

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 Hampton, 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 Hampton, Iowa.
3. “Clerk” means the city clerk of Hampton, 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 Hampton, Iowa.
6. “Council” means the city council of Hampton, Iowa.
7. “County” means Franklin 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“Ordinances” means the ordinances of the City of Hampton, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

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

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

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

(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 whatsoever which will cause the law of the City to be misrepresented thereby.

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or

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

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$65.00 but not to exceed \$625.00.[†]

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

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[†] **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 4.

CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

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 Hampton, Iowa.

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

(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of two (2) Council Members elected at large and one (1) Council Member from each of four (4) wards as established by the Code of Ordinances, elected for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

Ordinance No. 129 adopting a charter for the City was passed and approved by the Council on June 4, 1975.

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CHAPTER 3

BOUNDARIES

3.01 Corporate Limits

3.02 Division into Wards

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

Beginning at the northeast corner of Section 27, Township 92 North, Range 20, in Franklin County, Iowa, thence west to the west line of the right-of-way of the Chicago Northwestern Railroad, thence south along the west line of said right-of-way of the said railroad, to a point where the west line of the said right-of-way of the said railroad intersects the highway along the east/west centerline of Section 28, Township 92 North, Range 20, thence west along the centerline of the highway on the east/west centerline of said Section 28 to the center of the highway between Sections 28 and 29, thence south along the center of the highway between Sections 28 and 29, 32 and 33, to the township line, thence east 2 miles, thence north 2 miles, to place of beginning; and

The E $\frac{1}{2}$ of Section 5, T91N; R2OW of the 5th P.M. and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T91N; R2OW of the 5th P.M. and the North 987' of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T91N; R2OW of the 5th P.M. all being located in Franklin County, Iowa, and more particularly described as follows: Beginning at the SE corner of said Section 5; thence west along the South line of the SE $\frac{1}{4}$ of the S $\frac{1}{4}$ corner of said Section 5; thence north along the West line of the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ to the N $\frac{1}{4}$ corner of said Section 5; thence east along the North line of the NE $\frac{1}{4}$ to the NE corner of said Section 5, also being the NW corner of said Section 4; thence east along the North line of the NW $\frac{1}{4}$ to the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 4; thence south along the East line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the SE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 4; thence south 987' along the East line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence west parallel to the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point on the West line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ being 987' south of the NW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 4; thence south long the West line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 4 also being the East line of the NE $\frac{1}{4}$ of said Section 5 to the E $\frac{1}{4}$ corner of said Section 5; thence south along the East line of the SE $\frac{1}{4}$ of said Section 5 to the point of beginning.

3.02 DIVISION INTO WARDS. The City is divided into four wards described as follows:

(Code of Iowa, Sec. 372.4 & 372.13[7])

1. First Ward. All that part of the City lying south of a line drawn beginning at the west corporate City limits through the center of Fourth Avenue Northwest to Tenth Street Northwest, thence south on Tenth Street Northwest to Second Avenue Northwest, thence east on Second Avenue Northwest to First Street Northwest, thence south on First Street Northwest to First Avenue Northwest, thence east on First Avenue Northwest to First Street Northeast, and, all that part of the City lying westerly of a line drawn southerly on First Street Southeast to Fourth Avenue Southeast, thence west on Fourth Avenue Southeast to Federal Street South, thence

south on Federal Street South to the south corporate City limits located on 140th Street.

2. Second Ward. All that part of the City lying south of a line drawn westerly beginning at the east corporate City limits through the center of Central Avenue East to Eighth Street Northeast, thence north on Eighth Street Northeast to First Avenue Northeast, thence west on First Avenue Northeast to First Street Northeast, and, all that part of the City lying east of a line drawn southerly on First Street Southeast to Fourth Avenue Southeast, thence west on Fourth Avenue Southeast to Federal Street South, thence south on Federal Street South to the Corporate City limits to 140th Street.

3. Third Ward. All that part of the City lying north of a line drawn westerly beginning at the east corporate City limits through the center of Central Avenue East to Eighth Street Northeast, thence north on Eighth Street Northeast to First Avenue Northeast, thence west on First Avenue Northeast to Second Street Northeast, and, all that part of the City lying east of a line drawn northerly on Second Street Northeast to Third Avenue Northeast, thence west on Third Avenue Northeast to First Street Northeast, thence north on First Street Northeast to Eleventh Place Northeast, thence west on Eleventh Place Northeast to Federal Street North, thence north on Federal Street North to Seventeenth Avenue Northeast, thence east on Seventeenth Avenue Northeast to Third Street Northeast, thence north on Third Street Northeast to Eighteenth Avenue Northeast, thence east on Eighteenth Avenue Northeast to Fourth Street Northeast, thence north on Fourth Street Northeast to the corporate City limits.

4. Fourth Ward. All that part of the City lying north of a line drawn beginning at the west corporate City limits through the center of Fourth Avenue Northwest to Tenth Street Northwest, thence south on Tenth Street Northwest to Second Avenue Northwest, thence east on Second Avenue Northwest to First Street Northwest, thence south on First Street Northwest to First Avenue Northwest, thence east on First Avenue Northwest to Second Street Northeast, and, all that part of the City lying west of a line drawn northerly on Second Street Northeast to Third Avenue Northeast, thence west on Third Avenue Northeast to First Street Northeast, thence north on First Street Northeast to Eleventh Place Northeast, thence west on Eleventh Place Northeast to Federal Street North, thence north on Federal Street North to Seventeenth Avenue Northeast, thence east on Seventeenth Avenue Northeast to Third Street Northeast, thence north on Third Street Northeast to Eighteenth Avenue Northeast, thence east on Eighteenth Avenue Northeast to Fourth Street Northeast, thence north on Fourth Street Northeast to the corporate City limits.

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Alternative Penalties

4.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.[†]

(Code of Iowa, Sec. 364.22[3])

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

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

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

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

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

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

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

2. Special Civil Penalties.
 - A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an

[†] **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

industrial user shall be 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 shall be punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation shall not be subject to such penalty if all of the following conditions are satisfied:

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

4.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22[4])

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
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.

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

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

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

(Code of Iowa, Sec. 364.22[11])

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Duties: General
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(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 Iowa Code.

(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 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 \$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 in accordance with Section 372.13[2] of the *Code of Iowa*.

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

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

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Nominations by Petition
6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit
6.05 Filing, Presumption, Withdrawals, Objections
6.06 Persons Elected

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than twenty-five (25) eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by the Code of Iowa, and shall be signed in accordance with the Code of Iowa.

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

6.05 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8[3])

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

7.05 Operating Budget Preparation
7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports

7.01 PURPOSE. The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

7.02 FINANCE OFFICER. The City Manager is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

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

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

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

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

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund not to exceed one hundred fifty dollars (\$150.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

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

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Emergency Fund. No transfer may be made from any fund to the emergency fund.

(IAC, 545-2.5 [384,388], Sec. 2.5[2])

4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the debt service fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

6. Utility and Enterprise Funds. A surplus in a utility or enterprise fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the utility or enterprise fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

- A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

- B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

(IAC, 545-2.5[384,388], Sec. 2.5[5])

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

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

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

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

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

4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10)

nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

3. Checks. Checks shall be prenumbered and signed by the Clerk following Council approval, except as provided by subsection 5 hereof.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose
8.02 Definitions
8.03 Period of Partial Exemption
8.04 Amounts Eligible for Exemption
8.05 Limitations

8.06 Applications
8.07 Approval
8.08 Exemption Repealed
8.09 Dual Exemptions Prohibited

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.
4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.
5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

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

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

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

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

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

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

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

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

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

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

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty 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)

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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.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
192	1989	Original Project Area
208	1992	Amendment No. 1 Area
221	1994	Air Industrial Area
233	December 10, 1997	Amendment No. 2 Area
248	November 14, 2000	Franklin Prairie Urban Renewal Area
252	August 28, 2001	South Urban Renewal Area

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CHAPTER 10

URBAN REVITALIZATION

EDITOR'S NOTE

Ordinance No. 288, adopted September 13, 2005, designated the Hampton Urban Revitalization Area for the City. This ordinance, not codified herein, is specifically saved from repeal.

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CHAPTER 11

SPECULATIVE BUILDING PROPERTY TAX EXEMPTION

11.01 Purpose
11.02 Definitions
11.03 Eligibility

11.04 When Effective
11.05 Application

11.01 PURPOSE. The purpose of this chapter is to provide for a property tax exemption for shell buildings constructed by community development organizations for speculative purposes in accordance with Section 427.1 of the *Code of Iowa*.

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

1. "Community development organization" means a City organization or a multi-community group formed for one or more of the following purposes:
 - A. To promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, or region and its citizens.
 - B. To encourage and assist the location of new business and industry.
 - C. To rehabilitate and assist existing business and industry.
 - D. To stimulate and assist in the expansion of business activity.
2. For purposes of this definition, a community development organization must have at least 15 members with representation from the government at the level or levels corresponding to the community development organization's area of operation; a private sector lending institution; a community organization in the area; business in the area; and private citizens in the community, area, or region.
3. "New construction" means new buildings or structures and includes new buildings or structures that are constructed as additions to existing buildings or structures. "New construction" also includes reconstruction or renovation of an existing building or structure that constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations to market a building or structure as a speculative shell building, which determination must receive prior approval from the Council.
4. "Speculative shell building" means a building or structure owned and constructed or reconstructed by a community development organization without a tenant or buyer for the purpose of attracting an employer or user that will complete the building to the employer's or user's specification for manufacturing, processing, or warehousing the employer's or user's product line.

11.03 ELIGIBILITY. The new construction of shell buildings by the community development organization for speculative purposes is eligible for property tax exemption. The exemption shall be for one of the following:

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

11.04 WHEN EFFECTIVE.

1. If the exemption is for a project described in Section 11.03(1) of this Code of Ordinances, the exemption shall be effective for the assessment year in which the building is first assessed for property taxation or the assessment year in which the addition to an existing building first adds value. If the exemption is for a project described in Section 11.03(2) of this Code of Ordinances, the exemption shall be effective for the assessment year following the assessment year in which the project commences. An exemption allowed under this section shall be allowed for all subsequent years until the property is leased or sold or until this ordinance is repealed by the City Council.
2. Eligibility for an exemption as a speculative shell building shall be determined as of January 1 of the assessment year. If the shell building or any portion of the shell building is leased or sold, the portion of the shell building that is leased or sold and a proportionate share of the land on which it is located, if applicable, shall not be entitled to an exemption under this section for subsequent years.

11.05 APPLICATION. An application for the speculative shell building project shall be filed by the community development organization and shall be considered in accordance with the applicable provisions of Section 427.1(27) of the *Code of Iowa*.

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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 two years.
(*Code of Iowa, Sec. 376.2*)

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

1. Chief Elected Officer. Act as the chief elected officer of the City and presiding officer of the Council.
(*Code of Iowa, Sec. 372.14[1]*)
2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.
(*Code of Iowa, Sec. 372.14[2]*)
3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.
(*Code of Iowa, Sec. 372.14[1]*)
4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. However, the Mayor may not veto an ordinance, amendment, or resolution if the Mayor was entitled to vote on such measure at the time of 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 requested. 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. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:
(*Code of Iowa, Sec. 372.4*)

1. Mayor Pro Tem
2. Police Chief (with Council approval)
3. Communications Utility Board of Trustees (with Council approval)

15.04 COMPENSATION. The salary of the Mayor is \$2,500.00 per year, payable quarterly.

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

15.05 VOTING. So long as the City is governed by the Mayor-Council form of government composed of a Mayor and a Council consisting of two Council members elected at large, and one Council member from each of four wards, the Mayor may vote to break a tie vote on motions not involving ordinances, resolutions, or appointments made by the Council alone.

(*Code of Iowa, Sec. 372.4*)

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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 Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of two Council Members elected at large and one Council Member from each of four wards as established by the Code of Ordinances, elected for overlapping terms of four years.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of \$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 which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The regular meetings of the Council are held on the second and fourth Thursdays of the month at 6:00 p.m. in the Council Chambers at City Hall. The Council may by resolution provide for additional regular meetings. Four members are necessary to constitute a quorum, but a smaller number shall have jurisdiction to adjourn to any date prior to the date of the next regular meeting or to take such steps as they may deem advisable or necessary to bring in the absent members.

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

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

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

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

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 Attorney
3. City Clerk
4. City Treasurer
5. Planning and Zoning Commission
6. Zoning Officer
7. Zoning Board of Adjustment
8. Historic Preservation Commission
9. Library Board of Trustees

17.06 COMPENSATION. The salary of each Council member is \$30.00 for each meeting of the Council attended, and salary for each Council committee member is \$10.00 for each meeting of their appointed Council committee attended, payable semiannually.

(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 City Manager is ex officio City Clerk and has the duties, powers and functions prescribed in this chapter, by State law and other ordinances of the City. The Council shall specify by resolution the compensation to be paid for such services.

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

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

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

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

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

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

18.05 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 the Code of Ordinances or law, the notice must be published at least once, not less than four nor more than 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 the 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 years except that ordinances, resolutions, Council proceedings, records, and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least 11 years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

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

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

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

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

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

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 position and the time at which they shall assume the duties of their office.

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

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

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

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer
19.04 Boards and Commissions

19.01 APPOINTMENT. The Council shall appoint a City Treasurer to serve for a term of two (2) years.

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 a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Reconciliation with Clerk. Reconcile the Treasurer's books with the Clerk's every month.
10. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

19.04 BOARDS AND COMMISSIONS. The City Treasurer is the Treasurer of the Library Board of Trustees, and pays out all money under control of such board on orders signed by the Chairperson and Secretary of such board, but receives no additional compensation for such services.

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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 Opinion on Contracts
20.07 Provide Legal Opinion
20.08 Attendance at Council Meetings
20.09 Prepare Documents
20.10 Annual Reports

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve for a term of two (2) years. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

20.06 OPINION ON CONTRACTS. The City Attorney shall, at the request of the Council, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City.

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

20.07 PROVIDE LEGAL OPINION. The City Attorney shall, upon request, give advice or a written legal opinion upon all questions of law relating to City matters submitted by the Mayor, Council, City Manager or Police Chief.

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

20.08 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])

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

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

20.10 ANNUAL REPORTS. The City Attorney, at the first regular meeting in January of each year, shall report to the Council the title and character of all suits brought during the past municipal fiscal year, by or against the City, or to which the City is in any manner a party and shall give the status of each suit at the time of such report.

CHAPTER 21

CITY MANAGER

21.01 Appointment and Term
21.02 Compensation
21.03 Administrative Responsibility
21.04 Duties

21.05 City Clerk
21.06 Deputy City Clerk
21.07 Bond

21.01 APPOINTMENT AND TERM. The Council shall appoint by majority vote a City Manager to serve at the pleasure of the Council.

21.02 COMPENSATION. The City Manager shall receive such annual salary as the Council shall from time to time determine by resolution, and payment shall be made from the treasury of the City, in the manner provided for paying other officers and employees.

21.03 ADMINISTRATIVE RESPONSIBILITY. The City Manager is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Manager and all Council involvement in administration initiated by the Council must be coordinated through the City Manager.

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

1. To supervise enforcement and execution of the City laws.
2. To attend all meetings of the Council unless excused by a majority of the Council.
3. To recommend to the Council such measures as deemed necessary or expedient for the good government and welfare of the City.
4. To have the general supervision and direction of the administration of the City government and to appoint such administrative assistants as shall be deemed advisable.
5. To assist the Mayor in any of the Mayor's duties as requested by the Mayor and as approved by the Council.
6. To assist the Council with the municipal boards and commissions by making recommendations to the boards and commissions about planning, activities and the execution of its policies and programs as agreed on.
7. To cooperate with any administrative agency and make recommendations to the Council for joint or cooperative activities with said agencies.
8. To supervise and direct the official conduct of all employees of the City except the City Attorney.
9. To have the power to employ, reclassify or discharge all employees of the City except the City Attorney, and, subject to the approval of the Council, to fix the compensation to be paid such employees.

10. To have the power to appoint or employ persons to fill all places for which no other mode of appointment is provided and to have the power to administer oaths of office.
11. To supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.
12. To supervise the performance of all contracts for work to be done for the City, make all purchases of material and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.
13. To investigate, summarily and without notice, any affairs and conduct of any department, agency, officer or employee under the supervision of the City Manager.
14. To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City and State law.
15. To keep the Council fully advised of the financial and other conditions of the City and of its future needs.
16. To conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
17. To make to the Council, no later than the first regular meeting each month, an itemized financial report showing the receipts and disbursements for the preceding month. Copies of financial reports must be available at the Clerk's office for public distribution.
18. To prepare the annual budget for Council approval and have direct responsibility for the administration of the Council approved budget.
19. To perform other duties at the Council's direction.

21.05 CITY CLERK. The City Manager is the City Clerk and also performs the duties of Clerk as identified in Chapter 18 of this Code of Ordinances.

21.06 DEPUTY CITY CLERK. The City Manager may appoint a Deputy City Clerk to perform the duties of the Clerk in the City Manager's absence and to perform such other duties assigned to the Deputy City Clerk.

21.07 BOND. The City Manager shall be bonded for the faithful performance of duties and in favor of the City in an amount as determined by the Council. The City shall pay the cost of this bond.

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library
22.02 Library Trustees
22.03 Qualifications of Trustees
22.04 Organization of the Board
22.05 Powers and Duties
22.06 Contracting with Other Libraries

22.07 Nonresident Use
22.08 Expenditures
22.09 Annual Report
22.10 Injury to Books or Property
22.11 Theft
22.12 Notice Posted

22.01 PUBLIC LIBRARY. The public library for the City is known as the Hampton 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 (9) resident members and one may be a nonresident member. All resident members are to be appointed by the Council. The nonresident member is to be appointed by the Council with the approval of the County Board of Supervisors.

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of eighteen (18) years.

22.04 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

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

22.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer serves as Board Treasurer, but is not a member of the Board.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.

3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.
(Code of Iowa, Ch. 661)
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
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 five (5) members appointed by the Council. 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 (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any

permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

6. 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)

7. 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)

8. 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

HISTORIC PRESERVATION COMMISSION

24.01 Purpose and Intent

24.02 Definitions

24.03 Structure of the Commission

24.04 Powers of the Commission

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

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

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

1. "Commission" means the Hampton Historic Preservation Commission, as established by this chapter.
2. "Historic district" means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
 - A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
 - C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
 - D. Is associated with the lives of persons significant in our past; or
 - E. Has yielded, or may be likely to yield, information important in prehistory or history.

3. “Historic site” means a structure or building which:
 - A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. Is associated with the lives of persons significant in our past; or
 - C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - D. Has yielded, or may be likely to yield, information important in prehistory or history.

24.03 STRUCTURE OF THE COMMISSION.

1. The Commission shall initially consist of five (5) members who are residents of the City.
2. Members of the Commission shall be appointed by the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
3. The Commission members are appointed for staggered terms of three (3) years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Members shall serve without compensation.
6. A simple majority of the Commission shall constitute a quorum for the transaction of business.
7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.
8. The Commission shall meet at least three (3) times a year.

24.04 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. (The necessary inventory forms and procedures for their completion are available from the State Bureau of Historic Preservation.) The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

4. In addition to those duties and powers specified above, the Commission may, with Council approval,
 - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;
 - B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;
 - C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;
 - D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
 - E. Contract with State or Federal government or other organizations;
 - F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;
 - G. Provide information for the purpose of historic preservation to the Council; and
 - H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

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CHAPTER 25

MUNICIPAL COMMUNICATIONS UTILITY

25.01 Establishment

25.02 Powers

25.03 Members

25.04 Term and Compensation

25.01 ESTABLISHMENT. Pursuant to a vote of the people held November 8, 2005, establishing a Municipal Communications Utility under the management and control of a Board of Trustees, a municipal utility known as the “Hampton Municipal Communications Utility” is hereby established under the control of a Board of Trustees consisting of five (5) members appointed by the Mayor, with the approval of the Council.

25.02 POWERS. All the powers of a municipal communications utility provided by law are vested in the Board of Trustees.

25.03 MEMBERS. No public officer or salaried employee of the City shall be appointed as a member of the Utility Board.

25.04 TERM AND COMPENSATION. The Council shall provide by resolution for staggered terms and shall establish compensation for members of the Board of Trustees. Members of the Board of Trustees may be appointed to more than one term and may succeed themselves. Any person appointed to fill a vacancy created for any reason, other than expiration of a term, shall fill the balance of the unexpired term.

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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
30.11 Accidental Injury Insurance
30.12 Liability Insurance
30.13 Mutual Aid

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 City Manager, 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 or marshal 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, 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, 804.18)

30.11 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 members of the department injured in the performance of their duties whether within or outside the corporate limits of the City. All members of the department shall be covered by the contract.

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

30.12 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)

30.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted agencies. Copies of any such agreements shall be filed with the Clerk.

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

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CHAPTER 31

RESERVE PEACE OFFICERS

31.01 Establishment of Force
31.02 Training
31.03 Status of Reserve Officers
31.04 Carrying Weapons
31.05 Supplementary Capacity
31.06 Supervision of Officers

31.07 No Reduction of Regular Force
31.08 Compensation
31.09 Benefits When Injured
31.10 Liability and False Arrest Insurance
31.11 No Participation in Pension Fund or Retirement System

31.01 ESTABLISHMENT OF FORCE. A force of reserve peace officers is hereby established. A reserve peace officer is a volunteer, non-regular, sworn member of the Police Department who will serve with or without compensation and has regular police powers while functioning as the Police Department's representative, and will participate on a regular basis in the agency's activities, including those of crime prevention and control, preservation of the peace and enforcement of the law.

31.02 TRAINING. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the Iowa Law Enforcement Academy. All standards and training required under Chapter 80D of the Code of Iowa constitute the minimum standards for reserve peace officers. Upon satisfactory completion of training, the Iowa Law Enforcement Academy shall certify the individual as a reserve peace officer. There shall be no exemptions from the personal and training standards provided for in this chapter.

31.03 STATUS OF RESERVE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the direction of the Police Chief. While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations and duties as any other peace officer.

31.04 CARRYING WEAPONS. A member of the reserve force shall not carry a weapon in the line of duty until he or she has been approved by the Council and certified by the Iowa Law Enforcement Academy Council. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the Police Chief.

31.05 SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all the requirements of regular peace officers.

31.06 SUPERVISION OF OFFICERS. Reserve peace officers shall be subordinate to the Police Chief, shall not serve as peace officers unless under the direction of the Police Chief, and shall wear a uniform prescribed by the Police Chief, unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigations, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank.

31.07 NO REDUCTION OF REGULAR FORCE. There shall be no reduction of the authorized size of the regular law enforcement department of the City because of the establishment or utilization of reserve peace officers.

31.08 COMPENSATION. While performing official duties, each reserve peace officer shall be considered an employee of the City and shall be paid a minimum of \$1.00 per year. In addition to the above mentioned pay, the Police Chief may compensate reserve peace officers on an hourly basis, in the discretion of the Police Chief and subject to the approval of the Council. The hourly compensation shall be fixed from time to time by the Council.

31.09 BENEFITS WHEN INJURED. Hospital and medical assistance and benefits, as provided in Chapter 85 of the Code of Iowa, shall be provided by the Council to members of the reserve force who sustain injury in the course of performing official duties.

31.10 LIABILITY AND FALSE ARREST INSURANCE. Liability and false arrest insurance shall be provided by the City to members of the reserve force while performing official duties in the same manner as for regular peace officers.

31.11 NO PARTICIPATION IN PENSION FUND OR RETIREMENT SYSTEM. This chapter shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or retirement system created by the laws of the State and of which regular peace officers may become members.

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Election of Officers
35.07 Fire Chief: Duties

35.08 Obedience to Fire Chief
35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside City
35.13 Mutual Aid
35.14 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 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

35.04 TRAINING. All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

(Code of Iowa, Sec. 100B.2[4])

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

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

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

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

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

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

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

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

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

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

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

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

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

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

35.12 CALLS OUTSIDE CITY. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

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

35.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

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

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

(Code of Iowa, Sec. 100.41)

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CHAPTER 36

FIRE SERVICE FEES

36.01 Fees Established

36.02 Collection of Fees

36.01 FEES ESTABLISHED. The following fees are hereby established which shall apply in the use of equipment and manpower furnished by the City Fire Department.

Car Fires	\$150.00 up to \$1,000.00
Grass Fires.....	\$150.00 up to \$1,000.00
Reckless Use of Fire.....	\$500.00 up to \$1,000.00
Commercial Structure Fires	\$300.00 up to \$5,000.00
Hazardous Materials Response	\$100.00 per truck per hour and \$30.00 per firefighter per hour
Motor Vehicle Accident Response and Hazard Control.....	\$350.00 plus costs of consumables and \$50.00 per hour after the first hour
Auto Extrication	\$500.00 per vehicle if extrication equipment is used, plus replacement costs of materials consumed and \$25.00 per hour per vehicle after the first hour

Responses shall be billed at the rate of \$100.00 per truck per hour, and \$30.00 per hour per firefighter, for each hour or part thereof subject to the minimum and maximum charges for specified activities as specified herein. All materials and/or equipment used and consumed or destroyed in any response shall be assessed and charged at replacement costs.

36.02 COLLECTION OF FEES. The Fire Chief and City Manager are hereby directed to issue invoices for such fire services and to collect such fees on behalf of the City and to deposit such fees in the *Fire Services Account* within the City's General Fund.

