall be cured to the satisfaction of the City, the City may declare the notice to be null and void. If the franchisee fails to remedy the cause within the time specified, the Council may revoke the franchise. In any event, before a franchise may be terminated, the franchisee must be provided with an opportunity to be heard before the Council.

2. When a franchise is not renewed because of a material breach of the franchise, the franchisee shall first offer the cable television distribution network for sale to the City at a fair and just market value, which value shall not include any value for the franchise itself or for any of the rights or privileges granted by the City. In the event the determination of the fair market value cannot be negotiated or determined, said

value shall be determined by an impartial arbitration procedure pursuant to State law, wherein the franchisee and the City shall each choose an arbitrator and the arbitrators chosen shall choose the third, and the valuation determined by said arbitrators shall be considered the fair market value at which the system will be offered to the City. The determination of the value of the system shall be decreased by the amount of any damages sustained by the City in connection with revocation or expiration, including without limitation payment made by the City to another person or entity to operate the cable television distribution network for a temporary period after revocation. The cost of the arbitration procedure shall be shared equally by the City and the franchisee. The City shall have 90 days to exercise the right of first refusal to purchase the network, said 90 days commencing on the day the fair market value of the system is determined either through negotiation or the arbitration procedure. If the City does not exercise its option to purchase, and the network is not sold to another operator who has obtained a franchise from the City in a reasonable period of time, the franchisee, upon request of the City, shall promptly remove all its plant, structures and equipment; provided, however, in the event the City determines not to exercise its right of first refusal, it shall not unreasonably refuse to renew or grant a cable television franchise during a reasonable interim. While transfer of the system and franchise is being negotiated, arranged, or ordered, the franchisee may be required to continue service to the public unless for reasons beyond control of the franchisee said operation will be economically unfeasible to the franchisee.

3. Restoration of Property. In removing its plant, structures and equipment, the franchisee shall refill at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to the company's removal of its equipment and appliances, without affecting the electric or telephone cables, wires or attachments. The City shall inspect and approve the condition of the public ways and public places and cables, wires, attachments after removal. Liability insurance and indemnity provided in this chapter and the performance bond and security fund also provided in this chapter shall continue in full force and effect during the period of removal.

4. Restoration by City; Reimbursement of Cost. In the event of a failure by the franchisee to complete any work required above, or any work required by City law or ordinance within the time established and to the satisfaction of the City, the City may cause such work to be done and the franchisee shall reimburse the City the cost thereof within 30 days after receipt of an itemized statement of such costs.

112.08 INTERCONNECTION.

1. No prohibition of Interconnection. Nothing in this chapter shall be construed so as to prohibit the franchisee from interconnecting its network with other similar contiguous networks either in the City or in other municipalities, counties or states. However, any revenues derived therefrom shall be equitably allocated in the calculation of "annual gross revenues."

2. Study Required for Interconnection. The franchisee shall, if requested by the City, conduct a technical and economic feasibility study of any interconnection requested by the City. The study shall be presented to the City and in the event that the study shows such interconnection to be feasible, the franchisee shall, if so instructed by the City, accomplish said interconnection. In the event that the study indicates technical feasibility only, the City may elect, but at its sole discretion, to arrange for

compensation to be paid to the franchisee, in an amount sufficient to assure an economic "break even" by the franchisee and so order the interconnection.

112.09 PROTECTION OF PRIVACY.

1. Use of Data From Subscriber. A franchisee shall not initiate or use any form, procedure, or device for procuring information or data from subscriber's terminal by use of the network, without prior valid authorization from each subscriber so affected.
2. Subscriber Lists. The franchisee shall not, without prior valid authorization from each subscriber so affected, provide any list designating subscribers' names or addresses to the City or any other party.
3. Subscriber Transmission. Franchisee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aerial, visual or digital signals without first obtaining written permission of the subscriber.

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic 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 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a 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 8:00 a.m. on Sunday and 2:00 a.m.

of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b 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 that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

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. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

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

(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; 635avendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The

permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

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 Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under

this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two 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 years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four 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 Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

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

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Loud Speaking Systems and Other Noise
122.02 Definitions	122.12 Location in Streets and Congested Areas
122.03 License Required	122.13 Revocation of License
122.04 Application for License	122.14 Hearing
122.05 License Fees	122.15 Record and Determination
122.06 Bond Required	122.16 Appeal
122.07 License Issued	122.17 Effect of Revocation
122.08 Display of License	122.18 Rebates
122.09 License Not Transferable	122.19 License Exemptions
122.10 Time Restriction	122.20 Charitable and Nonprofit Organizations

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

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the City Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license.

122.05 LICENSE FEES. A license fee of \$25.00 per week shall be paid to the City Clerk prior to the issuance of any license.

122.06 BOND REQUIRED. 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*.

122.07 LICENSE ISSUED. The Clerk shall refer the application to the Police Chief for review and if the Police Chief finds the application is completed in conformance with the requirements of this chapter and the facts stated therein are found to be correct, the Police Chief shall recommend to the Clerk to issue the license. Upon payment of the license fee, the shall issue a license immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 9:00 a.m. and 6:00 p.m. No sales are allowed on Sunday.

122.11 LOUD SPEAKING SYSTEMS AND OTHER NOISES. No licensee hereunder (or any person on behalf of the licensee) shall shout, blow on a horn, ring a bell, or use any loud speaking system, amplifying system, or any other noise-making device for the purpose of advertising or otherwise announcing or proclaiming the licensee's wares or business activities, except as the same may be permissible under any other ordinance of the City or statute of the State.

122.12 LOCATION IN STREETS OR CONGESTED AREAS. No licensee (or any person acting for or on behalf of the licensee) shall have any right to any location in the public streets or ways or upon any public property, nor shall such person be permitted to operate in any congested area where such operations might impede or inconvenience the public. The judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public inconvenienced.

122.13 REVOCATION OF LICENSE. Following a written notice and an opportunity for a hearing, the City Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Felony Conviction. Conviction of the licensee or any person acting on behalf of the licensee or a felony or for any misdemeanor involving moral turpitude.

4. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in an unlawful manner or in such manner as to endanger the public welfare, safety, order, or morals.

The City Clerk shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.14 HEARING. The City Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the City Clerk may proceed to a determination of the complaint.

122.15 RECORD AND DETERMINATION. The City Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the City Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.16 APPEAL. If the City Clerk revokes or refuses to issue a license, the City Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the City Clerk by a majority vote of the Council members present and the City Clerk shall carry out the decision of the Council.

122.17 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.

122.18 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.19 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products or local citizens selling garden or farm products at any local farmers market authorized by the City.
4. Students. Students representing the Sioux Center School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.

6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.20 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.16 of this chapter.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.08 Burning Prohibited
135.02 Obstructing or Defacing	135.09 Excavations
135.03 Placing Debris On	135.10 Maintenance of Parking or Terrace
135.04 Playing In	135.11 Failure to Maintain Parking or Terrace
135.05 Traveling on Barricaded Street or Alley	135.12 Dumping of Snow
135.06 Use for Business Purposes	135.13 Driveway Culverts
135.07 Washing Vehicles	

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with City specifications on file in the City offices.

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. It is also illegal to pile snow in piles so high on the right-of-way so as to obstruct the view of motorists on the street.

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

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.

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice, and Accumulations	136.12 Encroaching Steps
136.04 Responsibility for Maintenance	136.13 Openings and Enclosures
136.05 City May Order Repairs	136.14 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.15 Defacing
136.07 Permission Required	136.16 Debris on Sidewalks
136.08 Sidewalk Standards	136.17 Merchandise Display; Outdoor Seating
136.09 Barricades and Warning Lights	136.18 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove the snow or ice within a period of ten hours after the accumulation on the sidewalk, 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])

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained permission from the City and has agreed that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which shall be the established grade.

8. **Elevations.** The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. **Slope.** All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. **Finish.** All sidewalks shall be finished with a “broom” or “wood float” finish.
11. **Curb Ramps and Sloped Areas for Persons with Disabilities.** If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.13 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.14 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.**136.15 DEFACING.** It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.16 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.17 MERCHANTISE DISPLAY; OUTDOOR SEATING. 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. This provision also applies to tables and chairs set out for outdoor seating, and such tables and chairs shall be removed each day when the business is closed.**136.18 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Vacation of Streets

137.02 Easements

137.01 VACATION OF STREETS. Streets, alleys or any public grounds shall be vacated in accordance with the provisions of Section 364.12 of the *Code of Iowa*.

