

CHAPTER 135

STREET USE AND MAINTENANCE

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135.12 Dumping of Snow

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135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris, or any other substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Application for Permission. No excavation shall be commenced without first obtaining permission from the Public Works Director or City Manager. Before permission is granted, the person shall file a written application with the City containing the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the applicant/property owner.
4. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Public Works Director or the Street Lead Operator, at the expense of the applicant/property owner.
5. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor shall resurfacing of any improved street or alley surface begin, until such backfill is inspected and approved by the Public Works Director. The applicant/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
6. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the applicant/property owner.
7. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the applicant and/or property owner. The applicant and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
8. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing

the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

As an alternative, such person may request that the City do the excavation work and pay the City the amount of the cost of the excavation.

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.

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, with the express consent of the Street Lead Operator, 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, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.14 SUMP PUMP DISCHARGING. It is unlawful for any person or property owner to have a sump pump discharging onto any street, avenue or alley without the approval of the City.

135.15 MAILBOX REGULATIONS. All mailboxes located along any street, avenue or alley shall have the opening behind the curb but within arm's length for vehicles. The City will not be responsible for the replacement of any mailboxes damaged during the course of snow removal.

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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 and 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
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.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twenty-four (24) hours after cessation of snowfall or accumulation, 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 by this chapter, the City may serve notice requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the City will proceed with the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax. Defects that would require a notice are:[†]

1. Vertical or horizontal separations of 3/4-inch or more.
2. Chipping or spalling of over 50% of a single square or panel of the sidewalk.
3. The sidewalk has cracked into more than three pieces per 4 x 4-foot square and sections are distorted or distressed with a vertical height difference of one-half inch or more or a horizontal separation of two inches or more.
4. A sidewalk portion which is missing to the full depth forming holes in the sidewalk.
5. The sidewalk has raised or depressed more than two inches in an eight-foot area from the normal line of grade of the sidewalk.

136.06 SIDEWALK CONSTRUCTION ORDERED. The City 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 PERMISSION REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained permission from the Code Enforcement Officer and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

136.08 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 (3) 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, and each section shall be no more than four (4) feet in length.

[†] **EDITOR'S NOTE:** See Page 18 of the Appendix.

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. Specifications for Business District sidewalk construction are:

- (1) Sub-grade to be three (3) to four (4) inches of good granular fill.
- (2) Sub-grade to be packed with mechanical plate packer or other approved method in order to achieve 95% proctor.
- (3) Water curb box (shutoff) to be inspected by Water Department personnel to determine condition of the box.
- (4) One-half-inch by five-inch ($\frac{1}{2}$ " x 5") expansion joint to be placed at back of curb and where sidewalk meets building.
- (5) Drill 5/8-inch hole twelve (12) inches deep and thirty (30) inches apart into existing sidewalks and at all construction joints, place #4 re-bar in hole twenty-four (24) inches long.
- (6) Sidewalks to be five (5) inches thick with #4 re-bar twenty-four (24) inches on center both ways, strength of concrete to be no less than 3500 P.S.I. Re-bar to be supported on re-bar chairs or the same in order to place re-bar in the center of the slab.
- (7) Need to achieve drainage of runoff water over curb to gutter line.
- (8) Concrete to be struck off with straight edge so finished product has tolerance of deflection no more or less than one-fourth inch ($\frac{1}{4}$ ") in ten (10) feet of width or length.
- (9) Finishing process: After striking off, float concrete, edge all edges with 3/8-inch radius edger except at building. Broom finish as not to expose aggregate.
- (10) Saw Cuts: Cuts to be 1/4-inch wide, 1/3 depth of the slab. (Example: Five-inch slab would be 1 3/4-inch deep saw cut.) Sawing sequence to be approximately 4- to 5-foot squares or what fits width of sidewalk.
- (11) Place roping in saw cuts and caulk with approved concrete caulk.