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CHAPTER 37

HAZARDOUS SUBSTANCE SPILLS

37.01 Purpose
37.02 Definitions
37.03 Cleanup Required
37.04 Liability for Cleanup Costs

37.05 Notifications
37.06 Police Authority
37.07 Liability

37.01 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.

37.02 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])

37.03 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 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.

37.04 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.

37.05 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 Department of the occurrence of a hazardous condition as soon as possible but not later than six 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.

37.06 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.

37.07 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 37.02[4].

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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
40.06 Loungers and Loafers
40.07 Window Peepers

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

(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])

1. 8. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

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

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

40.06 LOUNGERS AND LOAFERS. Any person who is found to obstruct or encumber any street corner or other public place in the City by loafing or lounging in or about the same, after being requested to move on by a police officer, is guilty of a misdemeanor.

40.07 WINDOW PEEPERS. Any person who peeps or looks into the windows, doors or other openings of any private residence, apartment or room within the City is guilty of a misdemeanor.

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.08 Abandoned or Unattended Refrigerators
41.02 False Reports to or Communications with Public Safety Entities	41.09 Antenna and Radio Wires
41.03 Providing False Identification Information	41.10 Barbed Wire and Electric Fences
41.04 Refusing to Assist Officer	41.11 Discharging Weapons
41.05 Harassment of Public Officers and Employees	41.12 Throwing and Shooting
41.06 Interference with Official Acts	41.13 Urinating and Defecating
41.07 Removal of an Officer's Communication or Control Device	41.14 Fireworks
	41.15 Public Exposure

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

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

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

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

41.14 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

(Code of Iowa, Sec. 727.2)

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

2. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury: \$250,000.00 per person
- B. Property Damage: \$50,000.00
- C. Total Exposure: \$1,000,000.00

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

41.15 PUBLIC EXPOSURE. Except as provided in Chapter 126 of this Code of Ordinances, no person shall expose those parts of his or her body hereinafter listed to another person in any public place or in any place where such exposure is seen by another person who is in a place that is open to the public or that the public has access to:

- 1. A woman’s nipple, the areola thereof, or full breast, except as necessary in the breast feeding of a baby;

2. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female.

This section shall not apply to limited or minimal exposures incident to the prescribed use of public restrooms, locker rooms or similar facilities if the person using the facility is of the sex the facility is provided for.

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

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Specific Exceptions. "Trespass" does not mean either of the following:
(*Code of Iowa, Sec. 716.7[2b]*)

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

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

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy property.
(*Code of Iowa, Sec. 716.1*)

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

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or

when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose
43.02 Controlled Substance Defined
43.03 Drug Paraphernalia Defined
43.04 Determining Factors/Evidence

43.05 Possession of Drug Paraphernalia
43.06 Manufacture, Delivery or Offering For Sale
43.07 Advertisement of Drug Paraphernalia

43.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture, delivery and advertisement of drug paraphernalia as defined herein.

43.02 CONTROLLED SUBSTANCE DEFINED. The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*, as it now exists or is hereafter amended.

43.03 DRUG PARAPHERNALIA DEFINED. The term “drug paraphernalia” as used in this chapter means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators - Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;
 - J. Air driven pipes;
 - K. Chillums;
 - L. Bongs;
 - M. Ice pipes or chillers.

43.04 DETERMINING FACTORS/EVIDENCE. In determining whether an object is used, designed for use or intended for use as drug paraphernalia for the purpose of enforcing this chapter, the following factors/evidence will be considered in addition to all other logically relevant factors/evidence:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.

3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.
4. Proximity To Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Health Care Professionals. If the owner or person in control of the object is a currently licensed health care professional such as a doctor, nurse, dentist, pharmacist and uses or is using the object for legitimate professional health care and/or medical purposes only, such object shall not be considered drug paraphernalia as defined in this chapter.
13. Licensed Professionals, Distributor or Dealer. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
14. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
15. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
16. Expert Testimony. Expert testimony concerning its use.

43.05 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.

43.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or

knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*.

43.07 ADVERTISEMENT OF DRUG PARAPHERNALIA. It is unlawful for any person to place any advertisement in any newspaper, magazine, handbill or other publication, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

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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

45.04 Social Host

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

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

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

(Code of Iowa, Sec. 123.47[1A])

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CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency

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

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

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

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

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose	47.05 Littering
47.02 Playgrounds and Recreation Centers	47.06 Parks Closed
47.03 Use of Drives Required	47.07 Camping
47.04 Fires	

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 PLAYGROUNDS AND RECREATION CENTERS. The management of all playgrounds, parks and recreation centers vests in the Council and/or a committee assigned such duties by the Council, and the Council and/or appropriate committee shall exercise such powers and assume such duties as are authorized under Chapters 364 through 394 of the Code of Iowa in addition to all such other powers and duties granted to the Council by this Code of Ordinances and the Code of Iowa.

47.03 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.

47.04 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.

47.05 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.

47.06 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within the Bandshell Park between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) a.m., and within all other parks between the hours of ten o'clock (10:00) p.m. and five o'clock (5:00) a.m.

47.07 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.

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CHAPTER 48

EXPLOSIVES

48.01 Gunpowder, Blasting Powder and Dynamite
48.02 Manner of Keeping
48.03 Handling Explosives

48.04 Storing, Keeping and Handling Flammable Oils
48.05 Blasting

48.01 GUNPOWDER, BLASTING POWDER AND DYNAMITE. It is unlawful for any person to keep or store at any one time in any house, store, shop, building or place in the City any gunpowder, blasting powder or dynamite in any quantity without first obtaining a written permit from the Police Chief. Nothing in this section applies to persons keeping less than six (6) pounds of gunpowder for their own use. No person shall keep in excess of one hundred (100) pounds of gunpowder, blasting powder or dynamite within the City, and no permit for keeping any larger amount shall be issued.

48.02 MANNER OF KEEPING. All gunpowder and dynamite shall be kept in the original package and securely placed in a metallic magazine made of steel or boiler iron with the walls not less than one-eighth inch in thickness with secure locks on the doors thereof, and with a label stating the contents thereof plainly stamped or painted on the outside of said magazine, and each can or package shall bear on the outside a like label in plain letters describing its contents. All such explosives must be kept on the ground floor and in the rear part of such store or building.

48.03 HANDLING EXPLOSIVES. No person shall sell, explode or dispose of any such explosives except by daylight and unless in the original packages and in no case shall any lighted cigar, candle, lantern, torch or fire be brought nearer than ten (10) feet to any such explosives.

48.04 STORING, KEEPING AND HANDLING FLAMMABLE OILS. All persons who store, keep and handle flammable oils within the City shall at all times be subject to the regulations or orders of the Council and shall at all times be subject to the regulations of the State Fire Marshal. If such oils are retailed, they shall be sold from metal cases or vessels of approved form and by approved pumps.

48.05 BLASTING. It is unlawful for any person to explode any dynamite or blasting powder without first securing a permit from the Police Chief. Such permit shall not be granted until the necessary precautions have been taken to make certain that no damage to adjacent property or to persons will be done.

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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 which are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.07)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes or fly ash.
9. **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. Ground Cover Required. Property in a residential area shall be seeded, sodded or otherwise planted with a ground cover not more than thirty (30) days after construction is completed, unless impractical, but not later than the beginning of the next growing season.

13. Machinery and Household Goods. No furniture, household furnishings, appliances, or other such items not designed for outside use and no machinery, implements, or other such equipment which is in an inoperable condition, including component parts thereof, shall be stored or kept outside for a period of more than twenty-four (24) hours on any premises in a residential area, excluding the week prior to a declared official cleanup program.

14. Construction Equipment and Materials. Operable machinery, equipment and materials being used for construction purposes, including pipes, lumber, forms, dirt, sand and sod, shall not be stored or kept in the open, except:

A. For use in the ordinary course of business as the inventory or asset of a contractor, supplier, or government subdivision if the area where stored or kept is zoned business, commercial, or industrial to allow such storage.

B. On the job site of a project in progress for a period not to exceed thirty (30) days after construction has been completed or a separate certificate of occupancy has been issued, whichever first occurs, and in any event for not more than three (3) months unless a building permit has been obtained from the City Manager for a longer period of time.

15. Outside Storage. The following items stored in outdoor areas or in other structures not totally enclosed by structural walls: building materials, abandoned or inoperable vehicles, non-registered vehicles, auto parts, tires, packing boxes, wooden pallets, broken or discarded furniture, broken or discarded household furnishings or equipment including carpeting, appliances and other typical household items, or any item not normally required in the day-to-day use of the property when stored continuously in excess of seventy-two (72) hours within any portion of a front, side or rear yard area. This section applies to all property, regardless of zoning classification. However, this section shall not be construed to prohibit a use specifically permitted by applicable zoning law.

16. **Junk Stored in Vehicles.** Any trailer, pick-up, or other motor vehicle containing an accumulation of or used for storage of junk as defined in Chapter 51 which has been stored or parked on public or private property for more than 48 hours.

17. **Attractive Nuisance.** Any attractive nuisance dangerous to children in the form of abandoned vehicles, abandoned or broken equipment, hazardous pools, ponds, excavations, materials, including building material, debris or neglected machinery.

18. **Deteriorated Property.** Real property maintained in such condition that it is or becomes defective, unsightly, or in such condition of deterioration or disrepair, including, but not limited to broken or missing windows or doors, brush or trees growing in or near foundation or through porch floors, unshingled or fallen roofs, rotten trim, rotten columns or porches that the same causes substantial depreciation of the property values of the surrounding properties or is materially detrimental to properties and improvements, and real property that by reason of fire damage, decay, or lack of maintenance has deteriorated to the extent its fair market value is less than one-half the market value of comparable real property that has not so deteriorated.

19. **Discarded Material.** Any discarded or unused material on real property that is not consistent with the condition and visual appearance of the surrounding or adjacent real property.

20. **Materials on Public Ways.** The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over the same.

21. **Garbage and Debris.** The depositing of, maintaining, permitting, or failing to remove, garbage, trash, rubbish, bottles, cans and other refuse on any property within the City, including large quantities of organic debris and materials, which accumulated by other than natural means, except neatly maintained compost piles.

22. **Outside Storage.** The outside storage of pipe, lumber, forms, machinery or other occupational materials upon property in the front yard or side yard corner lot or visible from a public street in a residential district.

23. **Wood Piles.** The accumulation of any piles of wood which are not neatly stacked, or secured in a stable manner to avoid collapse.

24. **Fireworks.** All use or display of fireworks except as provided by ordinances.

25. **Assembly of People.** Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks.

The contract purchaser, record holder of legal title, tenant in possession, and/or person or persons who have caused or allowed the existence of a nuisance are jointly responsible under this Code of Ordinances.

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

1. **Junk and Junk Vehicles (See Chapter 51)**
2. **Storage and Disposal of Solid Waste (See Chapter 105)**
3. **Separation Distances from Municipal Wells (See Chapter 148)**

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: [†]
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - 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. Election of Remedies. A statement that if the nuisance or condition is not abated as directed by the time specified in said notice, that (i) the City may separately petition the court to allow the City to abate said nuisance or condition and assess the costs against such person, and/or (ii) the City may abate such nuisance or condition if granted leave by court and if the costs assessed are unpaid after the expiration of the time set forth in the notice sent pursuant to Section 50.06(6) herein, such costs may be certified to the County Treasurer and collected as general property taxes, and/or (iii) said failure to correct may be considered a municipal infraction under Chapter 4 of this Code of Ordinances; that a civil citation may be issued by the City pursuant to such chapter; that upon hearing, the Judicial Magistrate may impose a civil judgment and order the nuisance abated by the owner; or upon a separate petition by the City the Court may order the nuisance be abated by the City and assess the costs of abatement against the person maintaining the nuisance or the property upon which the nuisance is maintained. Alternatively, a peace officer for the City may issue a criminal citation for a violation of the City code or regulation if criminal penalties are also provided for the violation.

[†] **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.

Each day that a violation occurs or is permitted to exist by the defendant, constitutes a separate offense.

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 \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances, and may be charged under Section 1.14 of this Code of Ordinance with a simple misdemeanor, or charged with a municipal infraction, the specific penalties for which are as follows:

- A. First Offense \$150.00
- B. Second Offense \$350.00
- C. Third and Subsequent Offenses \$625.00

9. In addition to a fine or monetary penalty, the Court may order the person to abate or remove the nuisance within a time specified and if not removed within the

time specified, may authorize the City to remove the same and enter judgment against the person personally and/or against the property where the violation occurred, and collect such costs as authorized by Section 50.06(6) of this Code of Ordinances.

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

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

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

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

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

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

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

1. A garage or other enclosed structure; or
2. The premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the Zoning Ordinance of the City (this exception does not permit the business enterprise to store vehicles or allow accumulations of junk in a manner that results in the dense growth of weeds, brush and grasses in and around the vehicles or junk, or to allow such vehicles or junk to become a habitat for rats, mice, snakes or any other vermin or insects); or
3. An appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (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
55.02 Animal Neglect
55.03 Livestock Neglect
55.04 Abandonment of Cats and Dogs
55.05 Livestock
55.06 At Large Prohibited
55.07 Damage or Interference
55.08 Annoyance or Disturbance

55.09 Rabies Vaccination
55.10 Owner's Duty
55.11 Confinement
55.12 At Large: Impoundment
55.13 Disposition of Animals
55.14 Care and Keeping of Animals
55.15 Scheduled Offenses and Fines
55.16 Pet Awards Prohibited

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag, or articulation.
2. "Animal" means a nonhuman vertebrate.
(*Code of Iowa, Sec. 717B.1*)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(*Code of Iowa, Sec. 717.1*)
8. "Owner" means any person owning, keeping, sheltering, or harboring an animal.

9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow dogs and cats to run at large within the corporate limits of the City.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

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

55.09 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)

55.10 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and

veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.11 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.12 AT LARGE: IMPOUNDMENT. Dogs and cats found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.13 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs to the veterinarian plus a pickup fee of \$10.00 to the City, and if an unvaccinated dog or cat, by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

55.14 CARE AND KEEPING OF ANIMALS.

1. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment is upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.
2. It is the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to this subsection constitutes a misdemeanor.
3. It is prohibited for any person in any manner to interfere with any employee or designated representative of the City so as to hinder, delay or prevent his or her executing duties in relation to the matters and things contained in this chapter.
4. It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or person's dwelling or other structure where the animal is at any time kept. At least once every 24 hours, or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and the same shall be properly disposed of. Feces shall be held in watertight and flytight containers pending disposal and shall be disposed of at least once weekly. The animal and place where

the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

55.15 SCHEDULED OFFENSES AND FINES. The following scheduled fines are fixed for violation of the designated sections of this chapter:

1. For violation of Section 55.06 (Running at Large):
 - A. First offense \$50.00
 - B. Second offense \$100.00
 - C. Third offense \$300.00
 - D. Over third offense to be determined by the court
2. For violation of Section 55.14:
(Care and Keeping) \$50.00
3. Violations by persons who elect to not pay the scheduled fines set forth in this section or otherwise fail to appear on or before the appearance date and all other offenses not identified in this section as a scheduled offense shall constitute misdemeanors. Each day a violation occurs or continues shall constitute a separate offense.

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

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CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

56.01 Definitions

56.02 Keeping of Dangerous Animals Prohibited

56.03 Seizure, Impoundment and Disposition of Dangerous Animals

56.04 Keeping of Vicious Animals Prohibited

56.05 Seizure, Impoundment and Disposition of Vicious Animals

56.06 Insurance

56.07 Scheduled Offenses and Fines

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

1. “Animal” means every wild, tame or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.
2. “Animal control officer” means the Police Chief of the City.
3. “At large” means off the premises of the owner, unless:
 - A. The animal is on a leash, cord, chain or similar restraint not more than six (6) feet in length and under the control of the person; or
 - B. The animal is within a motor vehicle; or
 - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter; or
 - D. The animal is at heel.
4. “Dangerous animal” means:
 - A. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - B. Black widow spiders and scorpions;
 - C. Raccoons, opossums and skunks.
5. “Dog” means and includes members of the canine species, male or female, whether neutered or not.
6. “Owner” has the same meaning given in Chapter 55.
7. “Pet shop” means any person engaged in the business of breeding, buying, selling or boarding animals of any species, except the operation of a kennel, agriculture or wildlife pursuits.
8. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on two separate occasions within a twelve-month period, or which has been found to possess such propensities by the Council, after hearing.

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

56.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the animal control officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, the animal control officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the animal control officer shall order the person named in the complaint to safely remove such animal from the City or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the animal control officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

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

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the Council may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the animal control officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the animal control officer is not appealed and is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound such

dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the District Court for a review of said order, the City shall cause the animal to be disposed of by sale or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a misdemeanor offense.

56.04 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 56.05 of this Code of Ordinances. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the Police Chief that a guard dog is on duty at said premises.

56.05 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The animal control officer or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall state that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.
2. If, after hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the animal control officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the District Court for a review of such order, the animal control officer shall cause the animal to be destroyed.
3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.
4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot be safely be apprehended, in which case the animal control officer may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three days of impoundment.

5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, such impoundment or quarantine costs shall be paid by the City.

56.06 INSURANCE. Every person keeping or maintaining a guard dog as provided in this chapter, shall accompany any application or display upon request by the animal control officer a certificate of insurance from an insurance company authorized to do business in the State with coverage of at least \$150,000.00 combined single limit liability for bodily injury. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless then 10 days' written notice is first given to the Clerk. Failure to provide or display such certificate of insurance shall immediately cause the applicant, licensee or owner of such animal to lose the exemption status as provided in this chapter.

56.07 SCHEDULED OFFENSES AND FINES. Fines fixed for violations of this chapter are as follows:

1. First Offense..... \$100.00
2. Second Offense \$250.00
3. Third Offense \$500.00
4. Fourth Offense or Subsequent..... to be determined by the court

Violations by persons who elect not to pay the scheduled fine set forth in this section or otherwise fail to appear on or before the appearance date shall constitute a simple misdemeanor. Each day a violation occurs or continues shall constitute a separate offense.

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CHAPTER 57

DOG AND CAT LICENSES REQUIRED

57.01 Annual License Required

57.02 License Fees

57.03 Delinquency

57.04 License Tags

57.05 License Records

57.06 Immunization

57.07 Duplicate Tags

57.08 Transfers of Licensed Animals

57.09 Kennel Dogs

57.10 Scheduled Offenses and Fines

57.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog or cat over the age of six months shall procure a dog license from the Clerk on or before the first day of January of each year.
2. Such license may be procured after January 1 and at any time for a dog or cat which has come into the possession or ownership of the applicant or which has reached the age of six months after said date.
3. The owner of a dog or cat for which a license is required shall apply to the Clerk on forms provided by the City.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be revaccinated.
5. All licenses shall expire on January 1 of the year following the date of issuance.

57.02 LICENSE FEES. The annual license fee shall be \$3.00 for neutered males and females and \$5.00 for unneutered males and females.

57.03 DELINQUENCY. All license fees shall become delinquent on the first day of July of the year in which they are due and a delinquent penalty of \$1.00 shall be added to each unpaid license on and after said date.

57.04 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness which shall be worn at all times by the dog or cat for which issued. A license issued for one dog or cat shall not be transferable to another dog or cat. Upon the expiration of the license the owner shall remove said tag from the dog or cat.

57.05 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the animal.

3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

57.06 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog or cat.

(Code of Iowa, Sec. 351.33)

57.07 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$2.00 and the Clerk shall enter in the license record the new number assigned.

57.08 TRANSFERS OF LICENSED ANIMALS. Upon transfer of a licensed dog or cat into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag.

57.09 KENNEL DOGS. Dogs kept in state or federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

57.10 SCHEDULED OFFENSES AND FINES. The following scheduled fines are fixed for violations of this chapter:

1. First offense \$40.00
2. Second offense \$50.00
3. Third offense \$75.00
4. Fourth offense or subsequent to be determined by the court

Each day a violation occurs shall constitute a separate offense. Each offense whether scheduled above or otherwise not identified in this section as a scheduled offense shall constitute a simple misdemeanor. Each offense, whether involving the same animal or different animals shall constitute a separate offense for purposes of determining the number of prior offenses, regardless of when said prior offense may have occurred.

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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 "Hampton 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:

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.

(Code of Iowa, Sec. 321.1[57])

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.

(Code of Iowa, Sec. 321.1[45])

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.

(Code of Iowa, Sec. 321.1[58])

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.

(Code of Iowa, Sec. 321.1[59])

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.

(Code of Iowa, Sec. 321.1[60])

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.

(Code of Iowa, Sec. 321.1[62])

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.

(Code of Iowa, Sec. 321.1 [1])

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 funeral procession or parade containing one hundred (100) or more persons or thirty (30) or more vehicles, excepting the forces of the United States Army, the military forces of the State and the forces of the police and fire departments of the City, shall occupy, march or proceed along any street, except in accordance with this section.

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or

manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

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

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

4. Control By Police and 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 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Public Works Director shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of the City to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of the City or under State law, or to guide or warn traffic. The Public Works Director shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254 & 321.255)

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

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

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

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

61.04 STANDARDS. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

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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
62.08 Sound Amplification Systems

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
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 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Damage to vehicle.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.

55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.

- 88. Section 321.344B – Immediate safety threat; penalty.
- 89. Section 321.354 – Stopping on traveled way.
- 90. Section 321.359 – Moving other vehicle.
- 91. Section 321.362 – Unattended motor vehicle.
- 92. Section 321.363 – Obstruction to driver's view.
- 93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
- 94. Section 321.365 – Coasting prohibited.
- 95. Section 321.367 – Following fire apparatus.
- 96. Section 321.368 – Crossing fire hose.
- 97. Section 321.369 – Putting debris on highway.
- 98. Section 321.370 – Removing injurious material.
- 99. Section 321.371 – Clearing up wrecks.
- 100. Section 321.372 – School buses.
- 101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
- 102. Section 321.381A – Operation of low-speed vehicles.
- 103. Section 321.382 – Upgrade pulls; minimum speed.
- 104. Section 321.383 – Exceptions; slow vehicles identified.
- 105. Section 321.384 – When lighted lamps required.
- 106. Section 321.385 – Head lamps on motor vehicles.
- 107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
- 108. Section 321.387 – Rear lamps.
- 109. Section 321.388 – Illuminating plates.
- 110. Section 321.389 – Reflector requirement.
- 111. Section 321.390 – Reflector requirements.
- 112. Section 321.392 – Clearance and identification lights.
- 113. Section 321.393 – Color and mounting.
- 114. Section 321.394 – Lamp or flag on projecting load.
- 115. Section 321.395 – Lamps on parked vehicles.
- 116. Section 321.398 – Lamps on other vehicles and equipment.
- 117. Section 321.402 – Spot lamps.
- 118. Section 321.403 – Auxiliary driving lamps.
- 119. Section 321.404 – Signal lamps and signal devices.
- 120. Section 321.404A – Light-restricting devices prohibited.
- 121. Section 321.405 – Self-illumination.

- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.
- 124. Section 321.415 – Required usage of lighting devices.
- 125. Section 321.417 – Single-beam road-lighting equipment.
- 126. Section 321.418 – Alternate road-lighting equipment.
- 127. Section 321.419 – Number of driving lamps required or permitted.
- 128. Section 321.420 – Number of lamps lighted.
- 129. Section 321.421 – Special restrictions on lamps.
- 130. Section 321.422 – Red light in front.
- 131. Section 321.423 – Flashing lights.
- 132. Section 321.430 – Brake, hitch, and control requirements.
- 133. Section 321.431 – Performance ability.
- 134. Section 321.432 – Horns and warning devices.
- 135. Section 321.433 – Sirens, whistles, and bells prohibited.
- 136. Section 321.434 – Bicycle sirens or whistles.
- 137. Section 321.436 – Mufflers, prevention of noise.
- 138. Section 321.437 – Mirrors.
- 139. Section 321.438 – Windshields and windows.
- 140. Section 321.439 – Windshield wipers.
- 141. Section 321.440 – Restrictions as to tire equipment.
- 142. Section 321.441 – Metal tires prohibited.
- 143. Section 321.442 – Projections on wheels.
- 144. Section 321.444 – Safety glass.
- 145. Section 321.445 – Safety belts and safety harnesses; use required.
- 146. Section 321.446 – Child restraint devices.
- 147. Section 321.449 – Motor carrier safety regulations.
- 148. Section 321.449A – Rail crew transport drivers.
- 149. Section 321.450 – Hazardous materials transportation.
- 150. Section 321.454 – Width of vehicles.
- 151. Section 321.455 – Projecting loads on passenger vehicles.
- 152. Section 321.456 – Height of vehicles; permits.
- 153. Section 321.457 – Maximum length.
- 154. Section 321.458 – Loading beyond front.
- 155. Section 321.460 – Spilling loads on highways.
- 156. Section 321.461 – Trailers and towed vehicles.

- 157. Section 321.462 – Drawbars and safety chains.
- 158. Section 321.463 – Maximum gross weight.
- 159. Section 321.465 – Weighing vehicles and removal of excess.
- 160. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The City Manager 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. 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, except in response to an imminent traffic accident. 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' from the motor vehicle shall constitute evidence of a prima facie violation of this section.