137.02 EASEMENTS. When any street, alley, portion thereof, or any public grounds are vacated, any easement located therein shall be reserved by the City and remain in full force, unless otherwise stipulated by the Council.

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CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

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CHAPTER 140

USE OF PUBLIC PROPERTY AND RIGHT-OF-WAY

140.01 Purpose and Rule of Interpretation	140.08 Construction and Excavation by Holders of a License or Lease
140.02 License and Lease Required	140.09 City Construction and Paving
140.03 Compensation Required	140.10 Design Notice to City
140.04 Limit on Term	140.11 Above-Ground Cables, Wires, Conduits and Poles
140.05 Placement of Facilities	140.12 Assignment
140.06 Indemnification and Bond	140.13 Forfeiture
140.07 Regulation by City	140.14 Application

140.01 PURPOSE AND RULE OF INTERPRETATION. The Council finds it necessary for the City to establish uniform rules and controls to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize streets and other public property for the delivery of utility or other services, in order to protect public and private investment, ensure orderly use of public property and ensure the health, safety, and welfare of the population, to provide for the regulation and administration of the public streets and other public property, and secure the rights of the City to a return on its investment in public property. This chapter is to be interpreted in light of these findings for the benefit of the public and users of the streets and other public property.

140.02 LICENSE AND LEASE REQUIRED. No person or other entity shall use the public right-of-way or other public property without first obtaining a license and lease from the City. An application for a license and lease shall be filed with the City Manager on a form provided by the City and shall include at a minimum the following information: the name, address, and telephone number of a person whom the City may notify or contact at any time concerning the license or lease; an engineering site plan showing the proposed location of the facilities including any manholes, the size, type and proposed depth of any conduit or other enclosures; and any additional information the City may require. All license and leases required by this section shall be granted by the Council.

140.03 COMPENSATION REQUIRED. No license or lease for the use of public right-of-way or other public property shall be granted without requiring the grantee thereof to pay reasonable and competitively neutral compensation for the nonexclusive use of public right-of-way or other public property. Compensation will be as follows:

1. License Charge. A license charge will be assessed on all licenses for space in the right-of-way. This license charge is a one-time charge for the term of the license or lease. Payment is expected when the license or lease is signed; however, a payment schedule may be entered into between the City and the licensee. If the license is renewed, a new license charge will be assessed. The fee is based on administrative and development costs associated with the processing and issuance of licenses and is established at \$500.00.
2. Lease Charge. All new and renewed leases shall be assessed an annual charge of five percent (5%) of the gross receipts of customers within the City limits as allowed by law. This charge reflects the actual costs the City incurs with acquiring and maintaining the City's right-of-ways.

3. Management Charge. An annual right-of-way management charge will be assessed on July 1 of each year that the license or lease is in force unless the above lease charge is applied. The charge is based on the number of linear feet of right-of-way occupancy within the City right-of-way, and reflects the actual management cost the City incurs while managing, mapping, locating, and subdividing the right-of-way. The fee is established at \$0.25 per linear foot.

4. Degradation Charge. In addition to the license, lease charge, and annual management charge, any person or other entity shall pay a charge every time such person's facility requires excavation in the right-of-way/street. All street and sidewalk crossings will be bored unless open excavation is authorized by the City representative. However, if excavation of streets/sidewalks is necessary and approved, this charge will cover costs for street and sidewalk degradation and future replacement, inspection, and obstruction and routing of pedestrian and vehicle traffic. The charge is established at twenty-five dollars (\$25.00) per square yard. Streets/sidewalks are to be replaced initially at the expense of the entity and approved by the City representative. All or part of this charge may be waived if work is done in conjunction with City construction.

140.04 LIMIT ON TERM. No license or lease for use of the public right-of-way or other public property shall be granted for a term exceeding five (5) years.

140.05 PLACEMENT OF FACILITIES. The facilities, fixtures, and equipment of the distribution, transmission, or sale of any utility services, or services provided under license, lease or easement, shall be placed and maintained so as not to unnecessarily or unreasonably interfere with travel on the streets, highways, avenues, alleys, bridges and public places in the City, nor shall such facilities, fixtures and equipment interfere with the proper use of the same, including, but not limited to, ordinary drainage, or the functioning of sewers, underground pipe or other property of the City. In the event that facilities, fixtures and equipment of any person or other entity located within a public right-of-way must be relocated because of paving, road construction or road reconstruction, sewer construction or sewer reconstruction, or the construction or reconstruction of public drainage systems or similar public works or the construction or reconstruction of the facilities of any City-owned utility, such relocation, at the written request of the City, shall be completed by the owner of such facilities at the owner's cost. The City shall, upon request of any person or other entity holding a license or lease, review any plans for the construction of facilities, fixtures and equipment within the public right-of-way and advise the person or other entity of any conflict such construction may have with planned or anticipated public improvements, but failure of the City to so advise such person or other entity will not relieve the owner of such facilities of its obligations under this chapter. Notwithstanding the foregoing, the City Manager may require placement of equipment or facilities belonging to any holder of a license or lease be limited to locations designated by the City Manager if such limitation is deemed to be necessary to protect the integrity of use of present and future users of the public right-of-way or other public property. In addition, all excavation or areas disturbed shall be brought back to original condition or better as determined by the City representative.

140.06 INDEMNIFICATION AND BOND. The holder of any license or lease shall indemnify and hold the City harmless at all times during the term of the license or lease from and against all claims for injury or damage to any person or property, including payments under worker's compensation laws, caused by the construction, erection, operation or maintenance of its facilities, fixtures or equipment, or the negligence of its contractors or its employees. In case of any suit or action at law being commenced against the City, upon any claim for damage

arising out of any loss, injury or damage claimed to have been caused by any installation, improvement, obstruction or excavation made or left in, under or upon such street, sidewalk, alley or public place by the holder of a license or lease, its agents, contractors or employees, upon being notified in writing by the City of such action or proceeding, the holder of said license or lease; and if any judgment or decree shall in any such case be rendered against the City therein, the holder of such license or lease shall assume, pay and satisfy such judgment or decree, with the cost thereof. Immediately upon issuance of the license or lease, the holder of the license or lease shall purchase general liability insurance. The amount of insurance shall be a minimum of one million dollars (\$1,000,000.00) with a maximum deductible of five thousand dollars (\$5,000.00) and provide the City with a 30-day notice of cancellation of this policy. The holder of the license or lease shall file with the City Manager a certificate of insurance that clearly discloses on its face coverage in conformity with these requirements and showing the City as co-insured. Upon request of the City, the holder of the license or lease shall submit a certified copy of the policy.

140.07 REGULATION BY THE CITY. The City reserves the right to make reasonable general regulations for the use of streets and other public property, which regulations, unless otherwise specifically provided, shall apply to any holder of a license or lease.

140.08 CONSTRUCTION AND EXCAVATION BY HOLDERS OF A LICENSE OR LEASE. Authorization or a written permit shall be obtained from the City representative whenever it becomes necessary for the holder of any license or lease to excavate in streets, right-of-way, or public grounds of the City. The City's requirement is to bore all streets and sidewalks unless deemed impractical by the City Manager. Such permits shall state a particular part or point of the street where the excavation is to be made and the length of time in which such permit shall authorize the work to be done. All work shall be done according to City specifications. An exception to a requirement for a permit shall be made in cases of emergency involving public safety, in which case a permit will be obtained at the earliest opportunity after the work has started. In making excavations in the streets, right-of-way, or public grounds, the holder of a license or lease shall properly protect, according to safety standards generally accepted at the time of placement, as may be determined from time to time by the City representative, all excavations and obstructions by proper placement of shoring, surface plates, barricades, warning lights, and such other or additional devices as circumstances may warrant. If in the opinion of the City representative such excavation or obstruction is not properly and safely protected, the City representative shall notify such holder of a license or lease who shall immediately comply with such reasonable instructions. Immediately after use, any trenches for excavations which the holder of a license or lease has opened shall be filled. However, no trench or excavation in the streets, right-of-way, or public grounds shall be filled or covered without giving the City the right and opportunity to inspect the same. If excavation is in a grassed area, sod replacement will be required unless seeding is acceptable as determined by the City representative. All backfilling in streets/sidewalks will be according to City specifications of at least ninety-five percent (95%) compaction. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curbs and gutters, or other portions of streets and rights-of-way or public places opened, disturbed or damaged shall be promptly restored by saw cutting the edges of the existing surface and replaced with like materials at the expense of the holder of the license or lease and left in as good condition or better than before the opening, disturbance, or damage occurred. In the event like replacement materials are not available, the holder of the license or lease shall notify the City representative, who must approve the use of any alternate materials. In the event that the holder of a license or lease fails to comply with the provisions of this section, after having been given reasonable notice, the City may do such works as may be needed to properly repair such

pavements, sidewalks, curbs and gutters, or other portions of streets and public places and the cost thereof shall be repaid to the City by the holder of the license or lease. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the holder of a license or lease shall replace that area as may be ordered by the City representative, which in no event shall exceed the panel or panels disturbed.