C. Driveways, sidewalks crossing driveways, crossings or alley areas shall be no 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” finish.
11. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp newly installed shall conform to the following:
 - A. The maximum slope of a ramp shall be 1:12. The maximum rise for any run shall be 30 inches. Curb ramps on existing sites may have a slope between 1:10 and 1:12 for a maximum rise of six inches and a slope between 1:8 and 1:10 for a maximum rise of three inches.
 - B. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20.
 - C. Each curb cut or ramp shall be at least 48 inches wide. The minimum width exclusive of flared sides shall be 36 inches.
 - D. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs (i.e., no flare) may be used where pedestrians would not normally walk across the ramp.
 - E. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes.
 - F. A curb ramp shall have a detectable warning that extends the width and depth of the curb ramp. The detectable warning shall consist of raised truncated domes with a diameter of nominal 0.2 inches and a center-to-center spacing of nominal 2.35 inches and shall contrast visually with adjoining surfaces, either light-on-dark, or dark-on-light. The material used to provide contrast shall be an integral part of the walking surface.
 - G. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.
 - H. If corner type (i.e., diagonal) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. Corner type curb ramps shall have 48 inches of clear space at the bottom of the ramp to the cross-walk marking lines. If corner type curb ramps have flared sides, they shall also have at least a 24-inch segment of straight curb located on each side of the curb ramp and within the marked crossing.

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 FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.15 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.16 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

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

136.17 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.18 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley or portion thereof, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street or alley shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the Council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

(Code of Iowa, Sec. 364.15)

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, or portion thereof, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

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.

EDITOR'S NOTE	
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.	
ORDINANCE NO.	ADOPTED
104	June 1, 1960
167	August 16, 1984

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Hampton, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

EDITOR'S NOTE

Ordinance No. 39, dated September 29, 1938, naming or renaming a street within the City, has not been included in this Code of Ordinances but remains in full force and effect.

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CHAPTER 140

CURB CUTS

140.01 Permit Required
140.02 Permit Fee
140.03 Sidewalks
140.04 Curb Removal
140.05 Curb and Gutter Installation

140.06 Joints
140.07 Excavations
140.08 Inspection
140.09 Revocation of Permit
140.10 Costs

140.01 PERMIT REQUIRED. A written permit shall be obtained before any person breaks out or removes any City curb and gutter and all costs related to the removal of existing and installation of a new curb and gutter shall be the responsibility of the property owner. A written application for the permit shall be filed with the Clerk. The application shall include the name of the property owner, the address of the property where the work is to be done, the name and address of the person who will do the work, and the plan of construction or repair which will be done. The Clerk shall issue the permit if the proposed plan meets all of the requirements of this chapter, if the permit fee has been paid, if the plan does not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, and/or create any defects. Each permit shall expire six (6) months from the date of issuance, if the work is not completed within that time.

140.02 PERMIT FEE. Before any permit is issued, the person who makes application shall pay twenty-five dollars (\$25.00) to the Clerk.

140.03 SIDEWALKS. The grade of any sidewalk shall not be altered by work done under this chapter except for handicap sidewalk approaches, as approved by the City. All sidewalks intersecting a driveway shall be maintained at the same grade and level as the existing sidewalk.

140.04 CURB REMOVAL. When an approach is to be constructed and a curb drop is not at the location of the proposed approach, the curb may only be cut or removed in such a manner that maintains the existing flow line of the gutter without introducing any cracks or seams in the gutter area. If any of the gutter will need to be removed or becomes broken in creating a curb drop, the entire curb and gutter shall be removed by saw cutting the curb and gutter perpendicular to the street at both ends of the necessary approach opening, and then the curb and gutter may be removed.

140.05 CURB AND GUTTER INSTALLATION. After removal of existing curb and gutter soil shall be compacted and well drained; where soil is not compact and well drained, a four-inch sub-base of compact, clean, coarse gravel must be installed. Two twelve-inch long number 4 rebar shall be installed at each end; with six inches to be placed in new and six inches inserted into old curb and gutter and evenly spaced apart. Concrete thickness must be equal to the existing curb and gutter, but not less than six inches thick and existing flow line must be maintained.

140.06 JOINTS. One-half (½) inch expansion joint must be installed in a line with the back of the curb.

140.07 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition or better than it was previous to the excavation.