62.08 SOUND AMPLIFICATION SYSTEMS. No driver of any motor vehicle shall operate or permit operation of any sound amplification system in such manner that can be heard from outside the vehicle more than 75 feet from said vehicle when being operated on any street, highway or public place in the City. The provisions of this section do not apply (i) when said system is being operated in such a manner to request assistance or warn of a hazardous situation or (ii) to authorized emergency vehicles, vehicles engaged in advertising or outside vehicle speakers in commercial use.

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CHAPTER 63

SPEED REGULATIONS

63.01 General
63.02 State Code Speed Limits
63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Zones
63.05 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 – 20 miles per hour.
2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour.

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Central Avenue from the west corporate limits to 350 feet east of Eighth Street East;
 - B. On Fourth Street Southeast from 500 feet south of Sixth Avenue Southeast to Central Avenue;
 - C. On Fourth Street Northeast from Central Avenue to 550 feet north of Twelfth Avenue Northeast;

- D. On 140th Street from Olive Avenue to the west corporate City limits of Hampton, Iowa.
- 2. Special 40 MPH Speed Zones. A speed in excess of 40 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Olive Avenue from Central Avenue West to Twelfth Avenue Northwest;
 - B. On Twelfth Avenue Northwest from 600 feet west of Fourth Street Northwest to Olive Avenue;
 - C. On Olive Avenue from Central Avenue West to Twelfth Avenue Southwest.
- 3. Special 50 MPH Speed Zones. A speed in excess of 50 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Twelfth Avenue South from Olive Avenue to Fourth Street Southeast.

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 U-Turn Restrictions
64.04 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. U-turns are prohibited within the Business District and at intersections where there are automatic traffic signals.

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

64.03 U-TURN RESTRICTIONS. No person shall make a U-turn unless such movement can be made with reasonable safety and does not constitute an immediate hazard or impede the flow of other traffic.

64.04 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on a street within the Business District.

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets - Stop
65.02 Special Stops Required
65.03 Four-Way Stop Intersections
65.04 Special Yield Required
65.05 School Stops

65.06 Stop Before Crossing Sidewalk
65.07 Stop When Traffic Is Obstructed
65.08 Yield to Pedestrians in Crosswalks
65.09 Official Traffic Controls

65.01 THROUGH STREETS - STOP. Every driver of a vehicle shall stop as required by this chapter at the entrance to a through street or highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through street or highway or which are approaching so closely on the through street or highway as to constitute a hazard, but such driver, having so yielded, may proceed cautiously and with due care enter the through street or highway unless otherwise directed by a police officer or traffic control signal before entering an intersection with the following designated through streets.

65.02 SPECIAL STOPS REQUIRED. The following intersections are designated as stop intersections, and all vehicles are required to stop at the entrance to such intersection when a stop sign is erected.

1. The intersections of Federal Street North and:
 - A. Twelfth Avenue – northwest and southeast corners;
 - B. Third Avenue – northwest and southeast corners;
 - C. Central Avenue – northwest corner;
 - D. Eighteenth Avenue – northeast corner;
 - E. Seventeenth Avenue – northeast corner.
2. The intersections of Federal Street South and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners;
 - C. Twelfth Avenue – northwest corner.
3. The intersections of First Street Northwest and:
 - A. Twelfth Avenue – southeast corner;
 - B. Tenth Place – southwest corner;
 - C. Ninth Place – southwest corner;
 - D. Shar-Denn Drive – northeast corner;
 - E. Eighth Place – southwest corner;
 - F. Eighth Avenue – southwest corner;
 - G. Seventh Avenue – northeast corner;
 - H. Progress Park – north driveway, southwest corner;

- I. Sixth Avenue – northeast corner;
 - J. Progress Park – south driveway, southwest corner;
 - K. Fourth Avenue – southwest and northeast corners.
- 4. The intersections of First Street Southwest and:
 - A. Third Avenue – northwest and southeast corners;
 - B. Fifth Avenue – northeast corner.
 - 5. The intersections of Second Street Northwest and:
 - A. Twelfth Avenue – southeast corner;
 - B. Third Avenue – southeast and northwest corners;
 - C. First Avenue – southeast and northwest corners;
 - D. Central Avenue – northwest corner.
 - 6. The intersections of Second Street Southwest and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest corner.
 - 7. The intersections of Third Street Northwest and:
 - A. Twelfth Avenue – southeast corner;
 - B. Central Avenue – northwest corner;
 - C. Third Avenue – southeast and northwest corners.
 - 8. The intersections of Third Street Southwest and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
 - 9. The intersection of 4th Street NW and:
 - A. Second Avenue NW – northwest corner;
 - B. Twelfth Avenue – southeast corner.
 - 10. The intersection of Fourth Street Southwest and Third Avenue – northwest and southeast corners.
 - 11. The intersection of Fifth Street Northwest and Central Avenue – northwest corner.
 - 12. The intersections of Fifth Street Southwest and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
 - 13. The intersection of Sixth Street Northwest and Central Avenue – northwest corner.
 - 14. The intersections of Sixth Street Southwest and:
 - A. Central Avenue – southeast corner;
 - B. First Avenue – southwest corner;

- C. Second Avenue – northeast and southwest corners;
 - D. Third Avenue – northwest and southeast corners;
 - E. Fifth Avenue – northeast and southwest corners;
 - F. Sixth Avenue – northeast and southwest corners;
 - G. Seventh Avenue – northeast and southwest corners;
 - H. Eighth Avenue – northeast and southwest corners;
 - I. Ninth Avenue Drive – northeast corner;
 - J. Twelfth Avenue – northwest corner.
15. The intersection of Seventh Street Northwest and Central Avenue – northwest corner.
16. The intersections of Seventh Street Southwest and:
- A. Central Avenue – southeast corner;
 - B. Third Avenue – northeast corner.
17. The intersections of Eighth Street Northwest and:
- A. Second Avenue – northwest and southeast corners;
 - B. Central Avenue – northwest corner.
18. The intersection of Ninth Street Northwest and Central Avenue – northwest corner.
19. The intersection of Tenth Street Northwest and Central Avenue – northwest corner.
20. The intersection of Twelfth Street Northwest and Twelfth Avenue – extreme southeast corner.
21. The intersections of Twelfth Street Southwest and:
- A. Central Avenue – southeast corner;
 - B. Twelfth Avenue – northeast corner.
22. The intersection of Fifth Street Northeast and:
- A. Ninth Place – southwest and northeast corners;
 - B. Sixth Avenue – northwest and southeast corners;
 - C. Third Avenue – northwest and southeast corners;
 - D. Central Avenue – northwest corner.
23. The intersections of First Street Southeast and:
- A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
24. The intersections of Second Street Northeast and:
- A. Twelfth Avenue – southeast corner;
 - B. Sixth Avenue – northwest and southeast corners;

- C. Third Avenue – southeast corner;
 - D. Central Avenue – northwest corner.
25. The intersections of Second Street Southeast and:
- A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
26. The intersection of Val-Kay Court Northeast and Twelfth Avenue – center of median.
27. The intersections of Third Street Northeast and:
- A. Sixth Avenue – northwest and southeast corners;
 - B. Third Avenue – southeast corner;
 - C. Central Avenue – northwest corner.
28. The intersections of Third Street Southeast and:
- A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
29. The intersections of Fourth Street Northeast and:
- A. Nineteenth Avenue – southwest corner;
 - B. Eighteenth Avenue – southwest corner;
 - C. Twelfth Avenue – southwest and northeast corners;
 - D. Eleventh Avenue – southwest and northeast corners;
 - E. Tenth Avenue – southwest and northeast corners;
 - F. Ninth Place – southwest corner;
 - G. Seventh Avenue –northeast corner;
 - H. Sixth Avenue – southwest and northeast corners;
 - I. Fifth Avenue – southwest corner;
 - J. Third Avenue – southwest corner;
 - K. Second Avenue – southwest corner;
 - L. First Avenue – southwest and northeast corners.
30. The intersections of Fourth Street Southeast and:
- A. First Avenue – southwest and northeast corners;
 - B. Second Avenue – southwest and northeast corners;
 - C. Third Avenue – southwest and northeast corners;
 - D. Fourth Avenue – southwest and northeast corners;
 - E. Fifth Avenue – southwest corner;
 - F. Sixth Avenue – southwest corner;
 - G. Twelfth Avenue – northeast corner.

31. The intersection of Fifth Street Northeast and Central Avenue – northwest corner.
32. The intersections of Fifth Street Southeast and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
33. The intersections of Sixth Street Northeast and:
 - A. Twelfth Avenue – southeast corner;
 - B. First Avenue – southeast corner;
 - C. Central Avenue – northwest corner.
34. The intersection of Sixth Street Southeast and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
35. The intersection of Seventh Street Northeast and Central Avenue – northwest corner.
36. The intersections of Seventh Street Southeast and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
37. The intersection of Eighth Street Northeast and Central Avenue – northwest corner.
38. The intersections of Eighth Street Southeast and:
 - A. Central Avenue – southeast corner;
 - B. Third Avenue – northwest and southeast corners.
39. The intersections of Central Avenue East and:
 - A. Windsor Boulevard – northwest corner;
 - B. Franklin General Hospital entrance driveway – northwest corner;
 - C. Quail Avenue – southwest corner;
 - D. All stop signs located within the boundary lines of the Franklin General Hospital, specifically one being at the exit from the emergency drive to the main drive of the hospital and one being from the exit of the main parking area of the hospital.
40. The intersection of Olive Avenue Northwest and Fourth Avenue – northeast corner.
41. The intersection of First Street Northeast and:
 - A. First Avenue Northeast – northwest corner;
 - B. First Avenue Northeast – southeast corner;
 - C. Second Avenue Northeast – northwest corner;
 - D. Second Avenue Northeast – southeast corner.

65.03 FOUR-WAY STOP INTERSECTIONS. The following intersections are designated as four-way stop intersections, and all vehicles are required to stop at the entrances to such intersection when stop signs are erected.

1. The intersections of First Street Northwest and:
 - A. Third Avenue – southwest, northwest, northeast and southeast corners;
 - B. Second Avenue – southwest, northwest, northeast and southeast corners;
 - C. First Avenue – southwest, northwest, northeast and southeast corners.
2. The intersections of Second Street Northwest and:
 - A. First Avenue Northwest – northwest, northeast, southwest and southeast corners;
 - B. Second Avenue Northwest – northwest, northeast, south-west and southeast corners.
3. The intersections of Federal Street North and:
 - A. First Avenue – northwest, northeast, southwest and southeast corners;
 - B. Second Avenue – northwest, northeast, southwest and southeast corners;
 - C. Twelfth Avenue – northwest, northeast, southwest and southeast corners.

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

(Code of Iowa, Sec. 321.345)

1. The intersection of First Street Northeast:
 - A. Seventh Avenue Northeast – southeast corner;
 - B. Seventh Avenue Northeast – northwest corner.
2. The intersection of Third Street Southwest:
 - A. First Avenue Southwest – southeast corner;
 - B. First Avenue Southwest – northwest corner.

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

(Code of Iowa, Sec. 321.249)

1. Intersection of Fourth Street Southeast (Highway 65) and Fourth Avenue;
2. Intersection of Twelfth Avenue Northeast and Fourth Street Northeast (Highway 65);

3. Intersection of Twelfth Avenue Northeast and Third Street;
4. Intersection of Fourth Avenue Southeast and Fifth Street.

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

(Code of Iowa, Sec. 321.353)

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

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

(Code of Iowa, Sec. 321.327)

65.09 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

1. Intersection of Central Avenue East and Fourth Street;
2. Intersection of Central Avenue West and First Street.

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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 Load Limits on Bridges
66.05 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, 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 following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

1. First Street Northwest. 7,000 pound limit from Central Avenue to Third Avenue Northwest.

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

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing 10 tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

- A. Highway 3 from Olive Avenue to Quail Avenue;
- B. Highway 65 from Nineteenth Avenue NE to 140th Street;
- C. Twelfth Avenue North from Olive Avenue to Quail Avenue;

- D. Olive Avenue from Twelfth Avenue North to 130th Street;
- E. 140th Street from Nuthatch Avenue to Highway 65;
- F. First Street NW from Twelfth Avenue North to Sixth Avenue NW;
- G. Ninth Place NE from First Street NE to Highway 65;
- H. Imperial Road from 140th Street;
- I. South Federal Street from 140th Street to Sixth Avenue SE.

2. Deliveries Off Truck Route. Any motor vehicle weighing 10 tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

4. Exemptions. Implements of husbandry, as defined by Section 321.1 of the *Code of Iowa*, are exempt from the truck route regulations established in this section.

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

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)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

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

- NONE -

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Park Adjacent to Curb - One-Way Street
69.03 Angle Parking
69.04 Angle Parking – Manner
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited
69.07 Persons With Disabilities Parking

69.08 No Parking Zones
69.09 Truck Parking Limited
69.10 Buses and Taxicabs
69.11 Bus Stops and Taxicab Stands
69.12 Emergency Snow Regulations
69.13 Snow Routes
69.14 Limited Parking

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

(Code of Iowa, Sec. 321.361)

69.02 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 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. First Street Southwest on the east side from First Avenue Southwest to Central Avenue;
2. First Street Northwest on both sides from Central Avenue West to Second Avenue Northwest;
3. Federal Street South on the west side from First Avenue South to Central Avenue;
4. Federal Street North on both sides from Central Avenue to First Avenue North;
5. Federal Street North on the west side from First Avenue North to Second Avenue North;
6. First Avenue Northwest on both sides from Federal Street to First Street Northwest;
7. First Avenue Northeast on the north side from Federal Street to First Street Northeast;
8. Second Avenue Northwest on the north side from First Street Northwest to Second Street Northwest;

9. Second Avenue Northwest on the north side from First Street Northwest to Federal Street.

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

(Code of Iowa, Sec. 321.361)

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

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

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

1. Crosswalk. On a crosswalk.
(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 20 feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])

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

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

10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
(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 Police Chief may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358 [13])

14. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.
(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is 18 feet wide or less; provided said vehicle is parked to deliver goods or services.
(Code of Iowa, Sec. 321.236[1])

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.
(Code of Iowa, Sec. 321.358[15])

17. Area Between Roadway and Sidewalk. That area between the roadway and sidewalk of any street or highway in the City without authorization from the Clerk. Such area shall be kept clear of any implements, equipment, machinery, tools, contrivances, apparatus, appliances, devices, gadgets, obstacles, impediments or other obstructions.

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

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and *Iowa Administrative Code*, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.
2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
 - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;
 - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
 - A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.
 - B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. Central Avenue on both sides from west corporate limits to east corporate limits;
2. Fourth Street on both sides from north corporate limits to south corporate limits;
3. First Street Northwest on the west side from Third Avenue Northwest to Eighth Place Northwest;
4. First Street Northwest on the east side from Fifth Avenue Northwest to Eighth Place Northwest;
5. Twelfth Avenue Northeast on the south side from Third Street Northeast to Federal Street;

6. Twelfth Avenue Northwest on the south side from First Street Northwest to Second Street Northwest;
7. Twelfth Avenue Northwest on the north side from Second Street Northwest to Fourth Street Northwest;
8. Olive Street on both sides from Twelfth Avenue Northwest to Fourth Avenue Northwest;
9. On any street within the Business District between the hours of 2:00 a.m. and 5:00 a.m.;
10. Second Street Northeast on the east side from Tenth Place Northeast to Eleventh Place Northeast;
11. Third Street Northwest on the west side from Twelfth Avenue Northwest to Oak Hill Drive;
12. Second Street Northeast on the east side from Ninth Place Northeast to Tenth Place Northeast, and from Eleventh Place Northeast to Twelfth Avenue Northeast;
13. Fourth Avenue Northwest on both sides from Federal Street North to Second Street Northwest;
14. Eleventh Place Northeast on the north side between First Street Northeast and Federal Street North;
15. Third Street Northeast on the west side from First Avenue Northeast to Third Avenue Northeast;
16. Second Avenue Southeast on the north side from Fifth Street Southeast to Seventh Street Southeast;
17. Fifth Street Southeast on the east side from Central Avenue East to First Avenue Southeast;
18. First Avenue Southeast on the south side from Fourth Street Southeast to Fifth Street Southeast;
19. Federal Street North on the east side from Eleventh Place Northeast to Twelfth Avenue Northeast;
20. Fourth Avenue Southeast on the north side from Fourth Street Southeast to Seventh Street Southeast;
21. Second Avenue Southeast on the north side from Third Street Southeast to Fourth Street Southeast;
22. First Street Southeast on the east side from Central Avenue East to First Avenue Southeast;
23. First Street Northwest on the west side, 65 feet south of south right-of-way of Twelfth Avenue Northwest;
24. First Street Northwest on the east side, 65 feet south of the south right-of-way of Twelfth Avenue Northwest;
25. Tenth Avenue Northeast on the south side from Fourth Street Northeast to Sixth Street Northeast; during school days between the hours of 7:30 a.m. and 4:00 p.m.;

26. Eleventh Avenue Northeast on the south side from Fourth Street Northeast to Sixth Street Northeast; during school days between the hours of 7:30 a.m. and 4:00 p.m.;
27. Tenth Avenue Northeast on the north side, 50 feet east of the Tenth Avenue Northeast and Fourth Street Northeast intersection;
28. Fourth Avenue Southeast on the north side from Seventh Street Southeast to Fourth Street Southeast; during school days between the hours of 7:30 a.m. and 4:00 p.m.;
29. Second Street Southeast on both sides on the 600 block; from 8:00 a.m. through 4:00 p.m., Monday through Friday;
30. First Street Southwest on the west side, north from First Avenue Southwest, first three parallel parking spaces; during the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday.

69.09 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached exceeding thirty feet in length in violation of the following regulations. The provisions of this section shall not apply to pick-up, 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 within the Business District, no person shall park or leave unattended such vehicle within the Business District. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Other Parts of Town. No such vehicle shall be left unattended or parked upon any other street or alley except for moving vans as specified in Section 69.09(3) of this Code of Ordinances.
3. Exception for Moving Vans. Vans engaged in the act of loading and/or unloading may be parked for a period of time not exceeding 24 hours.
4. Noise. No such vehicle shall be left standing or parked in any area of the City with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds for a period of time longer than two hours.
5. Dollying Down. No person shall dolly down a camper, trailer, semi-trailer or other such vehicle onto a street and let it remain there.
6. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway within 300 feet of any residence within the City for a period of time of more than one hour. In addition, any such livestock truck, semi-trailer or any other vehicle shall be thoroughly cleansed of all refuse, manure, hay, straw or sand within two hours after it is placed on any premises or in any garage within the City after it has been used to transport livestock.

69.10 BUSES AND TAXICABS. The driver of a bus or taxicab shall not stand or park upon any street in any Business District at any place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations, or stopping or

parking any place for the purpose of and while actually engaged in loading or unloading passengers.

69.11 BUS STOPS AND TAXICAB STANDS. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

69.12 EMERGENCY SNOW REGULATIONS.

1. **Parking Restrictions.** It is unlawful for any vehicle to be parked on or along any public street, avenue, alley, or other public place in the City in such a manner as to interfere with the plowing or removal of snow and/or ice from the same.
2. **Declaration of Emergency Snow Parking Regulations.** When it becomes necessary for the City to cause snow and/or ice to be plowed or removed from its public streets, avenues, alleys, or other public places, due to the accumulation thereon, causing a hindrance to traffic and constituting an emergency, requiring the same to be plowed or removed, the Public Works Director or his/her designated representative shall, by “appropriate public media,” declare the commencement of such emergency situation, and the enforcement of emergency snow parking regulations as hereafter set forth, which regulations shall remain in force and effect until lifted by the Public Works Director or his/her designated representative. For the purpose of this chapter, the accumulation of snow and/or ice on any public street, avenue, alley, or other public places deemed sufficient for the application of emergency parking regulations is hereby defined as being such accumulation thereof which hinders the safe movement of vehicular traffic in general thereon, or which impedes the ability of emergency and public transportation vehicles to travel safely and expeditiously along, over, and across the same. “Appropriate public media” is defined as being a public announcement by means of broadcasts or telecasts from radio, television, telephone, and internet-based public announcements. The Public Works Director or his/her designated representative may also cause such declaration to be announced in a newspaper of general circulation in this City, when time permits. The public announcements shall also specify the time and date the emergency situation shall be in force and effect.
3. **Snow Parking Regulations.** Upon the declaration of such emergency situation by the Public Works Director or his/her designated representative, as stated in subsection 2 of this section, no parking shall be permitted on the designated City streets, avenues, alleys, or other public places for the duration of the emergency. During times of declared snow emergencies when street or avenue parking is disallowed, TEMPORARY parking of vehicles on private yards is permitted with the permission of the property owner, until 24 hours after the snow emergency has been lifted by the Public Works Director or his/her designated representative.
4. **Downtown Parking During Snow Emergency Declarations.** No person shall park, abandon or leave unattended any vehicle during a declared Snow Emergency between 2:00 a.m. through 6:00 a.m. in the Downtown C-1 Commercial Zoning District, bounded by First Avenue South to Third Avenue North, and between First Street East to Third Street West.

5. Parking on City-owned or Operated Parking Lots. It is unlawful for any vehicle to be parked on or in any City-owned or operated parking lot during the period of such declared Snow Emergency, as authorized in this section, from 2:00 a.m. until 6:00 a.m. Parking shall be allowed from 6:00 a.m. until 2:00 a.m. in said City-owned or operated parking lots throughout a declared Snow Emergency. Any vehicle remaining parked in violation of the provisions of this Chapter may be removed as provided in subsection 9 this section. EXCEPTIONS: The following City-owned and operated parking lots may be utilized for parking during Snow Emergency declarations for 24 hours after the Snow Emergency declaration has been lifted:

- A. Hampton Public Library east parking lot;
- B. North downtown parking lot (corner of Second Street Northwest and Third Avenue Northwest);
- C. The lower parking area at Progress Park (between the basketball court and tennis courts).

Vehicles must be removed from these City-owned and operated parking lots within 24 hours after the Snow Emergency declaration has been lifted, and not utilized for parking until such time the snow has been cleared from said parking lots.

6. Post Hours. No person shall park, abandon, or leave unattended any vehicle during posted hours on streets or avenues, where parking is prohibited during certain hours, as posted on official signs.

7. Enforcement of Regulations. The provisions of this section shall supersede all other parking regulations in force and effect on any such arterial or residential street, avenue, or alley during such emergency situation, and shall not require posting of the emergency situation.

8. Vehicle Declared Nuisance. Any vehicle located or parked within the limits of any street in the City or parked in or upon any City-owned or operated parking lot in violation of any of the provisions of this chapter is a nuisance and may be towed or removed by or under the direction of the Chief of Police or his/her designated subordinate.

9. Notice of Towing or Removal. In the event the Chief of Police or his/her designated subordinate shall direct the towing or removal of any vehicle in accordance with subsection 6 of this section he/she shall make a record thereof and shall within 24 hours thereafter given written notice to the owner at his or her last known address, and if the owner is unknown, on the first business day following the day of such towing or removal submit for publication such notice at least once in a newspaper having general circulation in the City. Such notice shall include a statement of the time of towing or removal, the place of storage, a description of the vehicle, and the registration number, if any.

10. Cost of Towing or Removal. The cost of towing or removal of any nuisance vehicle in accordance with this chapter, as well as storage charges, if any, shall be paid by the owner of such vehicle, but any such charges shall not be considered a fine, penalty, or forfeiture.

11. Penalty. Any person in violation of any of the provisions of this chapter shall be subject to a fine of \$25.00, payable at the Hampton Police Department within 30 days of issue. Non-payment after 30 days results in an additional penalty of \$5.00.

Unpaid fines after 60 days are subject to citation filed with the Franklin County Magistrate's Court.

69.13 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.14 LIMITED PARKING. The following parking areas of the City are hereby designated as limited parking areas for a specified time as designated by posted signs for the purposes of making or receiving deliveries:

1. Parking at the first marked and designated parallel parking spot on the south side of First Avenue Northwest, located immediately east of the intersection of First Avenue Northwest and Second Street Northwest and adjacent to Hampton City Hall is limited to five minutes from 8:00 a.m. to 5:00 p.m., Monday through Friday.
2. Parking at the third marked and designated parallel parking spot on the south side of First Avenue Northwest, located as the third parking spot west of the intersection of First Avenue Northwest and First Street Northwest shall be limited to parking for 10 minutes between the hours of 5:00 p.m. and 9:00 p.m., seven days per week.
3. Parking at the first marked and designated parallel parking spot on the north side of First Avenue Northwest, located immediately west of the intersection of First Avenue Northwest and First Street Northwest shall be limited to parking for 10 minutes, seven days per week.
4. Parking at the first marked and designated parallel parking spot on the east side of First Street Northwest, located immediately north of the intersection of Second Avenue Northwest and First Street Northwest and adjacent business, located at 205 First Street Northwest, is limited to 15 minutes from 8:00 a.m. to 5:00 p.m., Monday through Friday.

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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 \$15.00 for all violations except snow removal parking violation, snow route parking violations[†], and improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by \$5.00. The simple notice of a fine for snow removal parking violations and snow route parking violations is \$25.00. If such fine is not paid within 30 days, it shall be increased by \$5.00. The simple notice of a fine for improper use of a persons with disabilities parking permit is \$100.00. Failure to pay the fine within 30 days from the date upon which the violation occurred will be grounds for filing of a complaint in the District Court of Iowa in and for Franklin County, and may be grounds for refusing to renew a violator's motor vehicle registration.