140.09 CITY CONSTRUCTION AND PAVING. Whenever the City shall pave or repave any street or sidewalk or change the grade line of any street or public place or construct or reconstruct any conduit, water main service or water connection, sanitary sewer, storm sewer, or other City-owned public works or City-owned utility, it shall be the duty of the holder of any license or lease, when so ordered by the City, to relocate its service lines and other property in the streets or other public places at its own expense so as to conform to the established grade or line of such street or public place and so as not to interfere with the public improvements so constructed or reconstructed. In the case of other public improvements, including (but not limited to) urban renewal projects, the City may require the holder of a license or lease to relocate its service lines and appurtenances in the streets at the owner's expense. The City may at its discretion assign personnel for inspection of excavation and related work being performed by the holder of a license or lease. Should the holder of the license or lease fail or refuse to do and perform the things provided in this section, the City may, after reasonable notice, perform the work and charge the expense thereof to the holder of the license or lease and the holder of the license or lease shall promptly pay said charges.

140.10 DESIGN NOTICE TO CITY. The holder of a license or lease shall promptly, upon request, furnish the City representative a detailed map or maps, including (but not limited to) dimensions of its distribution system and facilities both within the City limits and the area within two (2) miles surrounding the City unless that area is within another City. The holder of a license or lease shall thereafter update the map or maps at least annually or upon request, showing all subsequent additions or deletions to the distribution system. Prior to any excavation by the City or its agents, a representative must contact the holder of any license or lease regarding current information on the location of underground lines or facilities in the area concerned. The obligation to contact the holder of a license or lease under this section shall be satisfied if contact is made with a corporation organized pursuant to *Code of Iowa* Chapter 480 or an entity with a similar function utilized by both the City and the company, currently the Iowa One Call System.

140.11 ABOVE-GROUND CABLES, WIRES, CONDUITS AND POLES. All cables, wires and conduits shall be placed underground in conformance with City standards as currently practiced by the City.

140.12 ASSIGNMENT. No sale or assignment of any license or lease of the use of the public right-of-way or other public property shall be effective until it is approved by the City Council and until the holder thereof has filed in the office of the Clerk written notice of the proposed sale, transfer, disposition, or assignment, such notice to clearly summarize the proposed procedure and the terms and conditions thereof. Such approval by the City shall not be unreasonably withheld. The proposed vendee, assignee, or lessee shall similarly file an instrument, duly executed, reciting such proposal, accepting the terms of the license and lease and agreeing to perform all of the conditions thereof.

140.13 FORFEITURE. The violation of any material portion of a license or lease by the holder thereof or its successors or assigns, or its failure promptly to perform any of the

provisions of this chapter shall be cause for forfeiture of the license or lease and the termination of all rights thereunder. Such forfeiture shall be accomplished by ordinance of the City after written notice to the holder thereof and a continuation of the violation, failure, or default specified in the notice for at least thirty (30) days from the date the notice was served.

140.14 APPLICATION. This chapter shall apply to all licenses and leases granted by the City.

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CHAPTER 141

SUBSURFACE MOISTURE DRAINAGE REGULATIONS

141.01 Application
141.02 Definition
141.03 Prohibited Acts
141.04 Notice of Prohibited Discharge
141.05 Alternatives to Discharge Onto Public Areas

141.06 Emergency Conditions
141.07 Future Subdivisions
141.08 Sanitary Sewer
141.09 Additional Rules

141.01 APPLICATION. The provisions of this chapter apply to all subsurface or subsoil drainage or discharge from buildings or other structures, whether new or existing.

141.02 DEFINITION. “Subsurface or subsoil drainage system” includes but is not limited to drainage tiles, footing drains, drywell seepage pits, sump pumps, and any other structures or systems collecting subsoil or subsurface moisture for drainage, pumping, discharge, or removal to another location.

141.03 PROHIBITED ACTS.

1. No water collected by a subsurface or subsoil drainage system shall be discharged onto a public street, sidewalk, or alley, or onto any surface adjacent to a public street, sidewalk, or alley so as to permit the water discharged to drain upon a public street, sidewalk, or alley, if such discharge results in a buildup of ice, or presence or growth of moss, algae, or other vegetative growth on the street or sidewalk upon which the water is so discharged.
2. Any water collected by a subsurface or subsoil drainage system from any structures or buildings constructed after the effective date of the ordinance codified in this chapter shall be discharged into a drainage tile if such a tile exists adjacent to the owner’s property.

141.04 NOTICE OF PROHIBITED DISCHARGE. If prohibited discharge occurs, the City shall notify the offending property owner, specifying that prohibited discharge has occurred, and notifying the property owner that the property owner has 14 days in which to correct the problem and cease the prohibited discharge.

141.05 ALTERNATIVES TO DISCHARGE ONTO PUBLIC AREAS.

1. The property owner shall cease the prohibited discharge and implement other methods of disposal of the subsurface or subsoil drainage system discharge within 14 days of the date of notice from the City as provided in Section 141.04 above. The property owner may request an extension of time in which to implement a City-approved plan for alternative discharge.
2. If any discharge of water from a subsurface or subsoil drainage system is determined to cause a buildup of ice, or the presence or growth of moss, algae or other vegetative growth in violation of Section 141.03 above, the offending property owner may correct the problem discharge by such other suitable methods as may be available, such as discharge onto the property owner’s property. The property owner may also remedy the problem by discharging collected water from the subsurface or subsoil drainage system into a drainage tile.

3. If other acceptable remedies are not available, the property owner may request that the City consider installing drainage tile. The cost for any and all present or future property owners to connect to the City-installed drainage tile shall be \$400.00 per structure serviced by a subsurface or subsoil drainage system. In addition, the property owner will be required to make and maintain the necessary connection of the discharge to the City-installed drainage tile.

141.06 EMERGENCY CONDITIONS. No offense shall be charged and no fine levied under this chapter for prohibited discharge during periods of community emergency caused by extraordinarily high levels of precipitation.

141.07 FUTURE SUBDIVISIONS. All plans for new subdivisions within the City of Sioux Center shall include adequate provisions for the disposal of subsurface or subsoil drainage system discharge, such as drainage tile to accept discharge. Adequate plans shall not allow for discharge onto any public street, sidewalk, or alley. The City Council will not approve or accept any subdivision plans after the effective date of the ordinance codified in this chapter which does not make adequate provision for disposal of subsurface or subsoil drainage system discharge. Any structures, facilities, or systems included to provide discharge or disposal shall be installed at the developer's expense.

141.08 SANITARY SEWER. Nothing in this section shall be construed to allow discharge into the City's sanitary sewer system in violation of Section 97.01 of this Code of Ordinances.

141.09 ADDITIONAL RULES. The City Council shall have authority to establish by resolution such other and further rules and regulations as may be necessary to clarify and implement the requirements of this chapter.

CHAPTER 142

CONTROL OF STORM WATER DRAINAGE

142.01 Purpose	142.04 When a Detention Variance is Granted
142.02 Three Levels of Surface Drainage Requirements	142.05 Building Construction
142.03 Acceptable Temporary Detention	

142.01 PURPOSE. The purpose of this chapter is to set requirements for the control of storm water drainage in connection with the construction of impervious surface area such as hard surface parking, driveways, building roofs, etc. It must be recognized that the flow of surface water is greatly increased with the construction of impervious surface area as compared to the original vegetation ground cover. It must also be recognized that underground storm sewer drainage is normally designed at a capacity level of two inches per hour. When rainfall events exceed storm sewer capacity, swales or other surface grade provisions must be made around buildings to accommodate excess runoff. This is imperative for lots that are located in a natural water course.

142.02 THREE LEVELS OF SURFACE DRAINAGE REQUIREMENTS. There are three levels of surface drainage requirements listed hereafter. The applicable level is based upon the square feet of impervious surface on a contiguous site (not separated by public right-of-way). The impervious surface area is the square footage of the proposed improvement or combination of existing and proposed impervious surface area on the site. Credit will be allowed if an existing impervious surface area is replaced with another surface within one year. The replaced square footage will be deducted from the total square footage of the new impervious area.