140.08 INSPECTION. The City will inspect all curb and gutter replacements before concrete is to be poured. An advance notice of not less than twenty-four (24) hours shall be given to the City before the concrete is to be poured. A final inspection will be made after the project is completed to insure compliance with this chapter. Failure to comply with this chapter will result in the removal of the curb and gutter and replacement by the City at the property owner's expense.

140.09 REVOCATION OF PERMIT. The City may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

140.10 COSTS. If, after thirty (30) days after breaking out or removal of any concrete curb and gutter, the person so doing shall fail or refuse to replace the curb and gutter, as provided herein, the City shall have the right to do so without notice and assess the cost thereof as a special tax against the abutting property and collect the same according to law.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

146.04 Compliance with State Building Code

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)

146.04 COMPLIANCE WITH STATE BUILDING CODE. Any person wishing to locate a mobile home within the City limits shall file with the Clerk a certificate showing that the mobile home is in compliance with the current State Building Code as to mobile home construction.

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CHAPTER 147

FIRE ZONE

147.01 Fire Zone Established
147.02 Plans Submitted
147.03 Buildings Prohibited
147.04 Construction Standards

147.05 Reconstruction Prohibited
147.06 Special Permit
147.07 Removal of Buildings
147.08 Storage of Materials Restricted

147.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all of the following territory:

Any area zoned B-1 Central

147.02 PLANS SUBMITTED. It is unlawful to build, enlarge or alter any structure, building or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

147.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

147.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III - 1 hour fire resistant - construction, as specified in the Uniform Building Code.

147.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

147.06 SPECIAL PERMIT. The Council may, by four-fifths (4/5) vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six (6) months from the date of such permission.

147.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within thirty (30) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

CHAPTER 148

SEPARATION DISTANCES FROM MUNICIPAL WELLS

148.01 Purpose

148.02 Establishment of Separation Distances

148.03 Definitions

148.04 Separation Distances Table

148.01 PURPOSE. The purpose of this chapter is to establish separation distances from wells for all structures and uses, to protect the public, and to preserve the health and welfare of the community by protecting water purity.

148.02 ESTABLISHMENT OF SEPARATION DISTANCES. The distances for separating uses and construction around all wells within the City, including old wells as well as new wells, have been established by State requirements relative to possible pollutants and their distances from wells, and the Council has found that the said State requirements shall be adopted as the minimum acceptable requirements for separation distances from wells, and no construction or use shall be allowed within said minimum distances to City wells as set forth herein.

148.03 DEFINITIONS. For use in this chapter, the following terms are defined. Use of the word “building” includes the word “structure.”

1. “Animal enclosure” means a lot, yard, corral or similar structure in which the concentration of livestock or poultry is such that a vegetative cover is not maintained.
2. “Animal pasturage” means a fenced area where vegetative cover is maintained and in which the animals are enclosed.
3. “Animal waste” means animal waste consisting of excreta, leachings, feed losses, litter, washwater or other associated waste.
4. “Animal waste stockpiles” means stacking, composting or containment of animal wastes.
5. “Animal waste storage basin or lagoon” means fully or partially excavated or diked earthen structure including earthen side slopes or floor.
6. “Animal waste storage tank” means a completely fabricated structure, with or without a cover, either formed in place or transported to the site, used for containing animal waste.
7. “Cistern” means a covered tank in which rain water from roof drains is stored.
8. “Deep well” means a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five (5) feet thick located at a depth of at least 25 feet below the normal ground surface and above the aquifer from which the water is to be drawn.
9. “Low permeability” means an unconsolidated soil layer of well sorted fine grain-sized sediments that under normal hydrostatic pressures would not be significantly permeable. Low permeability soils may include homogeneous clays below the zone of weathering, mudstone, claystone and some glacial till.
10. “Privy” means a structure used for the deposit of human body wastes.

11. "Sanitary sewer pipe" means a sewer pipe complying with the standards of sewer construction of the Department of Natural Resources.
12. "Septic tank" means a watertight tank which receives sewage.
13. "Shallow well" means a well located and constructed in such a manner that there is not a continuous five-foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.
14. "Water main pipe" means a water main complying with the Department of Natural Resources standards for water main construction.