(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

[†] **Editor's Note:** A snow route parking violation occurs when the driver of a vehicle impedes or blocks traffic on a designated snow route. (See Section 69.13 of this Code of Ordinances.)

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

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

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

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

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

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

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

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

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

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

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or

less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

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

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

1. Prohibited Streets. Snowmobiles are prohibited on the following properties and streets within the corporate limits of the City:

- A. Highways No. 65 and No. 3;
- B. Second Street Northwest from Third Avenue Northwest to First Avenue Southwest;
- C. First Street Northwest from Third Avenue Northwest to First Avenue Southwest;
- D. Federal Street North from Third Avenue Northwest to First Avenue Southwest;
- E. Central Avenue from Third Street Northwest to First Street Northeast;
- F. First Avenue Northwest from Third Street Northeast to First Street Northeast;
- G. Second Avenue from Third Street Northwest to First Street Northeast;
- H. In the cemetery;
- I. On any parking or other City property and in unrestricted areas anywhere, except the traveled portion of the street.

Snowmobiles may be operated on other streets within the City for the sole and exclusive purpose of using the most direct roadway for ingress to and egress from the City.

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

- A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

- B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately 90° to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

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

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

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

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

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

(Code of Iowa, Sec. 321I.14[1h])

1. 4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
2. 5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

75.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$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

BICYCLES, SKATES, AND SKATEBOARDS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Speed

76.06 Emerging from Alley or Driveway

76.07 Carrying Articles

76.08 Bicycles on Sidewalks

76.09 Skate, Skateboard, and Coaster Restrictions

76.10 Towing

76.11 Improper Riding

76.12 Parking

76.13 Equipment Requirements

76.14 Special Penalty

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. In addition, this chapter regulates the use of in-line skates, roller skates, skateboards, coasters and similar devices.

(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 which 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.

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

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

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

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

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

76.07 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

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

76.08 BICYCLES ON SIDEWALKS. Riding bicycles is prohibited on sidewalks in the following locations:

1. Business District. Upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

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

2. School Zones. Upon a sidewalk in a school zone.

3. Other Locations. When signs are erected on any sidewalk or roadway prohibiting such use.

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

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])

76.09 SKATE, SKATEBOARD, AND COASTER RESTRICTIONS. The riding or use of skates, skateboards, coasters or similar devices within the corporate limits of the City shall be subject to the following:

1. No person shall ride or use such devices at any time on any street, sidewalk, plaza area or public parking lot in the Business District as defined in Section 60.02(1) of this Code of Ordinances.

2. No person shall ride or use such devices on a street in a residential district or area which runs parallel to a hard-surface sidewalk.

3. No person shall ride or use such devices in a publicly owned parking lot.

4. All persons using or riding such devices within the City shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian using the same sidewalk.

5. All persons using or riding such devices on any street or alley shall:

A. Observe all traffic regulations, laws and ordinances.

B. Stay as near to the side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

6. No person shall use or ride such devices on privately-owned parking lots unless written permission has been obtained from the owner(s).

7. No person shall use or ride such devices on any sidewalk abutting a business.

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 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 which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps 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 which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter will be issued a simple notice of a fine in the amount of \$5.00.

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CHAPTER 77

BICYCLE LICENSING

77.01 License Required
77.02 License Plates or Decals

77.03 Maintenance of License Records

77.01 LICENSE REQUIRED. No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided herein.

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

1. License Application. Application for a bicycle license and license plate or decal shall be made upon a form provided by the City and shall be made to the Clerk. A license fee of two dollars (\$2.00) shall be paid to the City before each license is granted.
2. Issuance of License. The Clerk, upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately.

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

77.02 LICENSE PLATES OR DECALS. License plates or decals are required as follows:

1. Issued. The Clerk, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the City.

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

2. Attached to Bicycle. The Clerk shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly seen from the rear.

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

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued unless said bicycle is dismantled and no longer operated upon any street in the City.

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

4. Lost License. In the event a license plate or decal shall be lost, destroyed or stolen, the owner shall report such to the Clerk immediately. A new license shall be issued upon payment of a fee of two dollars (\$2.00).

77.03 MAINTENANCE OF LICENSE RECORDS. The Clerk shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected.

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

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CHAPTER 78

ROLLING PRAIRIE TRAIL REGULATIONS

78.01 Purpose

78.02 Definitions

78.03 Limitations on Operation

78.04 Exceptions

78.05 Violation and Penalties

78.01 PURPOSE. The purpose of this chapter is to protect the condition of that portion of Rolling Prairie Trail located within the City of Hampton, Iowa, and to regulate the operation of motor vehicles, all-terrain vehicles and snowmobiles on said Rolling Prairie Trail and Spurs, and provide for penalty for improper or illegal operation due to repair costs.

78.02 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. “All-terrain vehicles” is defined as provide in the Chapter 321G.1 of the *Code of Iowa* as it now exists or is hereafter amended.
2. “Motor vehicles” is defined as provided in the Chapter 321 of the *Code of Iowa* as it now exists or is hereafter amended.
3. “Snowmobile” is defined as provided in the Chapter 321G.1 of the *Code of Iowa* as it now exists or is hereafter amended.

78.03 LIMITATIONS ON OPERATION. Motor vehicles, all-terrain vehicles, and snowmobiles are prohibited from operating on any section of the Rolling Prairie Trail or Spurs thereof located within the City except on segments clearly marked for operation of such vehicles.

78.04 EXCEPTIONS. Any persons who are elder (defined as a person 60 years of age or older) or handicapped may operate on the Rolling Prairie Trail or Spurs thereof within the City limits an electric personal assistive mobility device as defined in the Chapter 321.1(20B) of the *Code of Iowa* or an electric assistive device defined in the Chapter 216E.1(1) of the *Code of Iowa* including but limited to an electric wheelchair, electric scooter or three or four wheel electric vehicle typically used by handicapped persons.

78.05 VIOLATION AND PENALTIES. Any person who violates the provisions of this chapter commits a simple misdemeanor and if charged as a simple misdemeanor upon conviction shall be subject to a scheduled fine as outlined in Section 1.14 of this Code of Ordinances. A violation of this chapter may be charged as a Municipal Infraction per the penalties outlined in Section 4.03 of this Code of Ordinances.

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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] & Sec. 321.90)

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than 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 10 days. However, a police authority may declare the vehicle abandoned within the 10-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 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 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 10-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 10-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 of this Code of Ordinances.

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay an impoundment fee of \$20.00 plus \$5.00 for each additional day within the reclaiming period, plus towing charges, plus preservation charges if stored by the City, or towing and storage fees if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established by such facility.

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

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

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for 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 81

RAILROAD REGULATIONS

81.01 Definitions

81.03 Crossing Maintenance

81.02 Obstructing Streets

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

1. “Operator” means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of 10 minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

81.03 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Tapping Mains
90.02 Duties of the Water Operator In Charge	90.12 Installation of Water Service Pipe
90.03 Mandatory Connections	90.13 Responsibility for Water Service Pipe
90.04 Abandoned Connections	90.14 Failure to Maintain
90.05 Permit	90.15 Working Curb Valve
90.06 Fee for Permit	90.16 Interior Valve
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Inspection and Approval	90.20 Cross-Connections

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. “Water main” means a water supply pipe provided for public or community use.
4. “Water Operator In Charge” means the Water Operator In Charge of the City water system or any duly authorized assistant, agent or representative.
5. “Water service pipe” means the pipe from the water main to the building served.
6. “Water system” or “water works” means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 DUTIES OF THE WATER OPERATOR IN CHARGE. The Water Operator In Charge shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Water Operator In Charge 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 Water Operator In Charge may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS.

1. 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 60 days after the date of official notice to do so, provided that said public water main is located within 300 feet of the property line of such owner.

2. Individual Water Service Connection Requirements. Each building containing one or more dwelling units to be rented must have water supplied to it by its own individual service connection as provided for in Section 90.11 of this Code of Ordinances. If a building has more than one dwelling unit to be rented, the owner of the building must either be responsible for the bill for all water and sewer usage of all units in the building, or the owner must provide means whereby each water service on a separate billing account can be disconnected without disconnecting service provided to other billing accounts. Such connection valves must be accessible to City staff from outside the building, a common area, or through some other means whereby the City employee would not have to enter the private premises of a resident.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within 60 days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

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

(Code of Iowa, Sec. 384.84[2a])

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *State Plumbing Code*.

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

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

90.10 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the Water Operator In Charge before they are covered, and the Water Operator In Charge shall keep a record of such approvals. If the Water Operator In Charge refuses to approve the work, the plumber or property owner

must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Water Operator In Charge to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.11 TAPPING MAINS. All taps into water mains shall be made by the Water Operator In Charge in accord with the following:

1. Fee. The tapping fee is \$150.00, plus the cost of any materials.
2. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Water Operator In Charge and unless provision is made so that each house, building or premise may be shut off independently of the other.
3. Sizes and Location of Taps. The size and location of the taps shall be determined by the Water Operator In Charge.
4. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Water Operator In Charge, shall be inserted in every tap in the main. The corporation stop in the main shall in no case be smaller than one size smaller than the service pipe.

90.12 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.13 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.14 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.15 WORKING CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Water Operator In Charge. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The shut-off valve cannot have a drain-back, and all work must be done by a licensed plumber.

90.16 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Water Operator In Charge may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Water Operator In Charge has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Water Operator In Charge to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 CROSS-CONNECTIONS.

1. Definitions. For use in this section the following terms are defined:
 - A. “Approved backflow prevention assembly” means backflow assemblies complying with the *State Plumbing Code* Section 641-25.5(1)b or Section 641-25.5(1)c for containment in a fire protection system.
 - B. “Auxiliary water supply” means any water supply on or available to the premises other than the purveyor’s public water supply. These auxiliary waters may include water from any purveyor’s public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or “used waters” or “industrial fluids.” These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.
 - C. “Back-pressure” means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source.
 - D. “Back-siphonage” means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.
 - E. “Backflow” means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.
 - F. “Contamination” means an impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.
 - G. “Cross-connection” means any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of

which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connection, removable sections, four-way plus valve, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes.

H. “Cross-connection containment” means the installation of an approved backflow assembly at the water service connection to any customer’s premises where it is physically, economically infeasible to find and permanently eliminate or control all actual or potential cross-connections with the customer’s water system; or it means the installation of an approved backflow prevention assembly on the service line leading to the supplying portion of a customer’s water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

I. “Cross-connection controlled” means a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

2. Responsibility. The Water Operator In Charge shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Operator In Charge, an approved backflow device is required (at the customer’s water service connection, or within the customer’s private water system) for the safety of the water system, the Water Operator In Charge shall give notice in writing to said customer to install such an approved backflow prevention assembly at a specific location on said customer’s premises. The customer shall immediately install such approved assembly at the customer’s own expense, and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

3. Plumbing Official. The Water Operator In Charge has the responsibility not only to review building plans and inspect plumbing as it is installed, but the Water Operator In Charge has the explicit responsibility of preventing cross-connections from being designated and built into the structure within the City’s jurisdiction. Where the review of building plans suggests or detects the potential for a cross-connection being made an integral part of the plumbing system, the Water Operator In Charge has the responsibility to require such cross-connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the Plumbing Code. The Water Operator In Charge’s responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of the customer’s water system. The Water Operator In Charge should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such a cross-connection is discovered, it will be mandatory that a suitable, approved backflow prevention assembly be required by the plans and be properly installed in accordance with the *Manual of Cross-connection Control* published by the Foundation for Cross-Connection Control, Hy Di Research.

4. Certified Backflow Assembly Technician. When employed by the customer or the City Water Department to test, repair, overhaul and/or maintain backflow prevention assemblies, a backflow assembly technician will have the following responsibilities:

- A. Be responsible for insuring acceptable testing equipment and procedures that are used for testing, repairing or overhauling backflow prevention assemblies.
- B. Make reports of such testing and/or repair to the customer and City. The report shall include a list of materials or replacement parts used.
- C. Insure replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
- D. Maintain the design, material or operational characteristics of the assembly during repair or maintenance.
- E. Perform the work and be responsible for the competence and accuracy of all tests and reports.
- F. Ensure that his or her license is current, the testing equipment being used is acceptable to the State and is in proper operating condition.
- G. Report any failing assembly to the Bureau of Public Water Supplies and the water purveyor within five working days. Failure to do so may be grounds for revocation of the technician's certification.
- H. Be equipped with and be competent to use all necessary tools, gauges and other equipment necessary to properly test, repair and maintain backflow prevention assemblies.
- I. Tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.

In the case of a customer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the customer, water purveyor. If such a commercially tested assembly is in need of repair, a qualified and trained person must make the actual repair.

5. Requirements.

- A. No water service connection to any premises shall be installed or maintained by the City Water Department unless the water supply is protected as required by State laws, regulations, codes and this section. All new construction shall include an approved backflow prevention assembly to achieve total containment of each water service connection for residential, commercial, industrial, fire, governmental and/or irrigation use. Service of water to any premises shall be discontinued by the Water Department if a backflow prevention assembly required by this section for control of backflow and cross-connection is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. The customer's system shall be open for inspection at all reasonable times to the Water Operator In Charge to determine whether cross-connections or other structural or sanitary hazards, including violations of this section exist. When such a condition becomes known, the Water Department shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the State and City statutes relating to plumbing, water supplies and the regulations adopted pursuant thereto.

C. An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line, or immediately inside the building being served; but in all cases, before the first branch line leading off the service line, whenever the Water Department deems the protection of the water supply to be in the best interest of the water supply customers. All water tank fill points, bulk load-outs and chemical spraying devices attached to any garden hose shall have a backflow prevention device or a proper air gap. The type of protection assembly required under paragraph B of this subsection shall depend upon the degree of hazard which exists at the point of cross-connection (whether direct or indirect).

D. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation, and which have been properly maintained, shall, except for the inspection and maintenance requirements under paragraph A of this subsection, be excluded from the requirements of these rules so long as the Water Department is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the Water Department finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

E. Where the level of the risk of backflow warrants, in the opinion of the Water Water Operator In Charge, there shall be an annual inspection and operational test of the backflow prevention assemblies, at the customer-user's expense. In those instances where the Water Operator In Charge deems the hazard to be great, he or she may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician.

F. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the *Manual of Cross-connection Control*. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

G. All backflow prevention assemblies installed in potable water supply systems for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. The Water Operator In Charge may inspect such assemblies and, if found to be defective or inoperative, shall require the replacement thereof. No assembly

shall be removed from use, relocated or another assembly substituted without the approval of the Water Operator In Charge.

H. All backflow prevention assemblies shall be tested within ten (10) working days of installation.

I. No backflow prevention assembly shall be installed so as to create a safety hazard, for example, installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.

J. In the event a contamination of the water distribution system should occur from any home or business, that home or business shall be responsible for all costs incurred by the Water Department to resolve said contamination.

K. Industrial fixture and cross-connection inspections will be performed annually by the Water Operator In Charge.

6. Permits. The Department shall not permit a cross-connection within the public water system unless it is considered necessary and that it cannot be eliminated.

A. Cross-connection permits that are required for each backflow prevention device are obtained from the Department. A fee of \$25.00 will be charged for the initial permit and \$10.00 for the renewal of each permit.

B. Permits shall be renewed every year and are non-transferable. Permits are subject to revocation and become immediately revoked if the owner should so change the cross-connection or degree of hazard associated with the service.

C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

7. Records and Reports.

A. Records. The Water Department will initiate and maintain the following:

- (1) Master files on customer cross-connection tests and/or inspections.
- (2) Master files of cross-connection permits.
- (3) Copies of permits and permit applications.
- (4) Copies of lists and summaries supplied to the State of Iowa Water Supply and Pollution Control Commission.

B. Reports. The Water Department will submit the following to the Commission.

- (1) Initial listing of low hazard cross-connection to the State.
- (2) Initial listing of high-hazard cross-connection to the State.
- (3) Annual update of lists.
- (4) Annual summary of cross-connection inspections to the State.

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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 Tampering Prohibited

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

(Code of Iowa, Sec. 384.84[1])

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 Water Operator In Charge. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter. All meters shall be set immediately after the meter valve and immediately following the meter an approved backflow prevention device, approved by the Water Operator In Charge, shall be installed. Meter pits may be used only upon approval of the Water Operator In Charge and shall be of a design and construction approved by the Water Operator In Charge.

91.06 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Water Operator In Charge shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

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

91.08 TAMPERING PROHIBITED. If any person tampers with any meter and so injures the same that it does not accurately measure the amount of water flowing through it, or if any person diverts the flow of water so that it does not pass through the meter, such person is guilty of a misdemeanor.

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CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Billing for Water Service
92.04 Service Discontinued
92.05 Lien for Nonpayment

92.06 Lien Exemption
92.07 Lien Notice
92.08 Customer Deposits
92.09 Temporary Vacancy
92.10 No Deduction for Leakage

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 of this Code of Ordinances. 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[1])

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84[1])

Gallons Used Per Month	Rate
First 1,500	\$5.60 per 1,000 gallons
Next 4,000	\$4.00 per 1,000 gallons
Next 60,000	\$2.55 per 1,000 gallons
All over 65,500	\$1.60 per 1,000 gallons
There shall be added a charge of \$0.75 to each bill, allocated to the Solid Waste Fund for the cost of maintaining the Hampton Compost and Brush site.	
The minimum bill per month is \$8.90.	

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

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 20th day of the same month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of 5% of the amount due shall be added to each delinquent bill.

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

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer 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. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Public Works Director or City Manager shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified
4. Fees. A fee of \$50.00 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.

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

(Code of Iowa, Sec. 384.84)

92.06 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

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

deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

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

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

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

(Code of Iowa, Sec. 384.84)

92.08 CUSTOMER DEPOSITS. There shall be required from every customer not the owner of the premises served a \$150.00 deposit intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.09 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb stop when the property is expected to be vacant for an extended period of time. There shall be a \$10.00 fee collected for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.10 NO DEDUCTION FOR LEAKAGE. No deduction will be made because of leakage after the water has passed through a meter. If leakage occurs in a service pipe, including frozen pipes, the City may shut off the supply at the curb valve until the service is repaired.

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CHAPTER 93

PRIVATE WELLS AND WATER SYSTEMS

93.01 Required Conditions

93.02 Permit for New Well

93.03 Annual Renewal of Permit

93.04 Non-renewal of Annual Permit

93.05 Revocation of Permit

93.06 Health and Safety Standards; Right of Inspection

93.07 Permit Fees

93.08 Termination and Abandonment

93.09 Special Restricted Area

93.01 REQUIRED CONDITIONS. Except as hereinafter provided, private wells and water systems shall not be maintained by any individual or property owner, nor shall any new wells be established within the City limits. Private wells and water systems shall be allowed only if one or more of the following conditions are established by the applicant to the satisfaction of the City:

1. Existing Well. The well or water system was in existence prior to January 1, 2000, and no part of a tract of ground from which a private well or water system is proposed is within 300 feet of a City water main.
2. Undue Hardship. If the property owner or individual applying for a private well permit can show that denying the permit and not allowing the private well or water system will cause the individual or property owner undue hardship. "Undue hardship" in this case means that the particular tract of land is so topographically situated that connection to the City water main system would be unfeasible and that the particular conditions causing the unfeasibility of the connection are in no way caused or contributed to by the owner or permit applicant. The Council shall rule on all questions of undue hardship and their decision shall be final.

93.02 PERMIT FOR NEW WELL. All individuals who desire to construct or maintain a new private well or water system within the City must first make application to the Water Operator In Charge for a private well permit. The Council shall establish the contents of the permit application by resolution. No permit for a new well or water system shall be granted unless one or more of the required conditions under Section 93.01 of this Code of Ordinances are established and the well meets all the requirements of the *Code of Iowa*.

93.03 ANNUAL RENEWAL OF PERMIT. Every well, including existing wells and future wells, shall be tested annually and results of the tests filed with the Water Operator In Charge. The Water Operator In Charge shall test every well annually for bacteria and nitrates during the month of July of each year at the well owner's expense, and the test results shall be filed with the Water Operator In Charge on or before the first day of August of each year. If a well owner fails to comply with this annual test requirement, the Water Operator In Charge shall send a notice to the well owner at the last known address, advising the well owner no annual test results have been filled with the Water Operator In Charge. The notice shall further specify that if the well owner does not properly test the well and file the test results with the Water Operator In Charge within 60 days after the date of mailing of the notice, the City shall declare the well abandoned, and the owner shall forthwith terminate use of the well as required under Section 93.08 of this Code of Ordinances. In the event a well owner has timely filed the annual test results with the Water Operator In Charge or timely filed test results after notice and the test results show compliance with all applicable health and safety

standards as required by appropriate City, County, State and Federal rules, regulations and laws, the Water Operator In Charge shall renew the original permit for an additional one-year period.

93.04 NON-RENEWAL OF ANNUAL PERMIT. In the event a well owner receives annual test results that indicate lack of compliance with appropriate City, County, State and Federal rules, regulations and laws, the well owner shall immediately advise the City of the test results and immediately correct the problems and bring the well up to applicable standards. The well owner shall have an additional 90 days after August 1 of each year to correct any problems shown by the annual test. If applicable standards cannot be met or if the problems are not timely corrected, no renewal permit shall be issued and the well owner shall forthwith terminate use of the well as required under Section 93.08 of this Code of Ordinances.

93.05 REVOCATION OF PERMIT. If at any time it is determined that a private well or water system does not meet applicable City, County, State and Federal rules regulations or laws, the permit issued pursuant to this chapter shall automatically terminate without further notice to the well owner. The well owner shall have 90 days to correct the problem so that applicable standards are met. In the event applicable standards cannot be met, the well shall be abandoned and the well owner shall forthwith terminate use of the well as required by Section 93.08 of this Code of Ordinances. In the event a private well or water system is not used for any consecutive nine-month period of time, then at the expiration of the current private well permit period, the permit shall not be renewed unless the well owner shows good cause for the non-use and all provisions of this chapter for a new well are complied with.

93.06 HEALTH AND SAFETY STANDARDS; RIGHT OF INSPECTION. All private wells and private water systems for which permits are granted pursuant to this chapter shall meet all applicable City, County, State and Federal rules, regulations and laws. All permit holders, as a condition of receiving a permit, grant to the City the right to enter the well owner's property solely to inspect and test any private well and water system maintained upon the permit holder's property. In the event the private well or water system so inspected and tested by the City does not meet applicable standards, the City shall notify the well owner in writing of the failure to meet applicable standards. The well owner shall have 90 days from the date of mailing the notice to correct the problems. If the owner fails to timely correct the problem, the permit issued pursuant to this chapter shall terminate without further notice to the well owner, and the well owner shall forthwith terminate use of the well as required under Section 93.08 of this Code of Ordinances. In the event a private well or water system cannot be brought up to applicable standards in the time period allowed herein, and the well owner is not otherwise connected to the City's water system, the well owner shall connect to the City's water system within 180 days in accordance with this Code of Ordinances.

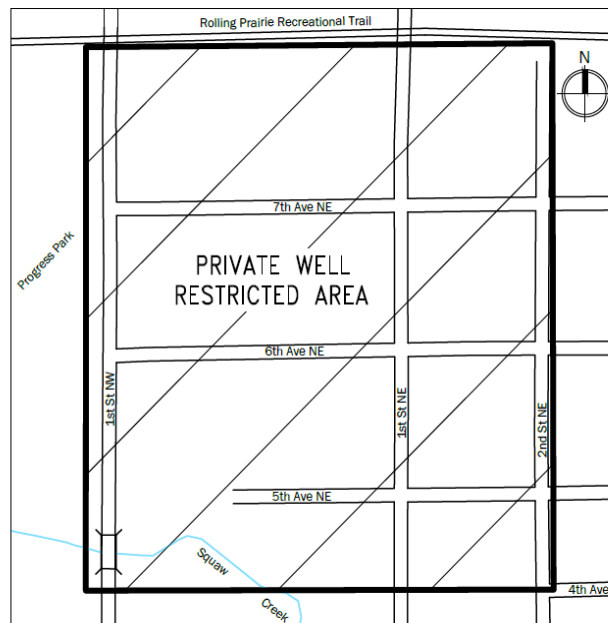
93.07 PERMIT FEES. The following fee schedule applies to permits for private wells and water systems.

1. Initial Permit. No fee is charged for the initial registration permit for an existing well.
2. Annual Renewal Permit. There is no fee for each annual renewal permit, provided the well owner does the test at the owner's own expense. In the event a well owner fails to have the well tested as required pursuant to this chapter and the City makes the test, the costs of testing shall be charged to the well owner, and the well owner shall pay an annual permit fee of \$50.00.

3. **Permit Fees for New Wells.** Any person desiring to install a new well or water system shall make application to the Water Operator In Charge for a permit and prior to start of construction shall pay, for a new well to be used for a supply of potable water, a fee of \$50.00; and in addition, the well owner shall file with the Clerk a certificate from a State authorized laboratory that a State bacteriological test has been made on the water and the water supply is potable. All permit fees shall be paid to the Clerk at the time the application is filed. In the event the permit is not granted, the application fee shall be returned to the applicant.

93.08 TERMINATION AND ABANDONMENT. In the event any private well or water system is no longer being used, due to failure to comply with applicable standards, the well owner's connection to the City water system or other reasons, the well owner or property owner shall cut off the service mains to the well and the well abandoned in such manner as to preclude its further use by being plugged by a licensed contractor. The termination of use shall be done by the owner in accordance with standards and guidelines of the Iowa Department of Natural Resources.