1. Level 1: 0 – 7,000 square feet of impervious surface area. Storm water runoff to be reduced by using reasonably acceptable measures.
2. Level 2: 7,001 – 30,000 square feet impervious surface area. Allowable runoff from the site shall be equal to that of a rainfall intensity of two inches per hour for residential development. When the calculated allowable runoff is exceeded, storm water detention must be designed with a minimum capacity of 50% of the difference between the allowable runoff and a 100-year rainfall event. Also, the site plan must clearly describe where storm water that is not detained will flow off the site. A partial or full variance may be granted, with conditions, by the City only if detention is determined to be unnecessary or impractical.
3. Level 3: Above 30,000 square feet impervious surface area. Allowable runoff from the site shall be equal to that of a rainfall intensity of two inches per hour for residential development. When the calculated allowable runoff is exceeded, storm water detention must be designed with a minimum capacity of 100% of the difference between the allowable runoff and a 100-year rainfall event. Also, the site plan must clearly describe where storm water that is not detained will flow off the site. A partial or full variance may be granted, with conditions, by the City only if detention is determined to be unnecessary or impractical. Calculations must be certified by a professional engineer licensed in the State of Iowa and familiar with storm water detention calculations.

142.03 ACCEPTABLE TEMPORARY DETENTION. Acceptable temporary detention may include but is not limited to: on- or off-site detention, on- or off-site absorption areas, joint detention for multiple properties, and provisions made for entire subdivisions.

142.04 WHEN A DETENTION VARIANCE IS GRANTED. When a partial or full detention variance is granted, a fee shall be applied to compensate the City for its costs of making drainage improvements related to the additional surface runoff. The fee calculation shall be six dollars (\$6.00) per cubic foot of storm water detention excused by the variance. The fee shall be paid upon completion of construction.

142.05 BUILDING CONSTRUCTION. When building construction takes place on property located in or near a natural surface water drainage area or swale, provisions must be made for excess surface water flows. Any building placed in such an area must be constructed with adjoining grade at least 6" above the elevation of any downstream surface constraint. In addition, adequate swale provisions must be constructed on the property to allow excess runoff water to flow around the building without blocking or unreasonably restricting surface flows in the natural drainage area.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish; Municipal Infraction
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Mayor or the City Code Enforcement Officer is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures that are structurally unsafe or not provided with adequate egress, or 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.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (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 SIOUX CENTER, IOWA." Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost

[†] **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.

of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 147

RENTAL INSPECTION PROGRAM

147.01 Purpose
147.02 Definitions
147.03 Enforcement
147.04 Permit Required
147.05 Expiration of Permit

147.06 Transfer of Ownership
147.07 Rental Inspection
147.08 Violations
147.09 Appeals
147.10 Municipal Infraction

147.01 PURPOSE. It is the purpose of this ordinance to establish a rental housing inspection program within the City of Sioux Center in order to protect, preserve and promote the physical health and social well-being of the citizens. The purpose of this ordinance is also to prevent and control the incidence of communicable diseases, to reduce environmental hazards to the health of citizens, to regulate rental dwellings for the purpose of maintaining adequate sanitation and safe conditions, and to protect the safety of citizens.

147.02 DEFINITIONS. The following definitions shall apply for purposes of this ordinance:

1. “Rental unit” shall mean any building or portion thereof which is allowed to be occupied by one or more persons as a dwelling space which includes one or more of the following activities: sleeping, eating, or general habitation for which as a condition of occupying the space, the renter or renters exchange cash or other valuable consideration for the right to occupy the space.
2. “Exempt rentals” shall mean rental units that are inspected by a third-party organization and are recognized by the City office.
3. “Newly constructed units” shall mean any unit that has been newly constructed and been granted a Certificate of Occupancy within the last year.
4. “Major violation” shall mean a violation of the Property Maintenance Code that if allowed to remain as found would constitute an immediate threat to the safety of those living in the home. (Examples of major violations would include but are not limited to: improper venting of combustion air, missing or inoperable smoke detectors, improper electrical wiring or equipment, lack of or damaged water heater.)
5. “Tenant/renter” shall mean a person or group occupying a unit.
6. “Owner/landlord” shall mean person or persons who are responsible for the renting or leasing or rental units and may include the owners of such property or their designated representative.
7. “Owner representative” shall mean a person who is appointed by a rental property owner to act as the property manager if the owner is unavailable. The owner’s representative should be able to provide a City inspector access to the entire property for inspections and be at least 18 years old.

147.03 ENFORCEMENT. The Code Enforcement Department is hereby designated as the City department having responsibility to enforce this ordinance and the City Zoning Administrator and Code Enforcement Director are hereby authorized to take actions as necessary to enforce the provisions of this ordinance.

147.04 PERMIT REQUIRED. Any person or entity wishing to engage in the renting of dwelling units shall first obtain a rental permit from the City of Sioux Center. This permit shall be made available to any authority or tenant upon request.

1. No person shall rent or lease any dwelling unit or any portion of a dwelling unit until they have received a valid rental permit from the City of Sioux Center.
2. It is the responsibility of the property owner or owner's representative to ensure that the rental has been inspected and granted a rental permit. Failure to obtain a rental permit or renew a rental permit will result in a notice being sent to the property owner that the rental is not in compliance and may result in legal action.
3. Rental units that are found to be exempt rentals are not required to be registered or inspected as part of the rental inspection program.
4. Rental units that qualify as newly constructed units must be registered before they are occupied. The final inspection of the building permit process will serve as the first inspection of the rental inspection program.
5. Failure to register any rental property within ninety (90) days of adoption of this policy will result in the property being in violation and required to pay all fines or municipal infraction penalties related the failure to register.
6. Rental permits will be valid for only one (1) property. For properties that have multiple rental units the permit shall be valid for the entire property, but not more than one (1) property.
7. A rental permit or the renewal of a rental permit may be denied or revoked if the property owner has one or more rentals in which the property has been cited for violations of the Sioux Center City Code. Prior violations that have been corrected shall not be held against any rental. If the rental property has three (3) or more nuisance violations within a twelve (12) month period, the City may choose to deny or revoke the rental permit.

147.05 EXPIRATION OF PERMIT. Every rental permit issued by the Code Enforcement Department under the provisions of this ordinance shall be valid for one (1) year. Permits that are revoked as herein provided shall be null and void at time of revocation. Permits that have not been renewed before the expiration date will be subject to a thirty (30) day renewal period. If at the end of the thirty (30) day renewal period the permit has not been renewed, the rental dwelling is then no longer considered an existing rental and must be re-registered as a new applicant.

147.06 TRANSFER OF OWNERSHIP. If ownership of a rental property is transferred to a new owner, the new owner is responsible for registering the rental property and paying registration fees before the property can be rented. No refunds will be given to property owners for a partial year's registration. If the new owner does not register the rental property within the first thirty (30) days of acquiring title to the property, there shall be a late fee of fifty dollars (\$50.00) added to the registration fee.

147.07 RENTAL INSPECTION. The Code Enforcement Department shall inspect all dwellings on a regular basis and in accordance with inspection policies established by the Code Enforcement Department. The Code Enforcement Department shall inspect all rental dwellings for conformity with all current applicable building codes adopted by the City of Sioux Center, as incorporated into the inspection checklist developed by the Code Enforcement Department.

The Code Enforcement Department shall not be responsible to inspect for noise complaints, rental agreements, or the presence of asbestos, lead-based paint, or mold.

147.08 VIOLATIONS. Whenever a property or portion of a property being governed by the provisions of this ordinance is found to have a major violation the Code Enforcement Department may order repairs to remedy the violation by written letter to be delivered by certified mail. The code official may order such use of property or portion of property to be discontinued and vacated until violation is corrected. Notice to vacate and removal of tenant shall be carried out according to Iowa law.

147.09 APPEALS. An owner or an owner's representative that wishes to appeal a notice of violation or any other action of the Code Enforcement Department in enforcing this ordinance may do so by completing an application for appeal to the City of Sioux Center's Board of Adjustment.

147.10 MUNICIPAL INFRACTION. If a property remains in violation after notice of the violation is given and time to correct the violation has expired, such violation shall constitute a municipal infraction and the Code Enforcement Department may file a municipal infraction action against the property owner as set forth in Chapter 3 of the Sioux Center Code of Ordinances.

(Ch. 147 – Ord. SC-O-07-17 – Jan. 19 Supp.)