148.04 SEPARATION DISTANCES TABLE. No building or use shall be allowed within the separation distances from City wells as set out on the attached Table A. A building permit is required for all construction within 1,000 feet of municipal wells. No building permit shall be issued which is in violation of the separation distances from municipal wells if in violation of this chapter or a source of contamination for said well. Any use or construction in violation of this chapter is a nuisance as defined in Chapter 50 of this Code of Ordinances and prohibited pursuant to Section 50.04; and the notice requirements regarding abatement of nuisances and prohibited conditions and all provisions of this Code of Ordinances in regard to abatement, costs of collection, hearings and penalties for maintaining a nuisance or prohibited condition as set forth herein are applicable. Specifically, and in addition to any other remedies allowed by ordinance or at law, the City shall recover any costs for water treatment which are created by any source of contamination which is identified, where said source is in violation of this chapter.

TABLE A

Source of Contamination		Distances (Feet)								
		5	10	25	50	75	100	200	400	1000
POINT DISCHARGE TO GROUND SURFACE	Well house floor drains	A								
	Water treatment plant wastes				A					
	Sanitary and industrial discharge								A	
SEWERS AND DRAINS	Well house floor drains to surface	ENC A	WM A	A	SP	A	-----Unknown-----			
	Well house floor drains to sewers			A	WM	A	SP	A	--Unknown--	
	Water plant wastes			A	WM	A	SP	A	--Unknown--	
	Sanitary and storm sewers, drains			A	WM	A	SP	A	--Unknown--	
	Sewer force mains					A	WM	WM	A	SP
LAND DISPOSAL OF WASTES	Land application of solid waste						D	S		
	Irrigation of wastewater						D	S		
	Concrete vaults and septic tanks						D	S		
	Mechanical wastewater treatment Plants							D	S	
	Cesspools and earth pit privies							D	S	
	Soil absorption fields							D	S	
	Lagoons								D	S
CHEMICAL AND MINERAL STORAGE	Chemical application to ground Surface						D	S		
	Above ground						D	S		
	On or under ground							D	S	
ANIMAL WASTES	Animal pasturage				A					
	Animal enclosure						D	S		
	Land application of solids						D	S		
	Land application of liquid or Slurry						D	S		
	Storage tank						D	S		
	Solids stockpile							D	S	
	Storage basin or lagoon								D	S
MISCELLANEOUS	Earthen silage storage trench or pit						D	S		
	Basements, pits, sumps		A							
	Flowing streams or other surface water bodies				A					
	Cisterns				D		S			
	Cemeteries							A		
	Private wells							D	S	
	Solid waste disposal sites									A

KEY	
D	Deep Well
S	Shallow Well
A	All Wells
WM	Pipe of Water Main Specifications
SP	Pipe of Sewer Pipe Specifications
ENCWM	Encased in 4 inches of Concrete

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CHAPTER 149

PUBLIC WATER SUPPLY

WELLHEAD PROTECTION REGULATIONS

149.01 Definitions	149.07 Exceptions
149.02 Substances Regulated	149.08 Determination of Locations Within Zones
149.03 Maps of Zones of Influence	149.09 Enforcement
149.04 Restrictions Within the Primary Protection Zone	149.10 Inspections
149.05 Restrictions Within the Secondary Protection Zone	149.11 Notice of Violation
149.06 Restrictions Within the Zone of Sensitivity	149.12 Injunctive Relief

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

1. “Aquifer” means a rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.
2. “Alluvium” means sand, clay, etc., gradually deposited by moving water.
3. “Contamination” means the presence of any harmful or deleterious substances in the water supply.
4. “Flow system boundaries” means a delineation criterion that uses groundwater divides, surface water bodies, or other hydrologic/physical features to delineate a wellhead protection area.
5. “Groundwater” means subsurface water in the saturated zone from which wells, springs and groundwater runoff are supplied.
6. “Hazardous substances” means those materials specified in Section 149.02 of this chapter.
7. “Labeled quantities” means the maximum quantity of chemical as recommended on the label, for specific applications.
8. “Person” means any natural person, individual, public or private corporation, firm association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.
9. “Petroleum product” means fuels (gasoline, diesel fuel, kerosene, and mixtures of those products), lubricating oils, motor oils, hydraulic fluids, solvents, and other similar products.
10. “Pollution” means the presence of any substance (organic, inorganic, radiological, or biological) or condition (temperature, pH, turbidity) in water that tends to degrade usefulness of the water.
11. “Potable water” means water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.
12. “Primary containment” means the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