93.09 SPECIAL RESTRICTED AREA. Because of previous ground contamination in the area, no person shall drill, construct, or install a private water well without City Council approval and permit after the date of adoption of the 2016 Code of Ordinances within the area shown in the following map:



[The next page is 431]

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Wastewater Lead Operator
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 (20) degrees C., expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
(IAC, 567-69.3[1])
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

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

17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

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

19. “Sewer rental” means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. “Slug” means any discharge of water, sewage, or industrial waste which 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 twenty-four (24) hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “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.

23. “Wastewater Lead Operator” means the Wastewater Lead Operator of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 WASTEWATER LEAD OPERATOR. The Wastewater Lead Operator 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 Sewers chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

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

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

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Wastewater Lead Operator.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewers chapters, such compliance to be completed within ninety (90) 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 the terms and conditions stipulated by resolution of the Council.

95.07 RIGHT OF ENTRY. The Wastewater Lead Operator 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 Sewers chapters. The Wastewater Lead Operator or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Wastewater Lead Operator 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 Sewers chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements
96.06 Interceptors Required

96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Sump Pump and Drain Requirements
96.11 Backflow Prevention; Cross-Connection
96.12 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of \$10.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of \$250.00 for a single-family residence. For multiple dwelling units, the connection fee shall be \$250.00 for the first dwelling unit and \$100.00 for each additional dwelling unit. The minimum sewer connection fee for commercial establishments shall be \$500.00. These fees will be charged for connection with City-owned sewer mains, or for a connection with sewer mains on private property on which the City has an easement for maintenance purposes. This fee will not be collectible on sewer connections from lots on which a previous special assessment for sewer construction has been made, but will be charged on all connections where the cost of building and installation of the sewer line was paid by the City.

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

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

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

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the

owner and observed by the Wastewater Lead Operator, to meet all requirements of this chapter.

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

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code*, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Wastewater Lead Operator before installation.

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

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

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

- A. Recommended grade at 1/4 inch per foot.
- B. Minimum grade of 1/8 inch per foot.
- C. Minimum velocity of 2.00 feet per second with the sewer half full.
- D. Any deviation in alignment or grade shall be made only with the written approval of the Wastewater Lead Operator and shall be made only with approved fittings.

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

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

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

- A. Ductile iron water pipe – A.S.T.M. A-377.
- B. P.V.C. – DWV – A.S.T.M. D-2665.

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

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

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

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

14. Clean-out Required. A two-way clean-out is required to be placed outside the building and every 100 feet thereof to the main connection. In the case of new construction, a check valve is also required in a residential line.

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

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Wastewater Lead Operator, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a "Y" saddle shall be supplied by the City, at the property owner's expense and shall be installed at the location specified by the Wastewater Lead Operator. The public sewer shall be tapped with a tapping machine and a saddle shall be glued and attached with stainless steel clamps to the sewer. At no time shall a building sewer

be constructed so as to enter a manhole unless special written permission is received from the Wastewater Lead Operator and in accordance with the Wastewater Lead Operator's direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Wastewater Lead Operator. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Wastewater Lead Operator shall be notified and the Wastewater Lead Operator shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Wastewater Lead Operator refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 SUMP PUMP AND DRAIN REQUIREMENTS. All sump pumps operated within the City shall be required to make application to the Wastewater Lead Operator for a sump pump permit, which shall be filed by the Wastewater Lead Operator. Sump pumps shall be allowed only upon the meeting of the following conditions established by the City:

1. All new construction, the building permits for which are received after the effective date of the 2002 Code of Ordinances and having a floor level which at all points is below ground level shall be serviced by a sump pump and footing drains. This requirement may be waived by the Wastewater Lead Operator upon the applicant's showing that existing drainage conditions do not require installation of a sump pump. All such connections shall be inspected by the Wastewater Lead Operator.
2. In all new construction, plans for the installation of the sump pump and footing drains shall be submitted with the building plans and shall be a condition of approval of any plans. All the plans and construction of the sump pumps and footing drains shall be done in such a manner as to comply with all the requirements of this Code of Ordinances in disposing of all waters of any kind as well as any sewage or waste.
3. No existing structure in the City shall have a sump pump operated in such a manner so as to allow the drainage from the pump to flow into the sanitary sewer system of the City.
4. The Wastewater Lead Operator is directed and authorized to compile a list of sump pumps in existing structures within the City. The purpose of this list will be to evaluate and monitor the discharge from the sump pumps to ensure that the discharge shall not infiltrate the sanitary sewer system or otherwise create a nuisance. The Wastewater Lead Operator is further directed and authorized to conduct routine inspections of every existing structure within the City connected to the sanitary sewer system to determine whether or not the structure has a sump pump and, if so, whether the discharge from the sump pump is in conformity with this Code of Ordinances.

96.11 BACKFLOW PREVENTION; CROSS-CONNECTION. When the Wastewater Lead Operator concludes that a possible backflow condition could result or a possible cross-connection exists in any premises connected to the sanitary sewer system, the owner of such premises shall take action deemed appropriate or install devices approved by the Wastewater Lead Operator to correct the condition. All costs shall be borne by the owner and failure to take such action shall result in termination of water service to the premises until the condition is corrected.

96.12 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within 30 days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Wastewater Lead Operator. Industrial cooling water or unpolluted process waters may be discharged on approval of the Wastewater Lead Operator, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Wastewater Lead Operator where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.

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

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

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

1. High Temperature. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 and 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Wastewater Lead Operator for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Wastewater Lead Operator as necessary, after treatment of the

composite sewage, to meet the requirements of state, federal, or other public agencies or 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 Wastewater Lead Operator 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 which exert or cause:

A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

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

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

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 of this Code of Ordinances and which in the judgment of the Wastewater Lead Operator 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 Wastewater Lead Operator 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 of this Code of Ordinances.

97.06 SPECIAL FACILITIES. If the Wastewater Lead Operator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Wastewater Lead Operator and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Wastewater Lead Operator, 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 Wastewater Lead Operator. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods of 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 premise 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).

CHAPTER 98

ON-SITE WASTEWATER 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, 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 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. Sewer service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. Base Rate. The following base rates plus usage rate per month are hereby established.

A. For Fiscal Year 2015-2016, commencing July 1, 2015, the base rate shall be \$27.41 per month, plus the monthly usage rate.

B. For Fiscal Year 2016-2017, commencing July 1, 2016, the base rate shall be \$31.24 per month, plus the monthly usage rate.

C. For Fiscal Year 2017-2018, commencing July 1, 2017, the base rate shall be \$34.05 per month, plus the monthly usage rate.

D. For Fiscal Year 2018-2019, commencing July 1, 2018, the base rate shall be \$35.08 per month, plus the monthly usage rate.

E. For Fiscal Year 2019-2020, commencing July 1, 2019, the base rate shall be \$36.13 per month, plus the monthly usage rate, and continue thereafter until and unless established by ordinance.

2. Usage Rate. Monthly usage rates are hereby established as follows:

A. For Fiscal Year 2015-2016, commencing July 1, 2015, the monthly usage rate shall be \$2.13 per 1,000 gallons for the first 15,000 gallons, and \$1.82 per 1,000 gallons for usage over 15,000 gallons.

B. For Fiscal Year 2016-2017, commencing July 1, 2016, the monthly usage rate shall be \$2.43 per 1,000 gallons for the first 15,000 gallons, and \$2.08 per 1,000 gallons for usage over 15,000 gallons.

C. For Fiscal Year 2017-2018, commencing July 1, 2017, the monthly usage rate shall be \$2.65 per 1,000 gallons for the first 15,000 gallons, and \$2.27 per 1,000 gallons for usage over 15,000 gallons.

D. For Fiscal Year 2018-2019, commencing July 1, 2018, the monthly usage rate shall be \$2.73 per 1,000 gallons for the first 15,000 gallons, and \$2.33 per 1,000 gallons for usage over 15,000 gallons.

E. For Fiscal Year 2019-2020, commencing July 1, 2019, the monthly usage rate shall be \$2.81 per 1,000 gallons for the first 15,000 gallons, and \$2.40 per 1,000 gallons for usage over 15,000 gallons, and continue thereafter until and unless established by ordinance.

99.03 SPECIAL RATES. Where, in the judgment of the Wastewater Lead Operator and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 of this Code of Ordinances would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Wastewater Lead Operator 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 and/or connected to the public sewer disposal system shall pay sewer charges based upon 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 charge shall be subject to approval of the City Council. The minimum charges shall be as follows:

1. For Fiscal Year 2015-2016, commencing July 1, 2015, \$36.55 per month.
2. For Fiscal Year 2016-2017, commencing July 1, 2016, \$41.67 per month.
3. For Fiscal Year 2017-2018, commencing July 1, 2017, \$45.42 per month.
4. For Fiscal Year 2018-2019, commencing July 1, 2018, \$46.78 per month.
5. For Fiscal Year 2019-2020, commencing July 1, 2019, \$48.18 per month.

Said minimum charge or negotiated charge shall continue thereafter until or unless established by ordinance.

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 92.03 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.04 of this Code of Ordinances if the combined service account becomes delinquent, and the provisions contained in Section 92.07 of this Code of Ordinances relating to lien notices shall also apply in the event of a delinquent account.

99.06 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.07 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.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.08 Separation and Disposal of Yard Waste
105.02 Definitions	105.09 Littering Prohibited
105.03 Sanitary Disposal Required	105.10 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.11 Waste Storage Containers
105.05 Open Burning Restricted	105.12 Prohibited Practices
105.06 Burning and Incineration Prohibited	105.13 Sanitary Disposal Project Designated
105.07 Incinerators	105.14 Scheduled Offenses and Fines

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[1])
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating.
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 not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.
(Code of Iowa, Sec. 455B.361[2])
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.

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 a sanitary landfill site operated by Landfill of North Iowa pursuant to and in accordance with an agreement between the City and said agency dated June 22, 1994.

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.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

1. **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. If it becomes a nuisance, the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 of this Code of Ordinances or by initiating proper action in district court.

(*Code of Iowa, Ch. 657*)

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

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

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

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

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth ($\frac{1}{4}$) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Recreational fires shall be limited to small fires utilizing only natural wood, small sticks and faux logs. It is unlawful to burn in such fire paper products, plastic, tires, treated, stained or varnished lumber or any lumber that contains any chemical substances, construction materials except dimensional lumber that has not been treated with chemicals or stained and is cut into lengths not exceeding the diameter of the fire containment device, and/or yard waste such as leaves and grass clippings. Such recreational fire shall be contained in a fire ring or other recreational fire containment device not exceeding three (3) feet in diameter with the flame height not to exceed four (4) feet. Such fire shall be supervised by a competent individual at all times and extinguished completely before leaving the site of the recreational fire. Such fire shall be extinguished if determined to be a nuisance as defined by Chapter 50 of this Code of Ordinances.

(IAC, 567-23.2[3e])

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

(IAC, 567-23.2[3g])

6. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags

resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

7. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

8. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

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

(IAC, 567-23.2[2])

105.06 BURNING AND INCINERATION PROHIBITED. It is unlawful for any person for hire to burn or incinerate or permit the burning or incineration of any solid waste within the City. This section applies to all solid waste and also specifically includes all waste paper, boxes, market waste, garden waste, trees, tree limbs, leaves and any and all materials other than materials used as a fuel in a furnace or boiler. This section does not apply to any incinerator operated by or for the City or to any burning conducted under the direction of the Fire Department of the City.

105.07 INCINERATORS.

1. It is unlawful for any person within the City to sell or offer for sale or to install or offer to install any device intended for use as a garbage or solid waste burner or incinerator, except when the intended user of such a device has secured a license to operate or use the same from the City, or when such device will be operated by or for the City.

2. It is unlawful for any person within the City to use, install or otherwise permit the use or installation of a container for the purpose of incineration unless such container is licensed by the City and the Iowa Department of Natural Resources, and conforms to State and Federal limits for emission of air contaminants.

105.08 SEPARATION AND DISPOSAL OF YARD WASTE. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted, mulched or utilized or burned on the premises in such a manner so as not to cause a public nuisance, or placed in acceptable containers and set out for collection. 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. Burning of yard waste shall be limited to a 30-day time period in the fall of each year. Said time period will be determined by the City Manager. Burning during said 30 days shall only be allowed from 12:00 p.m. (noon) until darkness, "darkness" being defined as when the street lights come on. Burning of yard waste shall not occur at a proximity of less than 20 feet from any structure or building and shall be supervised by a competent person at all times and shall not be left unattended until the fire is completely extinguished.

105.09 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)

105.10 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 which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

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

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

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

105.12 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. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
4. Commercial Containers on Residential Property. It is unlawful for a person to store a commercial container on a residential property without the written permission of the City. Permission will be granted only for the express purpose of construction on the property or the cleanup of a residence for the purpose of vacating a premises. Written permission will be granted on a time scale determined by the City and will be regulated by the City.

105.13 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Landfill of North Iowa in accordance with an agreement between the City and said agency dated June 22, 1994, are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

105.14 SCHEDULED OFFENSES AND FINES. The following scheduled fines are fixed for violation of this chapter:

1. First Offense - \$25.00
2. Second Offense - \$100.00
3. Third Offense - \$200.00

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 Collector's License
106.08 Landfill Fee
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be only by collectors licensed by the City.

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

(IAC, 567-104.9[455B])

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

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

- B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
- C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
- D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
- E. Hours of Collection. Hours of collection shall be specified.

2. Restricted Collection Times. Hour of collection shall be no earlier than 5:00 a.m., and no collection shall be done after 6:00 p.m., unless a time extension is granted by the Hampton Police Department or Hampton City Hall. Any personnel of authorized Solid Waste Collectors who violate the provisions of this subsection may each be charged by the Hampton Police Department with a municipal infraction as defined by Chapter 4, Municipal Infractions, of this Code of Ordinances and shall be subject to standard civil penalties of Section 4.03(1) of this Code of Ordinances or a criminal offense under Section 1.14 of the Code of Ordinances. Repeat offenses by personnel of an authorized Solid Waste Collector may result in temporary or permanent revocation of collection licensing with the City of Hampton, as determined and approved by the City Council. Reinstatement of a revoked Solid Waste Collection License shall require the approval of the City Council.

3. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury \$100,000 per person.

\$300,000 per occurrence.

Property Damage \$ 50,000.

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than 10 days prior to the effective date of such action.

4. License Fee. A license fee in the amount of \$100.00 shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

5. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.

6. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in accordance with the terms and conditions set forth by the City and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use, as well as the insurance certificates referenced in subsection 3 of this section.

7. License Not Transferable. No license authorized by this chapter may be transferred to another person.
8. Revocation of License. The City may revoke any license issued under this section for violation of the terms and conditions of said license as set forth by the City.
9. Owner May Transport. Nothing herein is to be construed so as to prevent the 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.
10. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.08 LANDFILL FEE. Each property located within the City shall pay a monthly landfill fee to the Clerk at the City Hall at the same time payment for City water and wastewater service is made, in an amount as determined herein:

1. A monthly sum of \$1.35, if such property is habitually and usually occupied and used as a single family residential unit.
2. A monthly sum of \$2.10, if such property is a government entity, a retail or commercial business and/or is habitually and usually occupied and used as multi-family residential units with four or less units; unless such charges are paid by the tenants of multi-family units directly, in which event such fee shall be \$1.35 for each unit.
3. A monthly sum of \$3.60, if such property is an industrial or manufacturing business and/or is habitually and usually occupied and used as multi-family residential units with five or more units and/or any hospital, nursing home, extended care facility, motel or hotel; unless such charges are paid by the tenants of multi-family units directly, in which event such fee shall be \$1.35 for each unit.

106.09 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise
110.02 Pipes and Mains
110.03 Construction and Maintenance
110.04 Excavations
110.05 Utility Easements
110.06 Relocation Not Required
110.07 Relocation Reimbursement
110.08 Information

110.09 Brush and Trees
110.10 Indemnification
110.11 Franchise Fee
110.12 Gross Revenue
110.13 Fee Refunds
110.14 Successors and Assigns
110.15 Termination

110.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and nonexclusive franchise to acquire, construct, reconstruct, replace, erect, maintain, and operate in the City of Hampton, Iowa, hereinafter called the “City,” a system for the transmission and distribution of natural gas along, under, over, and upon the streets, avenues, rights of way, alleys, public places, or public grounds (excluding parks) to serve customers within the City, and to furnish and sell natural gas to the City and its inhabitants. The City Council reserves to itself the right to extend this franchise to parks at the request of the Company. The Company is granted the right to exercise of powers of eminent domain. This franchise shall be effective for a 20 year period from and after the effective date of the ordinance codified in this chapter.[†]

110.02 PIPES AND MAINS. The Company shall have the right to lay, re-lay, operate, repair, construct, reconstruct, replace, and extend natural gas pipes, mains, conduit, fixtures, valves, support brackets, line markers, and other accessories as well as to excavate for the distribution of natural gas in and through the City, provided the same shall be placed in accord with this franchise and the City Code and regulations of the City of Hampton, regarding the placement of structures, facilities, accessories, or other objects in the right of way by utilities and other users of the right of way, including ordinances which assign corridors or other placements to users of the right of way and requirements which may be adopted regarding separations of structures, facilities, accessories, or other objects.

110.03 CONSTRUCTION AND MAINTENANCE. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s Tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”), at its cost and expense, locate and relocate its existing pipes, mains, conduits, and facilities in, on, over, or under any public street, avenue, right of way, or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street, avenue, right of way, or alley. If the City has a reasonable alternative route for the street, avenue, right of way, or alley or an alternative construction method, which would not cause the relocation of the Company installations or

[†] **EDITOR’S NOTE:** Ordinance No. 360, adopting a natural gas franchise for the City, was passed and adopted on September 21, 2015.

would minimize the cost or expense of relocation of Company installations, the City and Company shall work together to consider said alternative route, or construction method. The City shall, in the extension or modification of streets and roads, make provision for the placement of Company service lines and facilities on City-owned right of way without charge to Company. In planning for the extension or modification of streets, the City shall, to the extent practicable design such changes to limit the need for the relocation of Company facilities. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of tree removals does not coincide with Company's facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove the trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

110.04 EXCAVATIONS. In making excavations in any streets, avenues, alleys, and public places for the installation, maintenance, or repair of gas pipes, mains, conduit, fixtures, accessories, or other appliances, the Company shall not unreasonably obstruct the use of the streets. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and shall not unnecessarily obstruct the use of streets, avenues, or alleys, shall provide the Public Works Director with 24 hours' notice prior to the actual commencement of the work, and shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that the Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. To the extent not inconsistent with this franchise, the Company shall comply with all City ordinances regarding paving cuts, placement of facilities, and restoration of pavement and other public infrastructure. The Company shall replace the surface, restoring the condition as existed prior to the Company's excavation, but shall not be required to improve or modify the public right of way. The Company shall complete all repairs in a timely and prompt manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

110.05 UTILITY EASEMENTS. Vacating a street, avenue, alley, public ground, or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities and their replacements on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley, right-of-way, or public ground where the Company has installed gas lines, mains, or facilities, the City shall grant the Company a utility easement for said facilities.

110.06 RELOCATION NOT REQUIRED. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous five years.

110.07 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities as may be required by Sections 110.04-110.06 of this chapter, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate the project of a commercial or private developer or other non-public entity, the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

110.08 INFORMATION. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way, including documents, maps, and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Therefore, the City shall not release any information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by state or federal law on other grounds and agrees to retain the Information in its non-public files. Furthermore, the City agrees that no documents, maps or information provided to the City by the Company shall be made available to the public or other entities if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time. In the event any action at law, in equity, or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure the City shall promptly notify the Company. The Company shall have the right to assume, upon request of the City, the defense of said action. The Company shall reimburse the City any and all cost, including attorney fees and penalties to the extent allowed by law which may result from any said action.

110.09 BRUSH AND TREES. The Company is granted the right to remove brush and trees from the right of way or other locations where gas pipe or mains are located consistent with the requirements of state or federal regulations.

110.10 INDEMNIFICATION. The Company shall indemnify, save, and hold harmless the City from any and all claims, suits, losses, damage, costs, or expenses, including attorneys' fees, on account of injury or damage to any person or property, to the extent caused or occasioned in whole or part by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas distribution system authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify, and save harmless the City for any costs or damages to the extent arising in whole or part from the negligence of the City, its officers, employees, or agents.

110.11 FRANCHISE FEE. There is hereby imposed a franchise fee of 5% upon the gross revenue generated from sales of natural and mixed gas and distribution service by the Company within the corporate limits of the City from December 1, 2015. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

110.12 GROSS REVENUE. Upon reasonable request, the Company shall certify the gross revenue generated from sales of natural gas by the Company within the corporate limits of the City for the prior fiscal year.

110.13 FEE REFUNDS. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

110.14 SUCCESSORS AND ASSIGNS. This franchise shall apply to and bind the City and the Company and their successors and assigns.

110.15 TERMINATION. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

CHAPTER 111

ELECTRIC FRANCHISE – MID AMERICAN ENERGY

111.01 Grant of Franchise
111.02 Poles and Wires
111.03 Construction and Maintenance
111.04 Excavations
111.05 Utility Easements
111.06 Relocation Not Required
111.07 Relocation
111.08 Information

111.09 Trees
111.10 Indemnification
111.11 Franchise Fee
111.12 Gross Revenue
111.13 Fee Refunds
111.14 Successors and Assigns
111.15 Termination

111.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, replace, erect, maintain, and operate in the City of Hampton, Iowa, hereinafter called the “City,” a system for the transmission and distribution of electric energy along, under, over, and upon the streets, avenues, rights of way, alleys, public places, or public grounds (excluding parks) to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The City Council reserves, to itself, the right to extend this franchise to parks at the request of the Company. The Company is granted the right to exercise of powers of eminent domain. This franchise shall be effective for a 20 year period from and after the effective date of the ordinance.[†]

111.02 POLES AND WIRES. The Company shall have the right to erect all necessary poles and to place thereon and attach thereto the necessary wires, guys, anchors, fixtures, and accessories as well as to excavate and bury conduits or conductors and related equipment and appurtenances for the distribution of electric energy in and through the City, provided the same shall be placed in accord with this franchise and the City Code and regulations of the City of Hampton, regarding the placement of structures, facilities, accessories or other objects in the right of way by utilities and other users of the right of way, including ordinances which assign corridors or other placements to users of the right of way and requirements which may be adopted regarding separations of structures, facilities, accessories, or other objects.

111.03 CONSTRUCTION AND MAINTENANCE. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s Tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”), at its cost and expense, locate and relocate its existing facilities or equipment in, on, over, or under any public street, avenue, right of way, or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street, avenue, right of way or alley. If the City has a reasonable alternative route for the street, avenue, right of way, or alley or an alternative construction method, which would not cause the relocation of the Company installations or would minimize the cost or expense of relocation of Company installations, the City and Company

[†] **EDITOR’S NOTE:** Ordinance No. 359, adopting an electric franchise for the City, was passed and adopted on September 21, 2015.

shall work together to consider said alternative route, or construction method. The City shall, in the extension or modification of streets and roads, make provision for the placement of Company service lines and facilities on City-owned right of way without charge to Company. In planning for the extension or modification of streets, the City shall, to the extent practicable design such changes to limit the need for the relocation of Company facilities. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of tree removals does not coincide with Company's facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove the trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.04 EXCAVATIONS. In making excavations in any streets, avenues, alleys, and public places for the installation, maintenance or repair of conductor, conduits, or other appurtenances or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and shall not unnecessarily obstruct the use of streets, avenues, or alleys, shall provide the Director of Public Works with 24 hours' notice prior to the actual commencement of the work, and shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that the Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. To the extent not inconsistent with the franchise, the Company shall comply with all City ordinances regarding paving cuts, placement of facilities, and restoration of pavement and other public infrastructure. The Company shall replace the surface, restoring the condition as existed prior to the Company's excavation, but shall not be required to improve or modify the public right of way. The Company shall complete all repairs in a timely and prompt manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

111.05 UTILITY EASEMENTS. Vacating a street, avenue, alley, public ground, or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities and their replacements on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley, right of way, or other public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities.

111.06 RELOCATION NOT REQUIRED. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous five years.

111.07 RELOCATION. Pursuant to relocation of Company facilities as may be required by Sections 111.03-111.05 of this chapter, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate the project of a commercial or private developer or other non-public entity, the City may require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

111.08 INFORMATION. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way, including documents, maps, and other information in paper or electronic, or other forms (“Information”). The Company and City recognize the Information may in whole or part be considered a confidential record under state or Federal law or both. Therefore, the City shall not release any information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by state or federal law on other grounds and agrees to retain the Information in its non-public files. Furthermore, the City agrees that no documents, maps or information provided to the City by the Company shall be made available to the public or other entities if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time. In the event any action at law, in equity, or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure the City shall promptly notify the Company. The Company shall have the right to assume the defense of said action. The Company shall reimburse the City any and all costs, including attorney fees and penalties, to the extent allowed by law which may result from any said action.