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions
150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “right-of-way parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any right-of-way parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the right-of-way parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. Spacing. Trees shall not be planted on any right-of-way parking that is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree unless permission from the City is given. Trees shall not be planted closer than forty-five (45) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees overhanging the sidewalks trimmed so that all branches will be at least eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The City shall cause to be inspected any trees or shrubs reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the City may cause such condition to be corrected by treatment or removal. The City may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the City shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the City may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 155

BUILDING CODES

155.01 Building Code Adopted
155.02 Residential Code Adopted
155.03 Fire Code Adopted
155.04 Existing Building Code Adopted
155.05 Plumbing Code Adopted
155.06 Mechanical Code Adopted
155.07 Energy Conservation Code Adopted
155.08 Fuel Gas Code Adopted

155.09 Housing and Property Code Adopted
155.10 Private Sewage Disposal Code Adopted
155.11 Swimming Pool and Spa Code Adopted
155.12 Electric Code Adopted
155.13 Penalty for Violations
155.14 Permit Fees
155.15 Stop Work Orders

155.01 BUILDING CODE ADOPTED. *International Building Code*, 2018 edition, including Appendix Chapters C, E, F, G, H, I, and J (see *International Building Code* Section 101.2.1, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Sioux Center, in the State of Iowa for regulating and 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 as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part of hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.01(1) of this ordinance.

1. The following sections are hereby revised:
 - A. Section 101.1 Insert: The City of Sioux Center
 - B. Section 1612.3 Insert: The City of Sioux Center
 - C. Section 1612.3 Insert: September 2, 1988

155.02 RESIDENTIAL CODE ADOPTED. *International Residential Code*, 2018 edition, including Appendix Chapters A, B, C, E, F, G, H, J, M, N, O, and P, (see *International Residential Code* Section R102.5, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Sioux Center, in the State of Iowa for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single- family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.02(1).

1. The following sections are hereby revised:
 - A. Section R101.1 Insert: The City of Sioux Center,
 - B. Section R105.2 Item 1. Delete 200 sq. ft. Insert 120 sq. ft.

C. Table R301.2(1) Insert: Ground Snow Load = 35 pounds per square foot; Wind Design: Speed = 115, Topographical Effects = No, Special Wind Region = No, Wind Blown Debris Zone = No; Seismic Design Category = A; Subject to Damage from: Weathering = Severe, Frost Line Depth = 42 inches, Termite = Slight to Moderate; Winter Design Temperature = -10 degrees Fahrenheit; Ice Barrier Underlayment Required = Yes; Flood Hazards = September 2, 1988; Air Freezing Index = 2300; Mean Annual Temperature = 46 degrees Fahrenheit.

D. Section R313 Delete Entire Section R313 "Automatic Fire Sprinkler Systems"

E. Section P2603.5.1 Insert: 48 inches in two locations

155.03 FIRE CODE ADOPTED. *International Fire Code*, 2018 edition, including Appendix Chapters B, C, D, F, I, and J (see *International Fire Code* Section 101.2.1, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Sioux Center, in the State of Iowa regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.03(1) of this ordinance.

1. That the following sections are hereby revised:

- A. Section 101.1 Insert: City of Sioux Center
- B. Section 109.4 Insert: See Section 155.13 of this Code
- C. Section 111.4 Insert: See Section 155.13 of this Code

155.04 EXISTING BUILDING CODE ADOPTED. *International Existing Building Code*, 2018 edition, including Appendix Chapters A, B, and C (see *International Existing Building Code* Section 101.6, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Sioux Center, in the State of Iowa for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.04(1) of this ordinance.

1. The following sections are hereby revised:

- A. Section 101.1 Insert: City of Sioux Center
- B. Section 1401.2 Insert: January 27, 2016

155.05 PLUMBING CODE ADOPTED. *International Plumbing Code*, 2018 edition, including Appendix Chapters C, and E as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Sioux Center, in the State of Iowa

regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.05(1) of this ordinance.

1. The following sections are hereby revised:
 - A. Section 101.1 Insert: City of Sioux Center
 - B. Section 106.6.2 Insert: See Section 155.14
 - C. Section 106.6.3 Insert: 100% in two locations
 - D. Section 108.4 Insert: See section 155.13 of this Code
 - E. Section 108.5 Insert: See section 155.13 of this Code
 - F. Section 305.4.1 Insert: 48 inches in two locations
 - G. Section 903.1 Insert: 12 inches

155.06 MECHANICAL CODE ADOPTED. *International Mechanical Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Sioux Center, in the State of Iowa regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.06(1) of this ordinance.

1. The following sections are hereby revised:
 - A. Section 101.1 Insert: City of Sioux Center
 - B. Section 106.5.2 Insert: See Section 155.14 of this code
 - C. Section 106.5.3 Insert: 100% in two locations
 - D. Section 108.4 Insert: See Section 155.13 of this code
 - E. Section 108.5 Insert: See Section 155.13 of this code

155.07 ENERGY CONSERVATION CODE ADOPTED. *International Energy Conservation Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Sioux Center, in the State of Iowa for regulating and governing energy-efficient building envelopes and installation of energy-efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.07(1) of this ordinance.

1. The following sections are hereby revised:

- A. Section C101.1 Insert: City of Sioux Center
- B. Section R101.1 Insert: City of Sioux Center
- C. Table R402.1.2 Insert: R-20 in Climate Zone 6 for Wood Framed Wall R-Value
- D. Section R402.4.1.2 Air changes per hour for climate zone 7: Delete 3; Insert 4
- E. Section R403.3.4 Delete 4cfm; Insert 6cfm
- F. Section R403.3.5 Delete section; Insert: Building cavities shall not be used as supply ducts or plenums. Building framing cavities may be used as return ducts provided that ducts have been tested for leakage in accordance with Section R403.3.4 and cavity is not located on an exterior wall.

155.08 FUEL GAS CODE ADOPTED. *International Fuel Gas Code*, 2018 edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Sioux Center in the State of Iowa for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.08(1) of this ordinance.

- 1. The following sections are hereby revised:
 - A. Section 101.1 Insert: City of Sioux Center
 - B. Section 106.6.2 Insert: See Section 155.14 of this code
 - C. Section 106.6.3 Insert: 100% in two locations
 - D. Section 108.4 Insert: See Section 155.13 of this code
 - E. Section 108.5 Insert: See Section 155.13 of this code

155.09 HOUSING AND PROPERTY CODE ADOPTED. *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Sioux Center, in the State of Iowa for regulating and 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.09(1) of this ordinance.

- 1. The following sections are hereby revised:
 - A. Section 101.1 Insert: City of Sioux Center
 - B. Section 103.5 Insert: See Section 155.14 of this Code

- C. Section 112.4 Insert: See Section 155.13 of this Code
- D. Section 302.4 Insert: 6 inches
- E. Section 304.14 Insert: April 1 to October 31
- F. Section 602.3 Insert: September 1 to June 30
- G. Section 602.4 Insert: September 1 to June 30

155.10 PRIVATE SEWAGE DISPOSAL CODE ADOPTED. *International Private Sewage Disposal Code*, 2018 edition, including Appendix Chapters A, and B (see *International Private Sewage Disposal Code*, Section 101.2.1, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Private Sewage Disposal Code of the City of Sioux Center, in the State of Iowa regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Private Sewage Disposal Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.10(1) of this ordinance.

1. The following sections are hereby revised:
 - A. Section 101.1 Insert: City of Sioux Center
 - B. Section 106.4.2 Insert: See Section 155.14 of this Code
 - C. Section 106.4.3 Insert: 100% in two locations
 - D. Section 108.4 Insert: See Section 155.13 of this Code
 - E. Section 108.5 Insert: See Section 155.13 of this Code
 - F. Section 405.2.5 Insert: April 1, May 1, June 1
 - G. Section 405.2.6 Insert: April 1

155.11 SWIMMING POOL AND SPA CODE ADOPTED. *International Swimming Pool and Spa Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Pool and Spa Code of the City of Sioux Center, in the State of Iowa regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Pool and Spa Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.11(1) of this ordinance.