13. “Public utility” means any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.
14. “Secondary containment” means the level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leakproof trays under containers, floor curing or other containment systems and shall be of adequate size and design to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.
15. “Shallow well” means a well located and constructed in such a manner that there is not a continuous five-foot layer of low-permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.
16. “Time-related capture zone” means the surface or subsurface area surrounding a pumping well that will supply groundwater recharge to the well within some specified period of time.
17. “Toxic substance” means any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation, or absorption into the body.
18. “Transit” means the act or process of passing through the wellhead protection zones, where the vehicle in transit may be parked (within the wellhead protection area) for a period not to exceed two (2) hours.
19. “Water pollution” means the introduction in any surface or underground water, of any organic or inorganic deleterious substance in such quantities, proportions, and accumulations that are injurious to human, plant, animal, fish, and other aquatic life or property or that unreasonably interferes with the comfortable enjoyment of life or property or the conduct of business .
20. “Well” means a pit or hole sunk into the earth to reach a resource supply such as water.
21. “Well field” means a tract of land that contains a number of wells for supplying water.
22. “Wellhead protection zones” means zones delineated by fixed radii criterion around wellheads, within which toxic substances will be regulated to protect the quality of the underground resource.
23. “Zone of contribution” means the area surrounding a pumping well that encompasses all areas or features that supply groundwater recharge to the well.

149.02 SUBSTANCES REGULATED. The materials regulated by this chapter consist of the following:

1. Substances listed in 40 CFR Section 302.4, List of Hazardous Substance and Reportable Quantities.
2. Substances listed by the Iowa Labor Commissioner pursuant to Section 89B.12 of the Code of Iowa (Hazardous Chemicals Risks - Right to Know).

3. Substances listed in 40 CFR Section 261, subparts A, B, C and D, Federal Hazardous Waste List.

149.03 MAPS OF ZONES OF INFLUENCE.

1. Maps. Zone of Protection maps and any amendments thereto are incorporated by reference and made a part of this chapter. These maps shall be on file at City Hall. At the time of adoption of the ordinance codified in this chapter, the location of all wells in Hampton supplying potable water to the City Water System shall be located on the official Wellhead Protection Map with Primary Zone, Secondary Zone and Zone of Sensitivity indicated.
2. Map Maintenance. The Zone of Protection Maps may be updated on an annual basis. The basis for such an update may include, but is not limited to, the following:
 - A. Changes in the technical knowledge concerning the aquifer.
 - B. Changes in permitted pumping capacity of City wells.
 - C. Addition of wells or elimination of existing wells.
 - D. Designation of new well fields.
3. Wellhead Protection Zones. The zones of protection indicated on the Zones of Protection Maps are as follows:
 - A. Primary Protection Zone. The area within the two (2) year time-related capture zone of any well supplying potable water to the City water system.
 - B. Secondary Protection Zone. The area within the ten (10) year time-related capture zone, excluding the Primary Protection Zone, of any well supplying potable water to the City water system.
 - C. Zone of Sensitivity. The area within the twenty (20) year time-related capture zone, excluding the Primary and Secondary Protection Zones, from any well supplying potable water to the City water system.

149.04 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

1. Permitted Uses: The following uses are permitted uses within the Primary Protection Zone. Uses not listed are to be considered prohibited.
 - A. Industrial buildings within the Hampton Air Industrial Park, provided there are no on-site waste disposal or fuel storage tank facilities associated within this use, and the Iowa DNR *Separation Distances For Wells* for sources of contamination is complied with. All sites must comply with the restrictions and covenants set by the Hampton Air Industrial Park.
 - B. Playgrounds/Parks.
 - C. Wildlife areas, open spaces.
 - D. Lawns and gardens.
 - E. Non-motorized trails, such as biking, skiing, nature and fitness trails.

2. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance to soils, groundwater, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
 - B. Any person responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanups costs, and may be subject to fines as specified in this chapter.
 - C. No person shall discharge or cause or permit the discharge of fertilizers or pesticides in excess of labeled quantities to the soils, ground water, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

149.05 RESTRICTIONS WITHIN THE SECONDARY PROTECTION ZONE.

1. Permitted Uses. The following uses are permitted in the Secondary Protection Zone. Uses not listed are to be considered prohibited.
 - A. All uses listed as permitted in the Primary Protection Zone.
 - B. Sewer - residential and commercial.
 - C. Above ground storage tanks when in compliance with State Fire Marshal's regulations.
 - D. Basement storage tanks.
 - E. Livestock grazing and field cropping activities.
2. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance to the soils, groundwater, or surface water within the Secondary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
 - B. Any person responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject to fines specified in this chapter.
 - C. Any person who stores, handles, produces or uses chemicals within the Secondary Protection Zone shall make available the relevant MSDS sheets to the Wellhead Protection Officer regardless of such person's status under Section 149.07(4).

149.06 RESTRICTIONS WITHIN THE ZONE OF SENSITIVITY.

1. Permitted Uses. The following uses are permitted in the Zone of Sensitivity. Uses not listed are to be considered prohibited.
 - A. All uses listed as permitted in the Primary Protection Zone.
 - B. All uses listed as permitted in the Secondary Protection Zone.

- C. All uses, handling and storage, when in compliance with, and allowed by, Federal, State and local laws and regulations.
- 2. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance, in excess of labeled quantities, to the soils, groundwater, or surface water within the Zone of Sensitivity.
 - B. Any person responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject to fines as specified in this chapter.

149.07 EXCEPTIONS.

- 1. The following activities or uses are exempt from the provisions of this chapter:
 - A. The transportation of any hazardous substance through the well field protection zones, provided the transporting vehicle is in transit.
 - B. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.
 - C. Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facility.
 - D. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers only in the Secondary Protection Zone and the Zone of Sensitivity.
 - E. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.
 - F. Consumer products located in the home which are used for personal, family, or household purposes.
 - G. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.
 - H. The use of water treatment chemicals connected with the operation of the well or plant.
- 2. The use of structures or facilities existing at the time of the adoption of the ordinance codified in this chapter may be continued even though such use may not conform with the regulations of this chapter. However, the storage and use of hazardous substances within the primary protection zone, must provide an enclosed secondary containment system. Such structure or facility may not be enlarged, extended, reconstructed or substituted subsequent to adoption of said ordinance unless an exemption is granted by the City Council.
- 3. Any person who engages in nonresidential activities relating to the storage, handling, use, and/or production of any toxic or hazardous substances who is exempt from this chapter by law shall not be subject to the restrictions contained herein.

4. All requests for permits or special exceptions in the Hampton Wellhead Protection Zones must be made in writing to the Council. All requests must include a list of all hazardous chemicals (MSDS sheets will be made available upon request) to be stored, handled, used, or produced under the permit or special exception. All requests may be required to include an environmental assessment report at the discretion of the Council. Any exemptions or permits granted will be made conditional and may include environmental monitoring and cleanup costs. The exemption or permit will be made void if environmental and/or safety monitoring indicate that the facility or activity is emitting any releases of harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs.

149.08 DETERMINATION OF LOCATIONS WITHIN ZONES. In determining the location of properties within the zones depicted on the Zone of Protection Maps, the following rules shall apply:

1. Properties located wholly within one (1) zone reflected on the applicable Zone of Protection Map shall be governed by the restrictions applicable to that zone.
2. For properties having parts lying within more than (1) zone as reflected on the applicable Zone of Protection Map, each part shall be governed by the restrictions applicable to the zone in which it is located.

149.09 ENFORCEMENT.

1. The Water Operator In Charge is designated as the Wellhead Protection Officer unless another person is specifically designated by the Council to supervise the implementation and enforcement of this chapter.
2. The Wellhead Protection Inspector shall be the Water Operator In Charge.
3. No building permit shall be issued which is a violation of the Iowa DNR *Separation Distance from Wells*, a violation of this chapter, or a source of contamination for a City well.
4. No new underground tanks will be allowed for auxiliary fuel storage in the Primary or Secondary zones.