111.09 TREES. The pruning and removal of trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations. The Company is authorized and empowered to prune or remove at Company expense, any tree extending into any street, avenue, right of way, alley, public place, or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall be completed in accordance with nationally accepted safety and utility standards, ANSI Z133-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300 (part 1) – 2008 Pruning, American National Standard for Tree, Shrub, and other Woody Plant Maintenance - Standard of Practices Pruning, or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

111.10 INDEMNIFICATION. The Company shall indemnify, save, and hold harmless the City from any and all claims, suits, losses, damages, costs, or expenses, including attorneys’ fees, on account of injury or damage to any person or property, to the extent caused or occasioned in whole or part by the Company’s negligence in construction, reconstruction, excavation, operation, or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify, and save

harmless the City for any costs or damages to the extent arising in whole or part from the negligence of the City, its officers, employees, or agents.

111.11 FRANCHISE FEE. There is hereby imposed a franchise fee of 5% upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City from December 1, 2015. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

111.12 GROSS REVENUE. Upon reasonable request, the Company shall certify the gross revenue generated from sales of electricity by the Company within the corporate limits of the City for the prior fiscal year.

111.13 FEE REFUNDS. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

111.14 SUCCESSORS AND ASSIGNS. This franchise shall apply to and bind the City and the Company and their successors and assigns.

111.15 TERMINATION. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

CHAPTER 112

ELECTRIC FRANCHISE – FRANKLIN RURAL ELECTRIC COOPERATIVE

111.01 Grant of Franchise
111.02 Poles and Wires
111.03 Construction and Maintenance
111.04 Excavations
111.05 Utility Easements
111.06 Relocation Not Required
111.07 Relocation
111.08 Information

111.09 Trees
111.10 Indemnification
111.11 Franchise Fee
111.12 Gross Revenue
111.13 Fee Refunds
111.14 Successors and Assigns
111.15 Termination

112.01 GRANT OF FRANCHISE. There is hereby granted to Franklin Rural Electric Cooperative, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, replace, erect, maintain and operate in the City of Hampton, Iowa hereinafter called the “City,” a system for the transmission and distribution of electric energy along, under, over, and upon the streets, avenues, rights of way, alleys, public places, or public grounds (excluding parks) to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The City Council reserves to itself the right to extend this franchise to parks at the request of the Company. The Company is granted the right to exercise the powers of eminent domain. This franchise shall be effective for a 20-year period from and after the effective date of this the ordinance.[†]

112.02 POLES AND WIRES. The Company shall have the right to erect all necessary poles and to place thereon and attach thereto the necessary wires, guys, anchors, fixtures, and accessories as well as to excavate and bury conduits or conductors and related equipment and appurtenances for the distribution of electric energy in and through the City, provided the same shall be placed in accord with this franchise and the City Code and regulations of the City of Hampton, regarding the placement of structures, facilities, accessories or other objects in the right of way by utilities and other users of the right of way, including ordinances which assign corridors or other placements to users of the right of way and requirements which may be adopted regarding separations of structures, facilities, accessories, or other objects.

112.03 CONSTRUCTION AND MAINTENANCE. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s Tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”), at its cost and expense, locate and relocate its existing facilities or equipment in, on, over, or under any public street, avenue, right of way, or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street, avenue, right of way or alley. If the City has a reasonable alternative route for the street, avenue, right of way, or alley or an alternative construction method, which would not cause the relocation of the Company installations or would

[†] **EDITOR’S NOTE:** Ordinance No. 363, adopting an electric franchise for the City, was passed and adopted on February 11, 2016.

minimize the cost or expense of relocation of Company installations, the City and Company shall work together to consider said alternative route, or construction method. The City shall, in the extension or modification of streets and roads, make provision for the placement of Company service lines and facilities on City-owned right of way without charge to Company. In planning for the extension or modification of streets, the City shall, to the extent practicable design such changes to limit the need for the relocation of Company facilities. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of tree removals does not coincide with Company's facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove the trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

112.04 EXCAVATIONS. In making excavations in any streets, avenues, alleys, and public places for the installation, maintenance or repair of conductor, conduits, or other appurtenances or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and shall not unnecessarily obstruct the use of streets, avenues, or alleys, shall provide the Director of Public Works with 24 hours' notice prior to the actual commencement of the work, and shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that the Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. To the extent not inconsistent with the franchise, the Company shall comply with all City ordinances regarding paving cuts, placement of facilities, and restoration of pavement and other public infrastructure. The Company shall replace the surface, restoring the condition as existed prior to the Company's excavation, but shall not be required to improve or modify the public right of way. The Company shall complete all repairs in a timely and prompt manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

112.05 UTILITY EASEMENTS. Vacating a street, avenue, alley, public ground, or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities and their replacements on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley, right of way, or other public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities.

112.06 RELOCATION NOT REQUIRED. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous five years.

112.07 RELOCATION. Pursuant to relocation of Company facilities as may be required by Sections 112.03-112.05 of this chapter, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate the project of a commercial or private developer or other non-public entity, the City may require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

112.08 INFORMATION. Upon reasonable request the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way, including documents, maps, and other information in paper or electronic, or other forms (“Information”). The Company and City recognize the Information may in whole or part be considered a confidential record under state or Federal law or both. Therefore, the City shall not release any information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by state or federal law on other grounds and agrees to retain the Information in its non-public files. Furthermore, the City agrees that no documents, maps or information provided to the City by the Company shall be made available to the public or other entities if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time. In the event any action at law, in equity, or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure the City shall promptly notify the Company. The Company shall have the right to assume the defense of said action. The Company shall reimburse the City any and all costs, including attorney fees and penalties, to the extent allowed by law which may result from any said action.

112.09 TREES. The pruning and removal of trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations. The Company is authorized and empowered to prune or remove at Company expense, any tree extending into any street, avenue, right of way, alley, public place, or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall be completed in accordance with nationally accepted safety and utility standards, ANSI Z133-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300 (part 1) – 2008 Pruning, American National Standard for Tree, Shrub, and other Woody Plant Maintenance - Standard of Practices Pruning, or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

112.10 INDEMNIFICATION. The Company shall indemnify, save, and hold harmless the City from any and all claims, suits, losses, damages, costs, or expenses, including attorneys’ fees, on account of injury or damage to any person or property, to the extent caused or occasioned in whole or part by the Company’s negligence in construction, reconstruction, excavation, operation, or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify, and save

harmless the City for any costs or damages to the extent arising in whole or part from the negligence of the City, its officers, employees, or agents.

112.11 FRANCHISE FEE. There is hereby imposed a franchise fee of 5% upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City from December 1, 2015. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

112.12 GROSS REVENUE. Upon reasonable request, the Company shall certify the gross revenue generated from sales of electricity by the Company within the corporate limits of the City for the prior fiscal year.

112.13 FEE REFUNDS. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

112.14 SUCCESSORS AND ASSIGNS. This franchise shall apply to and bind the City and the Company and their successors and assigns.

112.15 TERMINATION. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

CHAPTER 113

CABLE TELEVISION FRANCHISE AND REGULATIONS

113.01 Definitions
113.02 Grant of Franchise
113.03 Standards of Service
113.04 Regulation by City

113.05 Compliance and Monitoring
113.06 Insurance, Indemnification and Other Surety
113.07 Enforcement and Termination
113.08 Miscellaneous Provisions

113.01 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below.

1. “Affiliate” means an entity which owns or controls, is owned or controlled by or is under common ownership with Grantee.
2. “Cable Act” means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as may be amended from time to time.
3. “Cable service” means (i) the one-way transmission. to subscribers of video programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection of such video programming or any other lawful communication service.
4. “Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide cable service and other service to subscribers, but such term does not include:
 - A. A facility that serves only to retransmit the television signal of one or more television broadcast stations;
 - B. A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right-of-way, public property, public easement, or other easement whose use is regulated by government;
 - C. A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a cable system (other than for purposes of Section 621(c) of the Cable Act to the extent such facility is used in the transmission of video programming directly to subscribers;
 - D. Any facilities of any electric utility used solely for operating its electric utility systems.
5. “FCC” means Federal Communications Commission, or successor government entity thereto.
6. “Franchise” means the initial authorization, or renewal thereof, issued by the City, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction and

operation of the cable system for the purpose of offering cable service or other service to subscribers.

7. “Grantee” means Cablevision IV, LTD., or the lawful successor, transferee, or assignee thereof.

8. “Gross revenues” means any and all revenue from all sources received by the Grantee including and relating to the operation of the system in the service area, provided, however, that such phrase does not include any fees or taxes which are imposed directly or indirectly on any subscriber thereof by any government unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.

9. “Person” means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity, or any other legally recognized entity, whether for profit or not-for-profit.

10. “Public way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the service area which shall entitle the City and the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the cable system. Public way also means any easement now or hereafter held by the City within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and includes other easements or rights-of-way as shall within their proper use and meaning entitle the City and the Grantee to the use thereof for the purpose of installing or transmitting Grantee’s cable service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the cable system.

11. “Service area” means the present municipal boundaries of the City, and includes any additions thereto by annexation or other legal means.

12. “Service tier” means a category of cable service or other services provided by Grantee and for which a separate charge is made by Grantee.

13. “Subscriber” means a person or user of the cable system who lawfully receives cable service or other service therefrom with Grantee’s express permission. Commercial subscribers are limited to those business establishments that provide the general public access to and the right to view programs provided by cable service. Any service provided to a commercial location which is limited to a private office not generally accessible or used by the general public to view programming provided by Grantee and service provided to all residential subscribers shall be charged at the same basic service rate without any discrimination in rights.

14. “Video programming” means programming provided by, or generally considered comparable to programming provided by a television broadcast station.

113.02 GRANT OF FRANCHISE.

1. Grant. The City hereby grants to Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system and offer cable service

and other services in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the cable system. If Federal or State law is enacted which allows other services over the cable system, the fact that such service or services are not mentioned in this franchise shall not deprive the Grantee or the City of any rights either may have under such Federal or State law.

2. Term. The franchise granted pursuant to this chapter shall be for an initial term of 10 years from the effective date of the franchise, unless otherwise lawfully terminated in accordance with the terms of this chapter.

3. Equal Protection. In the event the City enters into a franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than the Grantee to enter into the City's streets and public ways for the purpose of constructing or operating a cable system or providing cable service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.

4. Additional Channels and Equipment. Grantee shall install and maintain a cable system providing a minimum of 36 channel capacity, and shall provide capacity for a public, educational, or governmental (PEG) channel. The City reserves the right to provide input on the channels selected, provided, however, that Grantee expressly reserves its right to control programming as authorized under Federal Law. The Grantee shall provide and install the cable lines related to the establishment of a PEG channel at a site to be determined by the City, and at City's request.

113.03 STANDARDS OF SERVICE.

1. Conditions of Street Occupancy. All transmission and distribution structures, poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said public ways. Grantee will obtain permission from property owners to use their property for cable construction when public ways are not available.

2. Restoration of Public Ways. If during the course of Grantee's construction, operation, or maintenance of the cable system there occurs a disturbance of any public way by Grantee, Grantee shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

3. Relocation at Request of City. Upon its receipt of reasonable advance notice, not less than five business days, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way, or remove from the public way, any property of the Grantee when lawfully required by City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or

any other type of structures or improvements by the City; but, the Grantee shall in all cases have the right to abandonment of its property.

4. Relocation at Request of Third Party. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of such building, provided: (a) the reasonable expense of such temporary raising or lowering of wires is paid by said person, including, if required by Grantee, making such payment in advance; and (b) the Grantee is given not less than 10 business days' advance written notice to arrange for such temporary wire changes, except for an emergency where less time may be necessary.

5. Trimming of Trees and Shrubbery. The Grantee shall have the authority at its expense to trim trees or other natural growth overhanging any of its cable system in the service area that is located within public easements so as to prevent branches from coming in contact with the Grantee's wires, cables or other equipment. The Grantee shall reasonably compensate the City or property owner for any damages caused by such trimming, or shall, at its discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the cable system undertaken by Grantee. Such replacement shall satisfy any and all obligations Grantee may have to the City or property owner pursuant to the terms of this section.

6. Use of Grantee's Equipment by City. Subject to any applicable State or Federal regulations or tariffs, the City shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any public way; provided that (a) such use by the City does not interfere with a current or future use by the Grantee; (b) the City holds the Grantee harmless against and from all claims, demands, costs, or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits, including but not limited to, reasonable attorney's fees and costs; and (c) by mutual agreement, the City may be required either to pay a reasonable rental fee or otherwise reasonably compensate Grantee for the use of such poles, conduits, or equipment; provided, however, Grantee agrees that such compensation or charge shall not exceed those paid by it to public utilities pursuant to the applicable pole attachment agreement, or other authorization, relating to the service area.

7. Safety Requirements. Construction, installation, and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other Federal, State, and local regulations. The cable system shall not unreasonably endanger or interfere with the safety of persons or property in the service area.

8. Aerial and Underground Construction. In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Grantee's cable and other equipment without technical degradation of the cable system's signal quality. In those areas of the service area where the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are both aerial and underground, Grantee shall have the right to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aurally or underground. Nothing

contained in this section shall require Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment. Notwithstanding anything to the contrary contained in this section, in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of the ordinance codified in this chapter, Grantee shall only be required to construct, operate, and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities, facilities at the time that such are placed underground.

9. Required Extensions of Service. The cable system as constructed as of the date of the passage and final adoption of the ordinance codified in this chapter substantially complies with the material provisions hereof. Grantee is hereby authorized to extend the cable system as necessary, as desirable, or as required pursuant to the terms hereof within the service area. Whenever Grantee shall receive a request for service from at least 10 potential subscribers within 1,320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to said subscribers for system extension, other than the usual connection fees for all subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition, or market development of the cable system, or as provided for under subsection 10 of this section.

10. Subscriber Charges for Extensions of Service. No subscriber shall be refused service arbitrarily, and Grantee shall be required to serve all residences of the City with cable service if such residences are within 150 feet of a current cable line unless other arrangements have been made between Grantee and the individual subscriber. However, for unusual circumstances, such as a subscriber's request to locate a cable drop underground, existence of more than 150 feet of distance from distribution cable to connection of service to subscribers, or a density of less than 10 potential subscribers per 1,320 cable-bearing strand feet of trunk or distribution cable, cable service or other service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor, and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by Grantee and subscribers in the area in which cable service may be expanded, Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the actual number of potential subscribers per 1,320 cable-bearing strand feet of its trunk or distribution cable, and whose denominator equals 10 potential subscribers. Potential subscribers will bear the remainder of the construction and other costs on a pro rata basis. Grantee may require that the payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance.

11. Service to Public Buildings. The Grantee shall provide, without charge, one outlet of basic service to the City's office buildings, City Hall, fire stations, police stations, public library and public school buildings that are passed by its cable system. The outlets of basic cable service shall not be used to distribute or sell cable services in or throughout such buildings. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to those arising from copyright liability. Notwithstanding anything to

the contrary set forth in this section, the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said building or premises exceeds 150 cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition, or market development of the cable system to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of basic cable service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials. Upon request of Grantee, the building owner may also be required to pay the service fees associated with the provision of basic cable service and the additional outlets relating thereto.

12. Additional subscriber Services.

A. Lock-Out Device. Grantee shall make available, to any subscriber so requesting, and shall notify subscribers of the availability of such devices, a “parental guidance” or “lock out” device which shall permit the subscriber, at his or her option, to eliminate the audio and visual aspects from any channels reception. An additional reasonable charge for any such device may be imposed.

B. A/B Switch. Grantee shall make available, to any subscriber so requesting, and shall notify each subscriber of the availability of such device, an input selector or A/B switch permitting conversion from cable to antenna reception. An additional reasonable charge for any such device may be imposed.

C. Grantee shall provide an emergency broadcast voice override system for area severe weather notices on all channels on or before July 1, 1997, pursuant to FCC Rules.

13. Performance Evaluation Hearings/Periodic Reviews. On the fifth anniversary of the effective date of this ordinance, the Council may require a review of the franchise granted by this chapter, subject to the following:

A. Any such review shall be open to the public and announced in the official City newspaper. The City shall notify the community of the time and place of review sessions by such announcement in the official City newspaper.

B. The topic to be discussed at any scheduled review session will include, but will not be limited to, franchise fees; free or discounted services; application of new technologies; system performance; services provided; programming offered; customer complaints; privacy; surety bond; judicial and FCC rulings; line extension policies; complaints made by subscribers and/or the City; and existing or perspective rules or regulations of the Grantee or the City. Topics to be discussed at any scheduled review session also may include the issue of whether or not a legitimate community need exists to justify the implementation of an educational and governmental channel.

C. Members of the general public may add topics by requesting the City add such topics be added to the agenda of its meeting.

D. During a review or evaluation by the Council, the Grantee shall fully cooperate with the City and shall provide such non-confidential information

and documents including a list of complaints made by the subscribers prior to such review or evaluation, as the City may need to reasonably perform the review.

E. Upon 30 days' written notice from the City, a representative of the Grantee shall be present at the meeting in order to be able to respond to any complaints voiced by the City Council, subscribers, or other members of the general public.

113.04 REGULATION BY CITY.

1. Franchise Fee. Grantee shall pay to the City a franchise fee equal to 5% of Gross Revenues (as defined in Section 113.01 of this chapter) received by Grantee from the operation of the cable system each six months; provided, however, Grantee may credit against any such payments: (i) any tax, fee, or assessment of any kind imposed by City or other governmental entity on a cable operator or subscriber, or both, solely because of status as such; (ii) any tax, fee or assessment of general applicability which is unduly discriminatory against cable operators or subscribers (including any such tax, fee, or assessments imposed, both on utilities and cable operators and their services), and (iii) any other special tax, assessment, or fee such as a business, occupation, and entertainment tax. For the purpose of this section, the period applicable under the franchise for the computation of each half year franchise fee shall be one-half of the calendar year, unless otherwise agreed to in writing by the City and Grantee. The franchise fee payment shall be due and payable 60 days after the close of the preceding half of the calendar year, and a payment shall be due for each half of the calendar year immediately following the half for which payment has been made. Each payment shall be accompanied by a brief report from a representative of Grantee showing the basis for the computation.

2. Limitation of Franchise Fee Actions. The period of limitation for recovery of any franchise fee payable hereunder shall be five years from the date on which payment by the Grantee is due. Unless within five years from and after said payment due date the City initiates a lawsuit for recovery of such franchise fee in a court of competent jurisdiction, such recovery shall be barred, and the City shall be estopped from asserting any claims whatsoever against the Grantee relating to any such alleged deficiencies.

3. Rates and Charges. The City may not regulate the rates for the provision of cable service and other services, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as authorized pursuant to Federal and State law including, but not limited to, the Cable Act and FCC Rules and Regulations relating thereto, as amended from time to time. If Grantee modifies its rates and charges, it shall give notice to the City and its subscribers not less than 30 days prior to the effective date of the change. The notice to the City shall include all FCC required financial information regarding the modification. It is expressly provided that the City may enact an ordinance for the regulation of rates charged by cable television operators for the basic cable programming service tier and related equipment, as expressly authorized by the Cable Act and FCC Rules and Regulations passed pursuant thereto, as amended from time to time. All rates and charges for the provision of cable service and other services by Grantee shall at all times be regulated consistent with then current Federal, State and local law.

4. Renewal of Franchise. The City and the Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Grantee's franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act (as such existed as of the effective date of the Cable Act); unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of Federal or State law. In addition to the procedures set forth in said Section 626(a) of the Cable Act as amended from time to time, the City agrees to notify Grantee of its preliminary assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of Grantee under the then current franchise term. The City further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four month period referred to in Subsection (c) of Section 626 is considered to begin. Notwithstanding anything to the contrary set forth in this section, the Grantee and City agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment, the City and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current franchise and the City may grant a renewal thereof. The Grantee and the City consider the terms set forth in this section to be consistent with the express provisions of Section 626 of the Cable Act, as amended from time to time.

5. Conditions of Sale. Except to the extent expressly required by Federal or State law, if a renewal or extension of Grantee's franchise is denied or the franchise is lawfully terminated, and the City either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another party, such acquisition or transfer shall be determined by Section 627 of Cable Act of 1996, as amended.

6. Transfer of Franchise. Grantee's right, title or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an affiliate, without the prior consent of the City, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the franchise or cable system in order to secure indebtedness.

113.05 COMPLIANCE AND MONITORING.

1. Testing for Compliance. The City may perform technical tests of the cable system during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the Grantee or the cable system in order to determine whether or not the Grantee is in compliance with the terms hereof and applicable State or Federal laws. Except in emergency circumstances, such tests may be undertaken only after giving Grantee reasonable notice thereof, not to be less than 15 business days, and providing a representative of Grantee an opportunity to be present during such tests. In the event that such testing demonstrates that Grantee has substantially failed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by the Grantee. In the event that such testing demonstrates that Grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the City. Except in emergency circumstances, the City agrees that such testing shall be undertaken no more than two times a year in the aggregate, and that the results thereof shall be made available to the Grantee upon Grantee's request.

2. Reports, Books and Records. The Grantee shall report annually to the City on Grantee's activities during the past calendar year, its revenues and performance the past year, and its projected year activities the upcoming year which would affect the Grantee's cable system operated under the terms of the franchise. Such report shall be made not later than the 15th day of March in the year immediately following the year for which such report is required, upon request by City. The Grantee agrees that the City may review such of its books and records, during normal business hours and on a non-disruptive basis, as is reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but limited to, any public records required to be kept by the Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The City agrees to treat any information disclosed by the Grantee to it as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof.

113.06 INSURANCE, INDEMNIFICATION AND OTHER SURETY.

1. Insurance Requirements. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Comprehensive General Liability Insurance in the amount of \$1,000,000.00 combined single limit for bodily injury and property damage. Said insurance shall designate the City as an additional insured. Such insurance shall be non-cancelable, provided however, that Grantee may from time to time and at any time change the underwriter upon 30 days' prior written notice to the City.

2. Indemnification. The Grantee agrees to indemnify, save and hold harmless, and defend the City, its officers, boards, and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its cable system.

113.07 ENFORCEMENT AND TERMINATION.

1. Notice of Violation. In the event that the City believes that the Grantee has not complied with the terms of the franchise, it shall notify Grantee in writing of the exact nature of the alleged noncompliance.

2. Grantee's Right to Cure or Respond. Grantee shall have 30 days from receipt of the notice described in subsection 1: (a) to respond to the City contesting the assertion of noncompliance; or (b) to cure such default; or (c) in the event that, by the nature of default, such default cannot be cured within the 30 day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

3. Public Hearing. In the event that Grantee fails to respond to the notice described in subsection 1 pursuant to the procedures set forth in Subsection 2, or in the event that the alleged default is not remedied within 60 days after the Grantee is notified of the alleged default pursuant to Subsection 1, the City shall schedule a public hearing to investigate the default. Such public hearing shall be held at the next regularly scheduled meeting of the City which is scheduled at a time which is no less than twenty-one calendar days therefrom. The City shall notify the Grantee of the time and place of such hearing and provide the Grantee with an opportunity to be heard.

4. Enforcement. Subject to applicable Federal and State law, in the event the City, after such hearing, determines that Grantee is in default of any provision of the franchise, the City may:

- A. Foreclose on all or any part of any security provided under this chapter, if any, including without limitation, any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the City reasonably determines is necessary to remedy the default;
- B. Commence an action at law for monetary damages or seek other equitable relief;
- C. In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked; or
- D. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

The Grantee shall not be relieved on any of its obligations to comply promptly with any provision of the franchise by reason of any failure of the City to enforce prompt compliance.

5. Excused Defaults. The Grantee shall not be held in default or noncompliance with the provisions of the franchise, or suffer any enforcement or penalty relating thereto, where such noncompliance or alleged defaults are caused by acts of God, strikes, power outages, or other events reasonably beyond its ability to control.

113.08 MISCELLANEOUS PROVISIONS.

1. Definitions. For purposes of this section, the following definitions shall apply:

- A. “Normal business hours” means those hours during which most similar businesses in the community are open to serve subscribers. In all cases, “normal business hours” shall include some evening hours at least one night per week and/or some weekend hours. The Grantee will notify its subscribers and the City of its normal business hours.
- B. “Normal operating conditions” means those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular, peak or seasonal demand periods, and maintenance or upgrade of the system.
- C. “Service interruption” means the loss of picture or sound in one or more channels.

2. Documents Incorporated and Made a Part Hereof. The following documents shall be incorporated herein by this reference, and in the case of a conflict or ambiguity between or among them, the document of latest date shall govern:

- A. Any enabling ordinance in existence as of the date hereof;
- B. Any franchise agreement between Grantee and City reflecting the renewal of the franchise, if any;

C. Any supplemental written commitment, understanding or letter signed or approved by the parties explaining, expanding, modifying, amending, or supplementing this agreement.

3. Preemption. If the FCC or any other Federal or State body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by the City, the jurisdiction of the City shall cease and no longer exist.

4. Actions of City. In any action by the City or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

5. Notice. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the City or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at the post office or branch thereof regularly maintained by the U.S. Postal Service.

6. Customer Service Standards.

A. System Office Hours and Telephone Availability. The Grantee will maintain a local, toll-free or collect call telephone access line which will be available to subscribers 24 hours a day, seven days a week. Trained representatives of the Grantee will be available to respond to subscriber telephone inquiries during normal business hours, as defined herein. After normal business hours, an access line will be available to be answered by a service or an automated response system, including a phone answering system. Inquiries received after normal business hours must be responded to by a trained representative of the Grantee on the next business day. Under normal operating conditions, as defined herein, telephone answer time by a customer representative, including wait time, will not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time will not exceed 30 seconds. These standards will be met no less than 90% of the time under normal operating conditions, as measured by the Grantee on a quarterly basis. The Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards as set forth above unless an historical record of complaints indicates a clear failure to comply with such standards. Under normal operating conditions, the subscriber will receive a busy signal less than 5 percent of the time.