1. The following sections are hereby revised:
 - A. Section 101.1 Insert: City of Sioux Center
 - B. Section 105.6.2 Insert: See Section 155.14
 - C. Section 105.6.3 100% in two locations
 - D. Section 107.4 Insert: See Section 155.13 of this Code

E. Section 107.5 Insert: See Section 155.13 of this Code

155.12 ELECTRIC CODE ADOPTED. *National Electric Code*, 2017 edition, as published by the National Fire Protection Association, be and hereby adopted as the Electric Code of the City of Sioux Center, in the State of Iowa for the purpose in the practical safeguarding of persons and property from hazards arising from the use of electricity; and containing provisions that are considered necessary for safety; compliance therewith and proper maintenance results in an installations that is essentially free from hazard but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use; and each and all of the regulations, penalties, conditions and terms of said Electric Code on file in the office of the City of Sioux Center are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 155.12(1) of this ordinance.

1. The following sections are hereby revised:

A. 210.8 Paragraph (A), Subparagraph (2) Insert:

- (1) Exception No. 1 to receptacles that are not readily accessible.
- (2) Exception No. 2 to a single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- (3) NOTE: Receptacles installed under exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

B. 210.8 Paragraph (A), Subparagraph (5) Insert:

- (1) Exception No. 2 to (5): Receptacles that are not readily accessible.
- (2) Exception No. 3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- (3) Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

C. 210.12(B) Delete section

D. 220.12 Delete the exception to Section 220.12 and insert in lieu thereof the following exception:

EXCEPTION: Where the building is designed and constructed to comply with an energy code adopted by the local authority, the lighting load shall be permitted to be calculated at the values specified in the energy code.

E. 504.1(5) Delete section 406.4(D)(4)

155.13 PENALTY FOR VIOLATIONS. Any person who violates any provision of the codes adopted by this chapter shall be deemed guilty of a misdemeanor, and shall be punished

as provided in Section 1.14 of this Code of Ordinances. Each day such violation shall continue shall be deemed a separate offense.

155.14 PERMIT FEES. The amounts to be charged for the issuance of permits and the performance of inspections as required by the technical codes adopted by this chapter shall be as determined by the Council from time to time and on file in the office of the code enforcement official.

155.14 STOP WORK ORDERS. Upon notice from the code enforcement official that work on any building or structure is being done contrary to the provisions of this chapter or any technical code adopted herein, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to said owner's agent or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the code enforcement official.

(Ch. 15 – Ord. SC-O-04-15 – Jan. 19 Supp.)

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CHAPTER 165

SUBDIVISION REGULATIONS

165.01 Short Title	165.15 Design Standards for Lots
165.02 Purpose	165.16 Monuments
165.03 Jurisdiction	165.17 Improvements
165.04 Definitions	165.18 Re-Subdivisions
165.05 Pre-Application	165.19 Required Improvements
165.06 Preliminary Plat Approval	165.20 Requirements for Installation of Utilities
165.07 Final Plat Approval	165.21 Specifications
165.08 Plats Outside Corporate Limits	165.22 Acceptance
165.09 Preliminary Plat Data	165.23 Improvements Within Extraterritorial Jurisdiction
165.10 Final Plat Data	165.24 School and Park Dedications
165.11 Design Standards Generally	165.25 Fees
165.12 Design Standards for Streets	165.26 Variances
165.13 Design Standards for Easements	165.27 Enforcement
165.14 Design Standards for Blocks	165.28 Amendments

165.01 SHORT TITLE. This chapter may be known and cited as the “Subdivision Regulations of Sioux Center, Iowa.”

165.02 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare of the public.

165.03 JURISDICTION. In accordance with the provisions of Chapter 354 of the *Code of Iowa* and amendatory acts thereto, this chapter is adopted by the City, governing the subdivisions of all lands within the corporate limits of the City and, pursuant to Section 354.9 of the *Code of Iowa*, all lands within two (2) miles of its corporate limits.

165.04 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined.

1. “Access street” means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; and the exterior boundary or boundaries of the subdivision.
3. “Building lines” shall be shown on all lots intended for residential use of any character, and for commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
4. “City Engineer” means any duly qualified person designated by the Council.
5. “Collector streets” are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

6. "Commission" means the Planning and Zoning Commission of the City.
7. "Cul-de-sac" means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
8. "Easement" means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land, subject to such easement, which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees that interfere with the use of such easement.
9. "Engineer" means a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.
10. "Half street" means a one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the City for future development when another subdivision is platted along the side of the half street.
11. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
12. "Lot of record" means a lot that is a part of a legal subdivision of the City, the plat of which has been recorded in the office of the County Recorder, or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder.
13. "Major thoroughfare" means a street used primarily for fast, or high volume of traffic.
14. "Minor street" means a street used primarily for access to the abutting properties.
15. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full costs of the improvements that are required by this chapter, said cost being estimated by the City Engineer, and said improvements will be constructed in accordance with this chapter.
16. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.
17. "Right-of-way" means the area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
18. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, that portion from back to back of curbs.
19. "Subdivision" means a subdivision of land into three (3) or more lots for the purpose, whether immediate or future, or transfer of ownership or building development or any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land, and as further defined in Chapter 354, *Code of Iowa*.

20. "Surveyor" means a registered surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa.

165.05 PRE-APPLICATION. Prior to the subdivision of any land the subdivider or the subdivider's agent should discuss informally with the Commission the property proposed for subdivision, with reference to these subdivision regulations and procedures, zoning regulations and controls, and planning documents.

165.06 PRELIMINARY PLAT APPROVAL. In obtaining preliminary approval of a proposed subdivision by the City, the subdivider shall submit a preliminary plat in accordance with the following procedure:

1. The subdivider shall first prepare and file with the City Clerk six (6) copies of a preliminary plat conforming in detail to the requirements set forth in this chapter. Eight (8) copies of the preliminary plat shall be submitted for subdivisions within the extraterritorial limits of the City.

2. The City Clerk shall forthwith refer two (2) copies to the City Engineer and two (2) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the City Clerk shall refer two (2) copies of the preliminary plat to the County Board Of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.

3. The City Engineer shall carefully examine said plat as to its compliance with the laws and ordinances of the City, the existing street system, sound engineering practices, and shall submit such findings in duplicate to the Commission.

4. After receiving the City Engineer's report and any comments from the County in relation to those subdivisions outside the corporate limits, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by the subdivider. The Commission shall approve or reject such plan within thirty (30) days after the date of submission thereof to the Commission. If the Commission does not act within 30 days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one hundred eighty (180) days after date of approval. The Planning and Zoning Commission shall inform the local school and park boards of the proposed subdivision, and receive information from them before making any final decision.

5. Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given at least seven (7) days prior to the public hearing.

6. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations.

7. Approval of the preliminary plat by the Commission is revocable and does not constitute final plat approval of the subdivision by the Council or the Council's authorization to proceed on construction of improvements within the subdivision.

165.07 FINAL PLAT APPROVAL. In obtaining approval of a proposed subdivision by the City, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as listed in Section 165.10 of this chapter necessary for the detailed engineering consideration of the improvements required under this chapter and obtain approval of the City Engineer, which shall be endorsed thereon.
2. The final plat shall be filed in duplicate together with a certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.
3. The Commission shall then consider the final plat and shall submit their recommendation to the City Council, together with a certified copy of their resolution showing action of the City Planning and Zoning Commission.
4. The City Council shall then consider the plat and if the same is acceptable and in accordance with this chapter, the Council may accept the same. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
5. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting or the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder, as provided in Chapter 354, *Code of Iowa*, and amendatory acts thereto, and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.

165.08 PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within two (2) miles of the corporate limits shall be the same as set out in subsections 165.06(1) and (2) above, except that eight (8) copies of the plat shall be filed with the City Clerk, and the Clerk shall refer one copy to the County Engineer and one copy to the County Board of Supervisors and request their recommendations to be submitted to the City Planning and Zoning Commission. The Commission shall have thirty (30) days to submit a recommendation to the Council and shall not take action on the plat prior to receiving the recommendations by the County, provided that the County shall submit its recommendations within thirty (30) days after the referral of the plat to the County Engineer and County Board of Supervisors.

165.09 PRELIMINARY PLAT DATA. The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or the subdivider's representative, may call at the City offices in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. The required number of copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be 100 feet to one inch, and placed on a drawing, the dimensions of which will be 18 inches by 24 inches. A scale other than one inch to 100 feet may be used if prior approval is obtained from the Commission and County Recorder.