149.10 INSPECTIONS.

1. The Wellhead Protection Inspector shall have the power and authority to enter and inspect all buildings, structures and land within all wellhead protection zones for the purpose of making an inspection. Failure of a person having authority over a property to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue a search warrant to the Protection Officer or Inspector to inspect such premises.
2. In the event a building or structure appears to be vacant or abandoned, and the owner cannot be readily contacted in order to obtain consent for an inspection, the officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.
3. The Wellhead Protection Officer or Inspector shall inspect each City well annually and shall maintain an inventory, if applicable, of all hazardous substances which exist within the Primary and Secondary Protection Zones. One format that may

be used is Iowa DNR Form, OMB No. 2050-0072. MSDS sheets on these chemicals will be made available to the Inspector.

149.11 NOTICE OF VIOLATION. Whenever an officer or an inspector determines that there is a violation of this chapter, such officer shall give notice thereof which shall:

1. Be in writing;
2. Be dated and signed by the officer or inspector;
3. Specify the violation or violations; and
4. State that said violation shall be corrected within ten (10) days of the date on which the inspector issued the notice of violation.

149.12 INJUNCTIVE RELIEF. If any person who engages in nonresidential activities stores, handles, uses and/or produces toxic substances within the wellhead protection zones, as indicated on the Zone of Protection Maps, continues to operate in violation of the provisions of this chapter, then the City may file an action for injunctive relief in the court of jurisdiction.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Map

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING MAP. The Clerk is responsible for preparing and maintaining a building numbering map.

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CHAPTER 151

TREES

151.01 Purpose

151.02 Definitions

151.03 Planting Restrictions

151.04 Distance from Sidewalk

151.05 Distance from Street Corners and Fire Plugs

151.06 Public Tree Care

151.07 Tree Topping

151.08 Duty to Trim Trees

151.09 Removal of Dead or Diseased Trees on Private Property

151.10 Removal of Dead or Diseased Trees on Public Property

151.11 Removal of Stumps

151.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City.

151.02 DEFINITIONS. For use in this chapter, the following definitions are given.

1. “Parking” means that part of the street not covered by the sidewalk and lying between the lot line and the curb line.
2. “Park trees” are trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the City to which the public has free access as a park.
3. “Street trees” are trees, shrubs, bushes and all other woody vegetation on land owned by the City and lying between property lines on either side of all streets, avenues or ways within the City.

151.03 PLANTING RESTRICTIONS. No tree shall be planted in any street, avenue or highway between the outer line of the sidewalk and the curb where the curb line is established, or within any public right-of-way, parking or street.

151.04 DISTANCE FROM SIDEWALK. The distance trees may be planted from sidewalks will be in accordance with the tree species size classes and no trees may be planted closer to any sidewalk than the following:

1. Small trees (any species with maturity heights of less than 25 feet) – three (3) feet;
2. Medium trees (any species with projected maturity height between 25 and 50 feet) – four (4) feet;
3. Large trees (any species with projected maturity height of more than 50 feet) – five (5) feet.

151.05 DISTANCE FROM STREET CORNERS AND FIRE PLUGS. No tree shall be planted closer than twenty (20) feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than ten (10) feet from any fire plug.

151.06 PUBLIC TREE CARE. The City has the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City may order the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to

sewers, electric power lines, gas lines, water lines and other public improvements; provided, however, such removal shall be conducted in accordance with tree removal policies as defined within this chapter.

151.07 TREE TOPPING. It is unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public or private property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section.

151.08 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on public or private property trimmed so that all branches will be at least ten (10) feet above the sidewalks and fifteen (15) feet above streets. If the abutting property owners fail 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. Except as allowed in this section, it is unlawful for any property owner to trim or cut any tree in a public place.

151.09 REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY. The City has the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees within the City. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the costs of removal on the owner's property tax notice.

151.10 REMOVAL OF DEAD OR DISEASED TREES ON PUBLIC PROPERTY. See Section 364.12 of the Code of Iowa and Section 135.10 of this Code of Ordinances.

151.11 REMOVAL OF STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground. When the City causes a tree on City property to be removed, the City shall remove the stump to six (6) inches below ground level.

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