B. Installations, Outages and Service Calls. Under normal operating conditions, each of the following four standards will be met no less than 95% the time, as measured by the Grantee on a quarterly basis:

(1) Standard installations will be performed within seven business days after an order has been placed. "Standard" installations are those that are located up to 300 feet from the existing distribution system.

(2) Excluding conditions beyond its control, the Grantee will begin working on service interruptions, as defined herein, promptly and in no event later than 24 hours after the interruption becomes known. The Grantee will begin actions to correct other service problems the next business day after notification of the service problem.

(3) The Grantee will provide “appointment window” alternatives for installations, service calls, and other installation activities, which will be either a specific time or, at maximum, a four-hour time block during normal business hours.

(4) The Grantee shall not cancel an appointment with a subscriber after close of business on the business day prior to the scheduled appointment.

(5) If a representative of the Grantee is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the subscriber.

C. Billing:

(1) Bills will be clear, concise and understandable. Bills will be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(2) In case of a billing dispute, the Grantee will respond to a written complaint from a subscriber within 30 days from receipt of the complaint.

(3) Refund checks will be issued promptly, but no later than either (i) the subscriber’s next billing cycle following resolution of the request or 60 days, whichever is earlier, or (ii) the return of the equipment supplied by the Grantee if service is terminated.

(4) Credit for service will be issued no later than the subscriber’s next billing cycle following the determination that a credit is warranted.

(5) In addition to the notification in paragraph 6 below, all subscribers and customer covered by the franchising agreement will receive written notification a minimum of 30 days in advance of any channel changes or additions contemplated by Grantee; provided, the change is within the control of the Grantee, and shall consult with the City Council or appropriate committee concerning additional channels desired.

(6) The Grantee must give 30 days’ prior written notice to the City and all affected subscribers of any pricing changes or additional charges, excluding temporary marketing and sales discounts or offers. The Grantee may reduce the price at any time.

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CHAPTER 115

MUNICIPAL AIRPORT

115.01 Purpose

115.02 Definition

115.03 Extent of Power

115.04 Council Control

115.05 Regulations

115.06 Air Traffic Rules

115.01 PURPOSE. This chapter is to provide for the establishment, control, supervision and operation of the Hampton Municipal Airport.

115.02 DEFINITION. As used in this chapter, “airport” includes landing fields, airdrome, aviation field or other similar terms used in connection with aerial traffic.

115.03 EXTENT OF POWER. The provisions of this chapter shall extend to the lands and waters within the corporation and to the space above the land and waters within the corporation and to the airport controlled, maintained and operated by the City outside its corporate limits and to the space above the same.

115.04 COUNCIL CONTROL. The Hampton Municipal Airport is under the control of the Council. The airport committee of the Council has general supervision over the airport, subject to the control of the entire Council.

115.05 REGULATIONS. Any rules and regulations so made or laid down by the Council shall in no way be contrary to or in conflict with the rules and regulations for the operation of aircraft adopted by the Federal government or the State.

115.06 AIR TRAFFIC RULES. It is unlawful to operate any aircraft over or within the City or the Hampton Municipal Airport in violation of the air traffic rules and regulations which have been or may hereafter be established by the Secretary of Commerce of the United States or by any other office of the Federal or State government whose duty it may be to establish such rules.

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CHAPTER 116

CEMETERY

116.01 Definition

116.02 Trusteeship

116.03 Parks/Cemetery Lead Operator

116.04 Duties of Parks/Cemetery Lead Operator

116.05 Records

116.06 Sale of Interment Rights

116.07 Perpetual Care

116.08 Rules and Regulations

116.01 DEFINITION. The term “cemetery” means the Hampton Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

(Code of Iowa, Sec. 523I.501)

116.02 TRUSTEESHIP. Pursuant to Section 523I.502 of the *Code of Iowa*, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

116.03 PARKS/CEMETERY LEAD OPERATOR. The Parks/Cemetery Lead Operator shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

116.04 DUTIES OF PARKS/CEMETERY LEAD OPERATOR. The duties of the Parks/Cemetery Lead Operator are as follows:

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

1. Supervise Openings. Supervise the opening of all graves and be present at every interment in the cemetery;
2. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Council.

116.05 RECORDS. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
 - A. The name and last known address of each owner or previous owner of interment rights.
 - B. The date of each purchase or transfer of interment rights.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - A. The date the remains are interred.

- B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
- C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

116.06 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

(Code of Iowa, Sec. 523I.310)

116.07 PERPETUAL CARE. The Council, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the *Code of Iowa*.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

116.08 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

(Code of Iowa, Sec. 523I.304)

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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 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. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

11. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

1. 12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 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 electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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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. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

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 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, alternative nicotine products, vapor products, or cigarettes to any person under 18 years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or

suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose

122.02 Definitions

122.03 Registration Required

122.04 Registration Requirements

122.05 Registration Fee

122.06 Transient Merchant Bond

122.07 Time Restriction

122.08 Exemptions

122.09 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 registering 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, donation or money 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, stand or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 REGISTRATION REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this chapter.

122.04 REGISTRATION REQUIREMENTS. The registration shall be in writing, filed with the Clerk, and shall set forth the following information:

1. The person’s name, permanent and local address and business address if any, driver’s license number and vehicle description.
2. The person’s employer, if any, and the employer’s address, the nature of the business and the length of time such business will be carried on in the City.
3. The names of all people who are to be working within the City and their vehicle descriptions and license numbers.

The registration is valid only for a seven-day period and must be renewed for each seven-day period thereafter.

122.05 REGISTRATION FEE. A registration fee of \$10.00 shall be paid at the time of registration to cover the cost of investigating the facts stated therein.

122.06 TRANSIENT MERCHANT BOND. Any person registering as a transient merchant shall provide to the Clerk evidence that such person has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 TIME RESTRICTION. Peddlers and solicitors shall conduct business in the City only during daylight hours.

122.08 EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Hampton-Dumont 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.

122.09 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa*, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 122.04 and 122.05. All such organizations or individuals 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, and the period during which such activities are to be carried on.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. At least five days prior to moving a structure, application for a house mover’s permit shall be made in writing to the Mayor. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, Street Lead Operator, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000 per person; \$100,000 per accident.
2. Property Damage - \$50,000 per accident.

123.06 PERMIT FEE. A scheduled permit fee shall be payable at the time of filing the application with the Clerk for each qualifying structure to be moved. The permit fees for moving a house, building or similar structure are as follows:

1. Structure measuring 900 square feet or more.....\$500.00
2. Structure measuring between 400-899 square feet.....\$ 50.00
3. Structure measuring between 101-399 square feet.....\$ 30.00

A separate permit shall be required for each house, building or structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 of this Code of Ordinances the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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CHAPTER 125

LICENSING OF TREE SERVICE PROFESSIONALS

125.01 License Required
125.02 Application to Clerk
125.03 License Fee

125.04 Insurance Required
125.05 Certification Required
125.06 Penalty

125.01 LICENSE REQUIRED. It is unlawful for any person to be employed in the practice of topping, trimming, pruning or removing trees in the City unless said person is licensed by the City.

125.02 APPLICATION TO CLERK. Written application for a tree service license shall be filed with the Clerk giving the name of the applicant and the names of all other persons associated with said applicant in the tree service business, if any, whether as a firm or corporation, and designating the place of business and stating a willingness to be governed in all respects by the rules, regulations and ordinances of the City relating to such business then in effect or thereafter adopted by the City.

125.03 LICENSE FEE. The annual license fee is ten dollars (\$10.00).

125.04 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
2. Property Damage - \$50,000.00 per accident.

125.05 CERTIFICATION REQUIRED. Each applicant shall also file a certificate of training through the Iowa State Extension or of equal accreditation.

125.06 PENALTY. Failure to obtain a tree service license as required by this chapter constitutes a municipal infraction under Chapter 4 of this Code of Ordinances.

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CHAPTER 126

ADULT-ORIENTED ESTABLISHMENT REGULATIONS

126.01 Purpose	126.05 Responsibilities of the Operator
126.02 Definitions Related to Adult-Oriented Establishments	126.06 Minors
126.03 Location Restrictions	126.07 Hours of Operation
126.04 Development Design Standards	126.08 Enforcement

126.01 PURPOSE. The City Council of the City of Hampton, Iowa, finds:

1. Adult-oriented establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Hampton;
2. Adult-oriented establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them;
3. The concern over sexually-transmitted diseases is a legitimate health concern of the City that demands reasonable regulation of adult-oriented establishments in order to protect the health and well-being of the community;
4. Adult-oriented establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area;
5. The City of Hampton wants to prevent these adverse effects and thereby protect the health and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods; and deter the spread of blight;
6. It is not the intent of this chapter to suppress any speech activities protected by the First Amendment, but to enact content-neutral regulations that address the secondary effects of adult-oriented establishments as well as the health problems associated with such establishments.

126.02 DEFINITIONS RELATED TO ADULT-ORIENTED ESTABLISHMENTS.

1. **ADULT BOOKSTORE:** An establishment that has a facility or facilities, including but not limited to booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
2. **ADULT ENTERTAINMENT:** Any exhibition of any motion picture, live performance, display, or dance of any type which has as its dominant theme or is

distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.

3. **ADULT MOTION PICTURE THEATER:** An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.

4. **ADULT NOVELTY SHOP:** An establishment or business having as a substantial or significant portion of its stock in trade and sales in novelty or other items which are distinguished or characterized by their emphasis on or design for sexual activity or simulating such activity.

5. **ADULT-ORIENTED ESTABLISHMENT:** Any premises including, without limitation, "adult bookstores," "adult motion picture theaters," or "adult novelty shop." It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, where such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, or any other term of like import.

6. **OPERATORS:** Any person, partnership, or corporation operating, conducting, maintaining, or owning any adult-oriented establishment.

7. **SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, buttocks, female breasts below the areola; or male genitalia.

8. **SPECIFIED SEXUAL ACTIVITIES:** Simulated or actual (a) showing of human genitals in a state of sexual stimulation or arousal; (b) acts of sexual activity, sodomy, or sadomasochism; or (c) fondling or erotic touching of human genitals, buttocks, or female breasts.

126.03 LOCATION RESTRICTIONS. An adult-oriented establishment shall be a conditional permitted use within the City of Hampton only in the I-2 Heavy Industrial District upon receipt of a site plan and approval of a conditional use permit in accordance with procedures set forth in Article 18 of the Zoning Ordinance, and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

1. Adult-oriented establishments shall be prohibited in or within five hundred (500) feet of the borders of a residential district.

2. Adult-oriented establishments shall be prohibited within five hundred (500) feet of any church, synagogue, mosque, temple, or other place of religious worship.

3. Adult-oriented establishments shall be prohibited within five hundred (500) feet of any public or private school offering general education for students between the years of pre-kindergarten and twelfth grade, public library, or museum.
4. Adult-oriented establishments shall be prohibited within five hundred (500) feet of any registered day-care home or registered day-care business.
5. Adult-oriented establishments shall be prohibited within five hundred (500) feet of any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park.
6. Adult-oriented establishments shall be prohibited within five hundred (500) feet of any other adult entertainment business.
7. Adult-oriented establishments shall be prohibited within five hundred (500) feet of any existing establishment selling alcoholic beverages for consumption on premises.

126.04 DEVELOPMENT DESIGN STANDARDS

1. Exterior. It shall be unlawful for an owner of an adult-oriented establishment:
 - A. To allow the merchandise or activities of the establishment to be visible from any point outside the establishment.
 - B. To allow the exterior portion of the adult-oriented establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities.
 - C. To allow exterior portions of the establishment to be painted other than a single color.
2. Signage. The operator shall comply with Article 17 "Signs and Awnings Regulations" of the Zoning Ordinance. Additionally, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

126.05 RESPONSIBILITIES OF THE OPERATOR. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such an act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

126.06 MINORS. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator must ensure that an attendant is stationed at each public entrance at all times during regular business hours. The attendant shall prohibit any person under the age of eighteen (18) from entering the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid drivers license issued by a state reflecting that person's age.

126.07 HOURS OF OPERATION. An adult-oriented establishment may remain open for business no longer than the hours from between 10:00 a.m. to 2:00 a.m., seven days a week.

126.08 ENFORCEMENT. Any violation of this chapter by the owner or operator shall be a criminal penalty that would be a simple misdemeanor punishable in accordance with Section 1.14 of this Code of Ordinances, plus statutory surcharge and court costs, or a municipal infraction with a scheduled civil penalty as follows:

1. First Offense: \$ 200.00
2. Second Offense \$ 500.00
3. Third Offense \$1,000.00

In addition, any violation may be temporarily and/or permanently enjoined by any Judge of the Second Judicial District of Iowa upon five (5) days' notice to owner and/or operator of any adult-oriented business.

CHAPTER 127

HOTEL AND MOTEL TAX

127.01 Definitions
127.02 Tax Imposed
127.03 Relationship to State Sales Tax

127.04 Remittance
127.05 Use of Revenues

127.01 DEFINITIONS. As used in this chapter, the terms “lodging,” “renting,” “rent,” “sales price,” and “hotel and motel tax” shall have the meaning given to them in Chapter 423A of the *Code of Iowa*, as amended.

127.02 TAX IMPOSED. Effective as of July 1, 2003, there is imposed a local hotel and motel tax of 5% upon the sales price from renting of lodging within the corporate boundaries of the City subject to the exemption set forth in Section 423A.5 of the *Code of Iowa*, as amended.

127.03 RELATIONSHIP TO STATE SALES TAX. The hotel and motel tax set forth in this chapter shall be imposed in addition to any State sales tax imposed on all sales prices received from the renting of lodging within the corporate boundaries of the City.

127.04 REMITTANCE. The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

127.05 USE OF REVENUES. All revenue received by the City from the imposition of the hotel and motel tax shall be deposited in the General Fund of the City and shall be used and distributed as follows:

1. 60% of the revenue derived from the hotel and motel tax shall be contributed to the Hampton Chamber of Commerce, specifically designated toward tourism.
2. 40% of the revenue derived from the hotel and motel tax shall be designated to the General Fund of the City as provided by Section 423A of the *Code of Iowa*.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Property Owner's Responsibility for Maintenance

135.11 Failure to Maintain

135.12 Dumping of Snow

135.13 Driveway Culverts

135.14 Sump Pump Discharging

135.15 Mailbox Regulations

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 24 hours prior to the time when inspection of backfill is desired.
6. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses 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 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 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, 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.

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

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. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 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. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines

and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required 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 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.

[†] **EDITOR'S NOTE:** See Page 16 of the Appendix.

5. Length, Width and Depth. Length, width and depth requirements are as follows:

A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet in length.

B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner. Specifications for Business District sidewalk construction are:

- (1) Sub-grade to be three to four 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 expansion joint to be placed at back of curb and where sidewalk meets building.
- (5) Drill 5/8-inch hole 12 inches deep and 30 inches apart into existing sidewalks and at all construction joints, place #4 re-bar in hole 24 inches long.
- (6) Sidewalks to be five inches thick with #4 re-bar 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 in 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 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 inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter 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 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 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 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 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 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 real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] & 364.7[3])

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

[illegible]

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 fire resistant construction, as specified in the *International 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 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 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 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 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

		Distances (Feet)								
Source of Contamination		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 application of solid waste						D	S		
	Irrigation of wastewater						D	S		
LAND DISPOSAL OF WASTES	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 application to ground Surface						D	S		
	Above ground						D	S		
CHEMICAL AND MINERAL STORAGE	On or under ground							D	S	
	Animal pasturage				A					
ANIMAL WASTES	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
	Earthen silage storage trench or pit						D	S		
MISCELLANEOUS	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 year time-related capture zone of any well supplying potable water to the City water system.
 - B. Secondary Protection Zone. The area within the five 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 10 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.
 - F. Sewer-residential and commercial.

- G. Above ground storage tanks when in compliance with State Fire Marshal's regulations.
- H. 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 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) of this Code of Ordinances.

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 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 one 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 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	151.08 Duty to Trim Trees
151.02 Definitions	151.09 Removal of Dead or Diseased Trees on Private Property
151.03 Planting Restrictions	151.10 Removal of Dead or Diseased Trees on Public Property
151.04 Distance from Sidewalk	151.11 Removal of Stumps
151.05 Distance from Street Corners and Fire Plugs	151.12 Permitting
151.06 Public Tree Care	151.13 Appeals
151.07 Tree Topping	151.14 Hampton Tree Management Plan

151.01 PURPOSE. The purpose of this chapter is to encourage the safe and educated land stewardship practices within the corporate City limits of the City of Hampton, preserving the appearance of the City.

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

1. “Hampton Tree Board” means a seven-member board appointed by the Mayor to serve a term of up to five years, with no term limits.
2. “Parking” means that part of the street not covered by the sidewalk and lying between the lot line and the curb line.
3. “Park trees” means 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 parks.
4. “Street trees” means 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.
5. “Tree Management Plan” means a document utilized for conducting urban forest management within the corporate City limits.
6. “Tree permit” means a signed document issued by the City, authorizing tree removal and tree planting on City-owned properties within the corporate City limits.

151.03 PLANTING RESTRICTIONS. Tree planting shall be allowed along 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, provided an application for permit is first submitted, reviewed, and approved by the City.

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 feet;
2. Medium trees (any species with projected maturity height between 25 and 50 feet) – four feet;
3. Large trees (any species with projected maturity height of more than 50 feet) – five feet.

151.05 DISTANCE FROM STREET CORNERS AND FIRE PLUGS. No tree shall be planted closer than 20 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than 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 10 feet above the sidewalks and 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 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 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 inches below ground level.

151.12 PERMITTING. No person shall plant or cause to be removed any tree on any City-owned property or public right-of-way without first obtaining an approved permit, the application for which is available at City Hall. Tree species will be monitored as part of the

permitting process and only those species identified on the permit form will be allowed for planting. This subsection is implemented to encourage the planting of trees promoting safety, educated land stewardship, and protection of vital infrastructure.

151.13 APPEALS. Any person receiving notice to remove dead or diseased trees and/or any person denied a permit for removal or planting of trees may appeal the decision of City staff to the Hampton Tree Board. Appeal must be in writing and received at City Hall no later than 10 days following date of notice or denial of permit. The Board will then set a date for public hearing before the Board within 30 days. Persons filing an appeal must appear before the Board at the scheduled hearing and will be notified no less than five days prior to the public hearing. In the event the Board denies initial appeal, a secondary appeal may be filed at City Hall and must be received in writing no later than 10 days following the Board's decision. The City Council will then schedule a hearing within 30 days of receipt of the appeal. Persons filing secondary appeal will be notified of the scheduled date and time of the City Council hearing no later than 10 days prior to the hearing and must appear before the City Council at the date and time scheduled.

151.14 HAMPTON TREE MANAGEMENT PLAN. The City adopts and utilizes the document identified as the 2012 Management Plan, prepared by Bureau of Forestry, Iowa DNR, as a guide for implementing best practices for land stewardship, and will continue to update and adhere to this plan no less than once every five year period.

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CHAPTER 152

INTERNATIONAL PROPERTY MAINTENANCE CODE

152.01 Adoption of Code	152.06 Contract Properties
152.02 Revisions	152.07 HUD Inspection Certification
152.03 General Provisions	152.08 Rental Permit Required
152.04 Residential Rental Real Estate Registration Requirements	152.09 Transferability of Rental Permit
152.05 Inspection	152.10 Appeal Process
	152.11 Civil or Criminal Penalties

152.01 ADOPTION OF CODE. A certain document, three copies of which are on file in the office of the City Clerk of the City of Hampton, being marked and designed as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Hampton, 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 Hampton are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed in Section 152.02 of this Code of Ordinances.

152.02 REVISIONS. The following sections of the adopted *International Property Maintenance Code*, 2006, are hereby revised:

1. Section 101.1. Insert: City of Hampton
2. Section 103.5. Insert: See related fee schedule in "Rules and Procedures"
3. Section 302.4. Insert: Allowable height of grass shall be 6" (inches) in developed Residential, Commercial and Industrial zoned districts. Allowable height of grass shall be 12" (inches) in undeveloped Residential, Commercial, and Industrial zoned districts.
4. Section 304.14. Insert: March through November
5. Section 602.3. Insert: January through December
6. Section 602.4. Insert: January through December

152.03 GENERAL PROVISIONS. The provisions of the Housing Code including the Incorporated International Property Maintenance Code of the City of Hampton, Iowa, shall apply to all residential and non-residential structures and all premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, lift safety, safety from fire, and other hazards, and for safe and sanitary maintenance; the responsibilities of owners, operators, and occupants; the occupancy of existing structures and premises, and for the administration, enforcement, and penalties. The Code shall be construed to secure its expressed intent, which is to insure public health, safety, and welfare and so far as they are

affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required by the International Property Maintenance Code.

152.04 RESIDENTIAL RENTAL REAL ESTATE REGISTRATION REQUIREMENTS. All residential rental real estate shall be required to register with the City's Housing Code Enforcement Officer, within 30 days of the mailing of Notice to Register by the Housing Code Enforcement Officer, City Manager, or City Attorney to the owner or operator of such residential rental real estate, or within 30 days of conversion of any owner-occupied real estate to residential rental real estate. A registration fee payable to the City is due upon registration as follows:

1. Single family or duplex \$20.00 per structure
2. Multiple family dwelling or structure \$20.00 per structure plus \$3.00 per unit
3. Rooming house..... \$20.00 per structure plus \$3.00 per unit

Failure to register as required shall be a violation of this Code of Ordinances and punishable as a simple misdemeanor or as a municipal infraction as provided in subsection 11 of this section and each day after the deadline date for registration that the dwelling remains unregistered is a separate and distinct violation.

152.05 INSPECTION. All residential real estate located within the City limits shall be subject to inspection. The owner of residential rental housing shall schedule and have completed an inspection within 60 days of the date Notice to Schedule Inspection is sent to such owner by the Housing Code Enforcement Officer, City Manager, or City Attorney. The owner or operator of residential rental housing shall within 90 days of the date Notice to Register is sent to said owner or operator or within 60 days of the date registered schedule and complete an inspection by the Housing Code Inspectors and shall pay the inspection fee.

Such residential rental real estate shall not be rented nor will a tenant be allowed to occupy any residential real estate, until such time as the inspection report shows that such real estate is in compliance with the International Property Maintenance Code adopted by the City. Occupation of such residential rental real estate prior to a satisfactory inspection report shall be a violation of the Hampton Housing Code/International Property Maintenance Code and the landlord who rents without a satisfactory inspection report commits a simple misdemeanor, or municipal infraction as provided in subsection 11 of this section and in addition thereto the City may also obtain an injunction prohibiting occupancy until such time as a satisfactory inspection report has been made.

If inspection reveals that the property is not in compliance with the International Property Maintenance Code, the inspector shall provide the owner or operator with a copy of the inspection report specifying the improvements or repairs required in order to bring the inspected property into compliance.

A re-inspection shall be completed within 60 days of the initial inspection unless expressed written consent is obtained from the City Code Enforcement Officer. Properties not in compliance with the 2006 International Property Maintenance Code within 180 days after

registering as a residential rental housing unit shall be vacated and rent not payable by the tenant until the property has been inspected and a satisfactory inspection report filed.

Failure to schedule and complete an inspection or re-inspection, if required, is a violation of Code of Ordinances as provided in section 11 of this chapter and each day said property remains occupied but not in compliance with the International Property Maintenance Code is a separate violation.

152.06 CONTRACT PROPERTIES. Any property sold on contract will be considered as a residential real estate rental dwelling unless the Real Estate Contract has been recorded at the County courthouse. It is the property owner's responsibility to insure said contract has been recorded and to provide proof of recording to the Code Enforcement Officer at City Hall.

152.07 HUD INSPECTION CERTIFICATION. Any properties that have a current HUD Inspection Certification will be required to be registered, but will be exempt from rental housing inspection. If the property is no longer utilized or enrolled in the HUD program, the property will be subject to rental housing inspection under the Housing Code/International Property Maintenance Code of the City.

152.08 RENTAL PERMIT REQUIRED. The owner or operator of any rental residential housing shall file an application and registration for a rental housing permit with the Code Enforcement Officer for the City on an application provided by the Code Enforcement Officer. If the Code Enforcement Officer determines that all applicable provision of the Housing Code/International Property Maintenance Code have been complied with, or a variance or modification allowed, a residential rental permit shall be issued to an owner or operator or residential rental housing upon payment of the required rental permit fees.

The residential rental housing permit shall be a document entitled "Rental Permit," establishing satisfactory compliance with the International Property Maintenance Code at the time of issuance and shall be valid for a period of five years from the date of issuance. The Rental Permit shall state the date of issuance, permit number, address of the structure to which it is applicable, and its expiration date. If a Rental Permit is not issued, all residential dwelling units and rooming units being occupied and/or rented by such owner or operator without such valid Rental Permit or application for the same on file with the Code Enforcement Officer may be ordered vacated or the collection of rent prohibited, and notice will be served upon the owner or operator and any tenant or any other occupant directing that the dwelling unit be vacated or that rent shall not be payable until such time as said residential rental dwelling unit is in compliance with the International Property Maintenance Code and a Rental Permit issued.