2. Contents of Preliminary Plat.
 - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted;
 - B. Name and address of recorded owner and of developer;
 - C. Name and address of engineer and/or land surveyor;
 - D. Existing buildings, railroads, underground utilities, and other rights-of-way;
 - E. Location, names, and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided;
 - F. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels;
 - G. Proposed lot lines with approximate dimensions and the square foot area of irregularly shaped lots;
 - H. Areas proposed for public use, such as schools, parks, and playgrounds;
 - I. Contour lines at intervals of not more than five (5) feet;
 - J. Building setback lines;
 - K. Boundaries of the proposed subdivision shall be indicated by a heavy line;
 - L. Zoning classification of the area;
 - M. Proposed utility service, including location and size or capacity:
 - (1) Source of water supply;
 - (2) Provision for sewage disposal;
 - (3) Provision for storm water drainage, including proposed storm sewers, ditches, culverts, bridges, and other structures;
 - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings;
 - O. Lot and block numbers.
3. Accompanying Material:
 - A. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat; such tests shall be made in accordance with specifications approved by the City Engineer.
 - B. Restrictions proposed, if any, shall be included in the owner's dedication of the plat.
 - C. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision.
 - D. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements required by this chapter. Such statement shall acknowledge required inspections and approvals by the City Engineer.

165.10 FINAL PLAT DATA. The final plat may include all or part of the preliminary plat.

1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be 100 feet to one inch, and placed on a drawing the dimensions of which will be 18 inches by 24 inches. A scale other than one inch to 100 feet may be used if prior approval is obtained from the Commission and County Recorder.
2. Contents of Final Plat. The final plat shall contain the following:
 - A. A survey of the tract including angles and accurate boundary lines, with dimensions to the nearest 1/100 foot; the error of closure shall be not more than one foot in 10,000 feet on the boundary, and one foot in 5,000 feet for any individual lot.
 - B. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
 - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - D. Accurate metes and bounds description of the boundary.
 - E. Street names.
 - F. Complete curve notes for all curves included in the plat.
 - G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
 - H. Lot and block numbers and dimensions.
 - I. Accurate locations and descriptions of easements for utilities and any limitations on such easements.
 - J. Accurate dimensions for any property to be reserved for public, semipublic, or community use.
 - K. Building lines and dimensions.
 - L. Location, type, material and size of all monuments and markers.
 - M. Name of the subdivision.
 - N. Name and address of owners and subdivider.
 - O. North point, scale and date.
 - P. Certification by a registered land surveyor of the State of Iowa.
3. Accompanying Material.
 - A. Plan and profiles of all streets and alleys at a 50-foot horizontal scale and 5-foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end profile shall be at the left side of the drawing.

- B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- C. A dedication to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use, except for areas outside the corporate limits.
- D. The following certificates:
 - (1) A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
 - (2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
 - (3) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
 - (4) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.
 - (5) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- E. Drainage plans for the positive removal of storm water.

165.11 DESIGN STANDARDS GENERALLY. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

165.12 DESIGN STANDARDS FOR STREETS.

1. Comprehensive Plan. All proposed plats and subdivision shall conform to the comprehensive plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.
2. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets that are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than sixty (60) feet in width, and in similar alignment, unless variations are recommended by the Commission.
3. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
4. Street Intersections. Street intersections shall be as nearly at right angles as possible.
5. Cul-De-Sac. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 100 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 60 feet. The property lines at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than 120 feet; or equal straight approach lines. A turnaround diameter greater than 100 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
6. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would lend themselves to attractive treatment.
8. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
9. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.
10. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
11. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

12. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic-way, the street layout shall provide motor access to such frontage by one of the following means:

- A. A parallel street supplying frontage for lots backing onto the traffic-way.
- B. A series of culs-de-sac or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the traffic-way.

13. Dedication. A dedication to the City shall be given for all streets before the same will be accepted for City maintenance.

14. Street Grades. Streets and alleys shall be completed to grades that have been officially determined or approved by the City. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates or grades, or greater, if deemed necessary by the City; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City.

15. Street Rights-of-Way and Widths. Minimum rights-of-way shall be provided as follows:

- A. Arterials and primary extensions – 100 feet;
- B. Major streets – 80 feet;
- C. Residential streets – 70 feet;
- D. Minor streets – 60 feet;
- E. Cul-de-sac – 100 feet in diameter;
- F. Alleys – 20 feet;

All streets shall have a width and cross section as indicated by current City specifications.

16. Other Considerations.

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
- B. Street jogs of less than 200 feet shall be avoided.
- C. No dead-end streets or alleys will be permitted except at subdivision boundaries.

D. Major and collector streets in a subdivision shall extend through to the boundaries thereof.

E. Intersection of more than two (2) streets at a point shall not be permitted.

F. Alleys shall not be permitted in residential areas but may be provided in commercial and industrial areas as determined by the Commission.

G. Dedication of half streets shall not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted.

165.13 DESIGN STANDARDS FOR EASEMENTS.

1. Easements not less than ten feet in width shall be provided along each side of the rear lot lines of all lots, and along such other lot lines as may be required by public and private utility companies, or as may be required by the Commission.

2. Easements of greater width may be required for utility placement.

3. Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.

4. Whenever any stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of 20 feet on each side plus stream design width and a total width adequate to provide any necessary channel straightening or relocations.

165.14 DESIGN STANDARDS FOR BLOCKS. No block shall be longer than 1,320 feet.

165.15 DESIGN STANDARDS FOR LOTS.

1. Corner lots shall be not less than 20 feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.

2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots.

3. Each lot shall be provided means of a public street with satisfactory access to an existing public street, except in the (GC) zoning district.

4. Each lot shall be provided with not less than 40 feet of access frontage to a public street.

5. No lot shall be less in size or shape than required to provide an adequate building site in compliance with this chapter.
6. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - A. Lots that cannot be reasonably served by an existing public sanitary sewer system and public water mains, shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet or the minimum permitted by the zoning ordinance, whichever is larger.
 - B. Lots that are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of 10,000 square feet or the minimum permitted by the zoning ordinance, whichever is larger.
7. Side lot lines where possible shall be at right angles or radial to the street lines.

165.16 MONUMENTS.

1. Concrete monuments at least 36 inches long and four inches square with a suitable center point shall be set at all boundary corners of the plat, except in cases where it is deemed clearly unreasonable or infeasible by the Commission. These monuments shall be described in relation to the standard subdivision lines of the section to which the monument is placed.
2. Iron pin or pipe monuments three-fourths inch in diameter and 36 inches long or suitable concrete markers shall be placed at all points on boundary lines where there is a change of direction and at all lot corners.

165.17 IMPROVEMENTS. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warranty the design, material and workmanship of such improvements, installation, and/or construction for a period of two years from and after completion. Such warrant shall be by bond or other acceptable collateral, shall be subject to review by the City Attorney, shall specifically assure the expedient repair or replacement of defective improvements under warranty, and shall indemnify the City from any and all costs or losses resulting from or attributed to such defective improvements. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the subdivider and the City. This requirement may be waived if the subdivider will post a performance bond or certified check with the City, guaranteeing that said improvements will be constructed within a period of two years from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City. If a performance bond is posted, such bond shall be subject to review by the City Attorney prior to acceptance, shall specifically assure the expedient installation and completion of all improvements within the specified construction time period, and shall indemnify the City from any and all costs or losses of the development and construction. The Council may waive the requirements of this chapter for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way

to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

165.18 RE-SUBDIVISIONS. The Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of re-subdivisions where only the size, shape, or arrangement of the lots is being changed and no new streets are required and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

165.19 REQUIRED IMPROVEMENTS. All plans, specifications, installation, and construction required by this chapter shall be subject to the review, approval, and inspection by the City Engineer or other authorized City representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the City Engineer not less than 24 hours in advance of readiness for required inspections.

1. **Grading.** All streets and alleys within the platted area which are being dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendations of the City Engineer. Such improvements may be cost-shared by the City subject to current Council policy, such policy being adopted by resolution. The cost of improvements outside the City limits shall be subject to current County policy, such policy being adopted by resolution.

2. **Sanitary Sewers.** The subdivider shall at his or her expense provide the subdivision with a gravity sanitary sewer system including all necessary pumping stations, force mains, lot services, pumping equipment and other appurtenances, approved by the City Council, which shall connect with a sanitary sewer outlet or treatment facility. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers to adjacent property. Within the City limits, the construction of lift stations and force mains may be cost-shared by the City, subject to current Council policy, such policy being adopted by resolution. The cost of lift stations and force mains outside the City limits shall be subject to current County policy, such policy being adopted by resolution.

3. **Storm Drains.** The subdivider shall at his or her expense provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide the collection and removal of all surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension to adjoining properties. Where oversized storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost may be cost-shared by the City or assessed on an area basis to the properties served, subject to current City Council policy, such policy being adopted by resolution. Improvements outside the City limits shall be subject to current County policy, such policy being adopted by resolution.

4. **Water.** Within the City limits the construction of the water system may be cost-shared by the City, subject to current City Council policy, such policy being passed by resolution. The cost of improvements outside the City limits shall be subject to current County policy, such policy being adopted by resolution.

5. **Curb and Gutter.** The subdivider shall at his or her expense install curb and gutter on all streets in the plat being dedicated for public use. Curb and gutter shall be

constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.

6. **Surfacing.** The subdivider shall at his or her expense surface all streets being dedicated for public use from curb to curb. Surfacing shall be constructed in accordance with current City designs and specifications, and at grades approved by the City Council. Where a surface width in excess of 31 feet is required, the cost of the additional surface width, which shall be assumed to be the center portion of the roadway surface may be standard or greater thickness of street surface is deemed necessary by the City Council than is herein required, the additional cost may be borne by the City, according to current City Council policy, such policy being adopted by resolution.

7. **Markers or Monuments.** The subdivider shall at his or her expense place markers or monuments as required in Section 165.16.

8. **Sidewalks.** The subdivider shall at his or her expense provide a four-foot-wide concrete sidewalk along each lot frontage where deemed necessary by the Commission. Such walk need not be constructed until completion of site grading and construction on the lot, but shall be constructed prior to the occupancy of the structure, and shall be constructed according to City design and specifications.

165.20 REQUIREMENTS FOR INSTALLATION OF UTILITIES. The City Council may require that all utility lines, except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Council may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical. Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

1. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections, provided that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

2. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the complete installation of service connections before any base is applied shall be required. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

165.21 SPECIFICATIONS. The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the City Council for approval prior to construction, and construction shall not be started until plans and specifications have been approved.

165.22 ACCEPTANCE. All of the above improvements shall, upon their completion, inspection, approval, and acceptance by the City of Sioux Center, become the property of the City.

165.23 IMPROVEMENTS WITHIN EXTRATERRITORIAL JURISDICTION.

Improvements in the two-mile control area shall be the same as required above, provided they are not less than that required by the County subdivision policy, and provided further that all road and drainage construction plans shall be approved by the County Engineer, and completed roads shall be accepted by the Board of Supervisors for public maintenance. In cases where the cost-sharing policy may differ, the above requirements so indicate.

165.24 SCHOOL AND PARK DEDICATIONS. Where an area being subdivided includes land proposed to be used for parks, schools, or other public use as indicated on the adopted official plans for the City, the subdivider shall indicate the location of such areas on the proposed subdivision plat.

1. Proposed park sites within the City limits shall be purchased by the City within two (2) years of the recording date of the subdivision at the current appraised raw land value at time of the sale, as determined by three (3) registered land appraisers, plus one-half of the cost for grading and paving including curbs of the portion of any streets that are contiguous to the site.
2. Proposed park sites outside of the City limits will be reserved for three (3) years, giving the Sioux County Supervisors or other authorized public agency option to purchase the land at the appraised value as per requirements of subsection 1.
3. Proposed school sites will be reserved for four years giving the Sioux Center Community School District the option to purchase the land at the current appraised raw land value at the time of the sale, as determined by three (3) registered land appraisers, plus one-half of the cost for grading and paving, including curbs, of any streets contiguous to the site.
4. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat and in conformance with the official zoning map.
5. Public open spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The Council may not approve a site that is undesirable for public or civic uses.
6. If the Council desires a public open space larger than that indicated by the preliminary plat, the subdivider shall reserve the area in excess for purchase by the appropriate public agency within two (2) years from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the current value of said land as established by three (3) registered land appraisers, plus one-half of the cost for grading and paving, including curbs of the portion of any streets that are contiguous to the site. After such time, the subdivider may replat such acreage for an alternate purpose as shown on the approved subdivision plat and in conformance with the official zoning map.
7. Natural features, historic sites and similar community assets shall be preserved.
8. Proposed park and school sites shall be indicated on the final plat as recorded.

165.25 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee as set by resolution of the Council, which shall be credited to the General Fund of the City.

165.26 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this policy.

165.27 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall not be violated subject to the following:

1. No plat or subdivision in the City or within two (2) miles thereof (subject to exceptions as provided in Chapter 354, *Code of Iowa*), shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the City Council as prescribed herein.
2. No more than two (2) building permits shall be issued for each separate tract existing at the effective date of the ordinance codified in this chapter unless the tract shall have been platted in accordance with the provisions contained herein.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of adoption of such ordinance unless such subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the City Council as a public street.
4. Any persons who shall dispose of or offer for sale or lease any lots in the City, addition thereto, or within the jurisdictional area thereof until the plat shall have been approved, acknowledged, and recorded as provided by this chapter and Chapter 354, *Code of Iowa*, shall forfeit and pay fifty dollars (\$50.00) for each lot or part thereof, sold, disposed of, leased, or offered for sale. Each day that a violation exists constitutes a separate offense and is punishable in the manner described above.
5. No zoning compliance permit required by the zoning ordinance shall be issued until, and unless, all improvements required by this chapter have been made in accordance with City plans and specifications and accepted by the Council.

165.28 AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the City Council; provided, however, such amendments shall first be submitted to the Planning and Zoning Commission for review and study. The Commission shall report within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and required publication.

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CHAPTER 170

AIRPORT HEIGHT ZONING REGULATIONS

170.01 Definitions

170.02 Airport Zones and Airspace Height Limitations

170.03 Use Restrictions

170.04 Lighting

170.05 Variances

170.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Sioux Center Municipal Airport.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be 1,446 feet.
3. “Airport hazard” means any structure or tree or use of land that would exceed the Federal obstruction standards as contained in Fourteen (14) *Code of Federal Regulations* Sections 77.21, 77.23 and 77.25 and which obstructs the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the *Federal Aviation Regulations* (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace height” – For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control zone” means airspace extending upward from the surface of the earth, which may include one or more airports, and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “Instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. “Minimum descent altitude” means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. “Minimum en route altitude” means the altitude in effect between radio fixes, which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
10. “Minimum obstruction clearance altitude” means the specified altitude in effect between radio fixes on VOR airways, off-airways routes, or route segments, which

meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

11. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

170.02 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this section, there are hereby created and established certain zones that are depicted on the Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established elevations, the perimeter of which is constructed by (visual runway and non-precision instrument utility runways) swinging arcs of 5,000 feet radii from the center of each end of the primary surface of Runways 17, 35, 8, and 26, and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet to one for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

A. Visual Utility Runway (visual other than utility runway and non-precision instrument runway). The inner edge of the approach surface is:

(1) 500 feet wide for Runways 17 and 35.

B. Visual Utility Runway (non-precision instrument runways). The outer edge of the approach zone is:

(1) 2,000 feet for Runways 17 and 35.

C. All Visual Runways (non-precision instrument runways). The approach zone extends for a horizontal distance of:

(1) 5,000 feet at a slope of 20 to one for Runways 17 and 35.

No structure shall exceed the approach surface to any runway, as depicted on the Municipal Airport Height Zoning Map.

4. **Transitional Zone.** The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces. No structures shall exceed the transitional surface, as depicted on the Municipal Airport Height Zoning Map.

5. **Increase in Elevation of Structures.** No structure shall be erected in the County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway in the County.

170.03 USE RESTRICTIONS. Notwithstanding any other provisions of 170.02, no use may be made of land or water within the City or County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. **Lighting.** All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Municipal Airport or in the vicinity thereof.

2. **Visual Hazards.** No operation from any use shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of the Municipal Airport.

3. **Electronic Interference.** No operation from any use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

170.04 LIGHTING. Notwithstanding the provisions of 170.03, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1K and amendments. Additionally, any structure constructed after the effective date of this chapter and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with FAA Advisory Circular 7460-1K and amendments. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City or County at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

170.05 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or to otherwise use property in violation of any section of this chapter, may apply to the County Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the County Board of Adjustment unless a copy of the application has been submitted to Sioux Center Municipal Airport Manager or Aeronautics Director for an opinion as to the aeronautical effects of such a variance. If the Sioux Center Municipal Airport Manager or Aeronautics Director does not respond to the Board of Adjustment within 15 days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

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CHAPTER 175

ZONING REGULATIONS

EDITOR'S NOTE

The Sioux Center Zoning Ordinance adopted by Ordinance No. SC-O-01-06 and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Zoning Regulations of the City.

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CODE OF ORDINANCES

CITY OF SIOUX CENTER, IOWA

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