152.09 TRANSFERABILITY OF RENTAL PERMIT. The Rental Permit shall be transferable from an owner or operator to another owner or operator at any time prior to its expiration, termination, or revocation. The transferor shall notify the Code Enforcement Officer of any change of interest or ownership or management of property within 30 days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest in or become managers of such property. If the Code Enforcement Officer has not been notified of such conveyance or transfer within the designated time period, the Rental Permit shall not be transferred unless a fee of \$20.00 for each residential rental dwelling structure has been paid for each structure.

152.10 APPEAL PROCESS. Any person directly affected by decision of the Code Official or a notice or order issued under the Housing Code/Residential Housing Code shall have the right to appeal to the Board of Appeals by filing a written application for appeal within 20 days after the day of the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the Housing Code or the rules legally adopted thereunder had been incorrectly interpreted, the provisions of the Housing Code do not fully apply, or the requirements of the Housing Code are adequately satisfied by other means. The Board shall meet upon notice from the Chairman, within 20 days of the filing of an appeal, or at a stated periodic meeting, and notice shall be given to the appellant within 10 days of the date and time scheduled for hearing by ordinary mail.

Any person shall have the right to apply to the appropriate court for a Writ of Certiorari to correct errors of law, and such applications for review shall be made in the manner and time required by law, following the filing of decision in the office of the Chief Administrative Officer of the City.

152.11 CIVIL OR CRIMINAL PENALTIES. Any violation of the Hampton Housing Code/International Property Maintenance Code shall be punishable as a simple misdemeanor or may be charged as a municipal infraction. If charged as a municipal infraction, the following schedule of civil penalties shall apply:

1. 1st Offense..... \$100.00
2. 2nd Offense \$250.00
3. 3rd Offense..... \$500.00
4. 4th Offense \$750.00

Each and every day that a violation of this chapter occurs is a separate infraction or violation and may be charged as a second, third, or fourth offense accordingly.

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CHAPTER 153

INTERNATIONAL BUILDING CODE

153.01 Adoption of Code

153.02 Revisions

153.01 ADOPTION OF CODE. A certain document, three (3) copies of which are on file in the office of the Hampton City Hall, being marked and designed as the *International Building Code*, 2006 edition, including Appendix Chapters “C” and “J” as published by the International Code Council, is hereby adopted as the Building Code of the City of Hampton, 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 Building Code on file in the office of the City of Hampton are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 153.02.

153.02 REVISIONS. The following sections of the adopted *International Building Code*, 2006, are hereby revised:

1. Section 101.1. Insert: City of Hampton
2. Section 1612.3. Insert: City of Hampton
3. Section 1612.3. Insert: May 1, 1979
4. Section 3410.2. Insert: February 1, 2008

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CHAPTER 154

INTERNATIONAL RESIDENTIAL CODE

154.01 Adoption of Code

154.02 Revisions

154.01 ADOPTION OF CODE. A certain document, three (3) copies of which are on file in the office of the City Clerk of City of Hampton, being marked and designated as the *International Residential Code*, 2006 edition, including Appendix Chapters “C”, “E”, “G”, “J”, “N” and “Q” as published by the International Code Council, is hereby adopted as the Residential Code of the City of Hampton, 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 Hampton are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 154.02 of this chapter.

154.02 REVISIONS. The following sections of the adopted *International Residential Code*, 2006, are hereby revised:

1. Section R101.1. Insert: City of Hampton
2. Table R301.2 (1) Insert: (Attachment “A” to Ordinance No. 305 is on file at City Hall.) Ground Snow Load 35 psf, Wind Speed 90 mph, Seismic Design Category “A”, Weather “Severe”, Frost Depth Line 42”, Termite Moderate to Heavy, Winter Design Temp -10 degrees, Ice Barrier Underlayment Required “Yes”, Flood Hazards – Local Amendments, Air Freezing Index 2000, Mean Annual Temperature 45 Degrees F.
3. Section P2603.6.1 Insert: 60" (sixty inches)
4. Section P3103.1 Insert: 6" (six inches), 6" (six inches)

[The next page is 775]

CHAPTER 165
ZONING REGULATIONS

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

[illegible]

[The next page is 825]

CHAPTER 167

**ZONING REGULATIONS – FLOOD PLAIN
MANAGEMENT**

167.01 Statutory Authority, Findings of Fact and Purpose	167.13 Application for Permit
167.02 Definitions	167.14 Action on Application
167.03 Lands to Which Chapter Applies	167.15 Construction and Use to Be as Provided in Application and Plans
167.04 Rules for Interpretation of Flood Hazard Boundaries	167.16 Variances
167.05 Compliance	167.17 Factors Upon Which the Decision to Grant Variances Shall be Based
167.06 Abrogation and Greater Restrictions	167.18 Conditions Attached to Variances
167.07 Interpretation	167.19 Nonconforming Uses
167.08 Warning and Disclaimer of Liability	167.20 Amendments
167.09 Flood Plain Management Standards	167.21 Penalties for Violation
167.10 Special Floodway Provisions	
167.11 Administration	
167.12 Flood Plain Development Permit Required	

167.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in *Code of Iowa* Chapter 364, as amended, delegated the power to cities to exercise any power and to perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

2. Findings of Fact.

A. The Flood Hazard Areas of the City are subject to periodic inundation which can result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding, and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

3. Statement of Purposes. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing these flood losses described in subsection 2, paragraph A of this section with provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

167.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having 1% chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”
5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.
6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.
11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.
15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:
 - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 167.09(4)(A) of this Code of Ordinances;
- B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage;
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level;
- D. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than \$500,000.

20. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

21. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

22. “100-Year Flood” means a flood, the magnitude of which has a 1% chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

23. “Recreational vehicle” means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles, and replacing siding;
- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;

- C. Basement ceiling;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.
25. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A on the Flood Insurance Rate Map.
26. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
27. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
28. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.
29. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”
 - B. Any addition which increases the original floor area of a building by 25% percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.
30. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

31. “Violation” means the failure of a structure or other development to be fully compliant with this chapter.

167.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Franklin County and Incorporated Areas, City of Hampton, Panels 19069C0163C, 0164C, 0168C, 0251C, 0252D, 0256C, 0275C, dated December 18, 2012, which were prepared as part of the Franklin County Flood Insurance Study, shall be used to identify such Flood Hazard Areas and all areas shown thereon to be within the boundaries of the 100-Year Flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-Year Flood Boundary, the location shall be determined on the basis of the 100-Year Flood Elevation at the particular site in question. The Flood Insurance Study for Franklin County is hereby adopted by reference and is made a part of this Ordinance for the purpose of administering Flood Plain Management Regulations.

167.04 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

167.05 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

167.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

167.07 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

167.08 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

167.09 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data. The

applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.
 - D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.
4. All new and substantially improved structures:
 - A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities other than on-site systems shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent

movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 167.09(5) of this Code of Ordinances regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and
- (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by

quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 167.09(5) of this Code of Ordinances regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

167.10 SPECIAL FLOODWAY PROVISIONS. In addition to the general Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the Flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. No use shall be permitted in the floodway that would result in any increase in the 100-Year Flood level. Consideration of the effects of any development on flood level shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses within the floodway shall:
 - A. Be consistent with the need to minimize flood damage;
 - B. Use construction methods and practices that will minimize flood damage;
 - C. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
4. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain Standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
7. Water course alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

167.11 ADMINISTRATION. The Zoning Administrator shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.
5. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

167.12 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

167.13 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.
2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.
4. Flood Elevation. Elevation of the 100-year flood.

5. Floor Elevation. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.
6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

167.14 ACTION ON APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Council.

167.15 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

167.16 VARIANCES. The Council may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
2. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Notice To Applicant. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

167.17 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Council shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets, and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

167.18 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 167.17 of this Code of Ordinances, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.
5. Floodproofing measures.

167.19 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

A. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

167.20 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.

167.21 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a simple misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined no more than \$625.00 or imprisoned for not more than 30 days. Nothing herein contained prevents the City from taking such other lawful action as is necessary to prevent or remedy violations.

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CHAPTER 169

AIRPORT HEIGHT REQUIREMENTS

169.01 Definitions	169.08 Board of Adjustment Procedures
169.02 Airport Zones and Airspace Height Limitations	169.09 Powers of Board of Adjustment
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169.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Hampton 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 1,175 feet.
3. “Airport hazard” means any structure or tree or use of land which 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 two hundred (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” means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
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. “Decision height” means the height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.
8. “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.
9. “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.

10. “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.

11. “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 twenty-two (22) miles of a VOR.

12. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

13. “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 a FAA approved airport layout plan, military services approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

169.02 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Municipal Airport Height Zoning Map. A structure located in more than one (1) 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 one hundred fifty (150) feet above the established elevations, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 17 and 35 and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred and fifty (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 twenty (20) feet to one (1) for a horizontal distance of four thousand (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.

(Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

A. The inner edge of the approach surface is five hundred (500) feet for runways 17 and 28.

B. The outer edge of the approach zone is two thousand (2,000) feet for runway 17 and one thousand five hundred (1,500) feet for runway 35.

C. The approach zone extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty (20) to one (1) 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 (7) to one (1) 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 or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway in the County.

169.03 USE RESTRICTIONS. Notwithstanding any other provisions of 169.02, 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 (3) 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.

169.04 LIGHTING. Notwithstanding the provisions of 169.03, 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 70-7460-1D and amendments. Additionally, any structure constructed after the effective date of this chapter and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D 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.

169.05 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to Hampton Airport Manager for an opinion as to the aeronautical effects of such a variance. If the Airport Manager does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

169.06 BOARD OF ADJUSTMENT ESTABLISHED. There is hereby created a Board of Adjustment to have and exercise the following powers:

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this chapter.
2. Special Exemptions. To hear and decide special exemptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass.
3. Variances. To hear and decide specific variances.

169.07 BOARD OF ADJUSTMENT. The Board of Adjustment shall consist of two (2) members selected by the Council, two (2) members selected by the County Board of Supervisors; and one (1) additional member to act as Chairperson and to be selected by a majority vote of the members selected by the Council and the County Board of Supervisors. Members are removable for cause by the appointing authority upon written charges, after a public hearing. Vacancies are filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. The terms of the members are for five (5) years, and are staggered.

169.08 BOARD OF ADJUSTMENT PROCEDURES. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the Clerk and County Auditor, and on due cause shown.

169.09 POWERS OF BOARD OF ADJUSTMENT. The Board of Adjustment shall have the powers established in the Code of Iowa, Section 414.12.

169.10 VOTE ON VARIATIONS OR ORDERS. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

169.11 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the court of record as provided in the Code of Iowa, Section 414.15.

169.12 ADMINISTRATIVE AGENCY. It is the duty of the City's Zoning Administrator or the County Zoning Administrator, herein referred to as the administrative agency, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the appropriate authority upon a furnished form. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the administrative agency.

169.13 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

169.14 PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and each day a violation continues to exist shall constitute a separate offense.

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CHAPTER 170

SUBDIVISION REGULATIONS

170.01 Purpose	170.09 Minimum Standards of Design and Development
170.02 Application and Jurisdiction	170.10 Inspection of Improvements
170.03 Improvements Required	170.11 Maintenance of Improvements
170.04 Definitions	170.12 Utilities
170.05 Plat Approval and Acceptance	170.13 Monumentation
170.06 Information Required in Plats	170.14 Resubdivision of Land
170.07 Attachments to Plat	170.15 Variations
170.08 Design Standards Are Minimum	170.16 Enforcement, Violations and Penalties

170.01 PURPOSE. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety, and general welfare.

170.02 APPLICATION AND JURISDICTION. A subdivision plat shall be made when a tract of land within the City limits or within two miles of the corporate limits of the City, pursuant to Section 354.9, Code of Iowa, is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.

170.03 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

170.04 DEFINITIONS. For use in this chapter certain terms or words used herein shall be interpreted or defined as follows:

1. “Alley” means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. “Block” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.
3. “Bond” means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
4. “Building” means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
5. “City Engineer” means the person designated by the Council to furnish engineering assistance for the administration of these regulations.
6. “Commission” means the Planning and Zoning Commission of Hampton, Iowa.

7. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
8. "Developer" means the owner of land proposed to be subdivided or the owner's agent.
9. "Easement" means a grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
10. "Frontage" means that side of a lot abutting on a street; the front lot line.
11. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
12. "Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
13. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.
14. "Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
15. "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
16. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
17. "Street" means a general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).
18. "Subdivider" means any person, firm, corporation, or legal entity undertaking the subdivision or resubdivision of a tract or parcel of land.
19. "Subdivision" means a tract of land divided into three or more lots.
20. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.

21. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B.

170.05 PLAT APPROVAL AND ACCEPTANCE. Procedures for plat approval and acceptance are as follows:

1. Preliminary Approval by Commission. Whenever the owner of any tract or parcel of land is required by law to secure the approval of the Commission or of the Council to any plat or subdivision, said owner shall file said preliminary plat in triplicate, together with any other required information, with the Clerk. Two (2) copies of said plat and other information shall be referred by the Clerk to the Commission for its preliminary study and approval. Such preliminary plat shall contain such information and data as outlined in Section 170.06(1).
2. Study of Preliminary Plat by the Commission. The Commission shall study such preliminary plat and other information submitted to see if it conforms with the requirements of this chapter and shall approve or reject such plat and plan within thirty (30) days after the date of the submission thereof to the Commission. The approval of the preliminary plat and plan constitutes authorization to proceed with the preparation of the final plat, but the final plat must be submitted to the Commission and the Council for approval as provided in the following subsection.
3. Final Plat of Subdivision. The subdivider shall also file with the Clerk for submission to the Commission, for its approval or rejection, the final plat and plan of the subdivision which shall contain the data and information outlined in Section 170.06(2) of this chapter. If the Commission approves the final plat and plan, such approval and the date thereof shall be noted on the plat and plan over the signatures of both the Chairperson and the Secretary of the Commission.
4. Approval by the Council. After the approval of the final plat and plan by the Commission, it shall be submitted to the Council for final approval and for acceptance of all streets, alleys, easements, parks, or other areas preserved for or dedicated to the public.
5. Approval by the Council after the Disapproval of the Commission. If the Commission does not approve the final plat and plan of the subdivision, the Council may approve said plat and plan and accept the streets, alleys, easements, parks, or other areas preserved for or dedicated to the public by said plat or plan, only by a four-fifths (4/5) vote of the entire membership of the Council.
6. Filing in Office of Clerk. After approval of the final plat and plan by the Council, two (2) copies of such final plat and plan shall be filed in the office of the Clerk.

170.06 INFORMATION REQUIRED IN PLATS. Plat information requirements are as follows:

1. Preliminary Plan. The preliminary plan shall be drawn to scale and shall show the proposed location and width of streets, lot lines, building lines, and areas of each proposed lot. The plan shall also show surrounding streets, lots, water courses, sewers and water mains. The scale of such preliminary plans shall not be less than one (1) inch to one hundred (100) feet. Wherever the land is so rolling or rugged that the preliminary location and grades of streets and sewers cannot be properly considered without the aid of a topographical map, the Commission may require the developer to provide a topographical map of the property showing contour intervals of

not less than five (5) feet. Any plan not containing all information specified above shall not be considered by the Commission. A filing fee of one hundred dollars (\$100.00) shall be required to cover processing costs.

2. Final Plan. The final map on a reproducible original (mylar) and two (2) prints thereof shall be submitted to the Commission. It shall show:

- A. The boundaries of the property.
- B. The lines of all proposed streets and alleys, with their widths and names, and any other areas intended to be dedicated to public use; the names of the streets shall be a continuation of the existing method of naming streets in the City.
- C. The lines of adjoining streets and alleys, with their widths and names.
- D. All lot lines, building lines, and easements, with figures showing their dimensions.
- E. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area or of the lots, streets, alleys, easements, and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
- F. Radii, arcs, and chords, points of tangency, central angles for all circilinear streets, and radii for all rounded corners.
- G. All monuments, together with their description. (See Section 170.13 for details).
- H. Title and description of property subdivided, showing its location and extent, points of compass, scale of plan, classification of property under zoning law, and name of subdivider and of registered land surveyor staking the lots.
- I. Profiles may be required of any streets.
- J. Any private restrictions shall be shown on the plat or reference made to them thereon; and plats shall contain proper acknowledgments of owners and mortgagees accepting said platting and restrictions.

170.07 ATTACHMENTS TO PLAT. Final plats shall be accompanied by the following documents:

- 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.
6. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
7. The performance bond and maintenance bond, if any.

170.08 DESIGN STANDARDS ARE MINIMUM. The standards and details 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. In the design and development of the subdivision, however, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

170.09 MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT. No preliminary or final plat or plan of a subdivision shall be approved by either the Commission or by the Council unless it conforms to the minimum standards and requirements contained in this chapter.

1. Acre Subdivision. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be subdivided into small building plots, consideration must be given to the street and lot arrangement of the original subdivision so that additional streets can be opened which will permit a logical arrangement of smaller lots.
2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.
3. Streets in Relation to Railroads. When the area to be subdivided adjoins a railroad right-of-way, no street shall be dedicated which is parallel or approximately parallel to the railroad, unless it is one hundred (100) feet or more from the line of the railroad right-of-way.
4. Street Right-of-way Width. The minimum width of street right-of-ways shall be sixty-six (66) feet.

5. **Street Width.** The minimum width of streets shall be thirty-one (31) feet, except in those cases where topographical conditions, existing streets, or special conditions make a street of less width more suitable. Under these conditions the Commission may waive the minimum requirements.
6. **Street Jogs at Intersections.** At street intersections, street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited, except where topographic or other physical conditions make such jogs unavoidable.
7. **Street Angles at Intersections.** Streets shall intersect as nearly at right angles as possible, and no street shall intersect any other street at an angle less than sixty (60) degrees.
8. **Dead-end Streets.** Dead-end streets are prohibited except where a street is planned to continue past the subdivider's property. A dead-end street shall terminate in a temporary circular right-of-way with a minimum diameter of ninety (90) feet, unless the Commission approves an equally safe and convenient space. No dead-end street shall be longer than six hundred (600) feet in length and shall be provided with a turn-around with a minimum right-of-way diameter of one hundred twenty (120) feet. The length of the cul-de-sac shall be measured along its centerline from the turn-around to the intersecting point.
9. **Alleys.** The minimum width of an alley in a residential block shall be sixteen and one-half (16.5) feet (alleys are not recommended for residential districts except under unusual conditions). Alleys will be required in the rear of all business lots and shall be at least twenty (20) feet wide.
10. **Easements Where There Are No Alleys.** Where alleys are not provided, easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and on those side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.
11. **Length of Blocks.** No blocks shall be longer than one thousand (1,000) feet between street lines. Blocks over seven hundred fifty (750) feet in length shall provide a cross walk near the center of the block. The right-of-way through such blocks shall not be less than ten (10) feet in width.
12. **Width of Blocks.** The width of blocks shall not be less than two hundred (200) feet and not more than three hundred (300) feet, except that when such requirement would entail unusual and substantial difficulties or hardship or when it is desired to provide a development containing large residential lots, the Commission and the Council may modify such requirements and allow the subdivider to plat blocks of other widths.
13. **Lot Lines.** All side lines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a variation of this rule will give a better street and lot plan. Lots with double frontage shall be avoided.
14. **Size and Shape of Lots.** The minimum dimensions for lots shall be sixty-six (66) feet for width and one hundred (100) feet for depth, and in no case shall a lot that is to be used for residential purposes contain less area than is required by the lot area regulation of the zoning district in which the property is located. In laying out an

arrangement of lots, the subdivider should, whenever possible, arrange for wide, shallow lots and avoid long, narrow lots.

15. Corner Lots. All corner lots shall have extra width sufficient to permit the maintenance of building lines on both the front end and side streets as required by any applicable zoning regulations.

16. Building Lines. Building lines shall be shown on all lots intended for residential use of any character, and on commercial lots immediately adjoining residential areas. Such building lines shall not be less than required by any applicable zoning regulations.

17. Character of Development. The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum deed restrictions be placed upon the property, which restrictions would prevent such construction which would clearly depreciate the character and value of adjoining property. The Commission may also require that the deed restrictions provide for the creation of a property owners' association which would be responsible for the enforcement of the restrictions and for the protection and improvement of the general welfare of the subdivision.

18. Improvements. Before any portion of the final plat of any subdivision is finally approved for recording, the subdivider shall make and install improvements as required in paragraphs A – H of this subsection, in that portion of the plat which is to be finally recorded. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may post a bond, approved by the City Attorney, with the City, which bond will insure to the City that the improvements (with the exception of the concrete surfacing of streets) will be completed by the subdivider within one (1) year after final approval of the plan. The amount of the bond shall be not less than the estimated cost of the improvements, and the amount of the estimate must be approved by a registered engineer. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same.

A. Grading and Improving Streets. The subdivider shall grade and improve all streets and alleys (if any) within the subdivision. The surfacing of such streets and alleys shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas, but in no case shall it consist of less than a minimum granular base of six (6) inches of crushed rock. The street design shall be certified by a registered professional engineer. When fifty percent (50%) of the lots within the subdivision have sold, but not sooner than two (2) years from the installation of utilities within the right-of-way, the subdivider shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete with integrated curb. Adequate provision shall be made for culverts, drains, and bridges. The design and specifications for all road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall be approved by the City.

B. Grading and Improving Lots. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot that is to be offered for sale will be usable and suitable for the erection of residential or any structure thereon.

C. Sanitary Sewers. The subdivider shall install sanitary sewers and provide a connection for each lot. Such installations shall be in accordance with good engineering practices, shall be shown on plans drawn by a registered engineer and shall meet the sanitation provisions of the City, County, State Health Department and the State Department of Natural Resources.

D. Storm Sewers. Were deemed necessary by the Commission, the developer shall install a storm sewer adequate to serve the platted area. The design of the storm sewer system shall be certified by a registered professional engineer.

E. Water Mains. The subdivider shall install water mains and fire hydrants in the subdivided area. Such installations shall be in accordance with the standards and specifications of the City Water Department and the State Department of Natural Resources, and fire hydrant locations should meet the approval of the City Water Department. The design of the water mains shall be certified by a registered professional engineer.

F. Other Improvements. It is also desirable to install other improvements such as sidewalks, electric lines, street lights, gas mains and similar facilities in any subdivision. Whenever the Commission deems it necessary, they may require that such improvements shall be installed before the plat is approved.

G. Trees. The subdivider may plant trees in subdivisions whenever there are no existing woodlands. In order to protect sidewalks, sewers and water mains, the Commission may prevent the planting of trees on the parking area and certain species that are subject to disease or pests or which may eventually become nuisances because of the growth of their roots in the service utilities.

H. Sump Pumps. Where storm sewers are required, all lots adjacent thereto shall be provided with connections for sump pumps to the main prior to approval of any plat, the inlet for which connections shall be installed on each lot and not in the right-of-way. The location of such connections shall be shown on either the preliminary or final plat.

The subdivider may request the Council to provide the materials necessary for the water, sanitary sewer, and storm sewer systems within the subdivision to be developed.

170.10 INSPECTION OF IMPROVEMENTS. The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The subdivider shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

170.11 MAINTENANCE OF IMPROVEMENTS. Improvements shall be maintained and a maintenance bond provided as follows:

1. Maintenance of Improvements Before Acceptance. The subdivider shall be required to maintain all improvements on the individual subdivided lots and provide

for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Council. If there are any residents of the subdivision residing on a street not dedicated to the City, the City may on twelve (12) hours' notice plow the street or effect emergency repairs and charge same to subdivider.

2. Maintenance Bond. The subdivider shall be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the Council and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance by the governing body and dedication of same to the City.

170.12 UTILITIES. The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables, be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

2. Easements. Easements shall be provided as follows:

A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

170.13 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. The surveyor shall confirm the prior establishment of control monuments at each controlling corner on the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of each monument which the surveyor places.

2. Control monuments shall be placed at the following locations:

A. Each corner and angle point of each lot, block, or parcel of land surveyed.

B. Each point of intersection of the outer boundary of the survey with an existing or created right-of-way line of a street, railroad, or other way.

C. Each point of curve, tangency, reversed curve, or compounded curve on each right-of-way line established.

3. If the placement of a monument required by this section at the prescribed location is impractical, a reference monument shall be established near the prescribed location. If a point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor.

4. At least a minimum number of two survey control monuments are required to be placed before the recording of a subdivision provided the surveyor includes in the surveyor's statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.

170.14 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

1. Procedure for Resubdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision.

2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

170.15 VARIATIONS. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of this chapter would result in real difficulties and substantial hardships, the Commission may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time the public welfare and interests of the City are protected and the general intent and spirit of this chapter are preserved.

170.16 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provision of these regulations, has been approved by the Council as herein set forth, and further:

1. Building Permits. The City shall not issue building or repair permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this Code of Ordinances but which has not been approved in accordance with the provisions contained herein. An original tract may be divided into two (2) lots or tracts and not be subject to the provisions of this section. If an original tract shall be divided into more than two (2) lots or tracts after the date of the adoption of this Code of Ordinances, no building or repair permits shall be issued for any structure located or proposed to be located on any of such tracts or lots, unless or until a plat as required by this chapter has been fully approved by the Council.

2. Public Improvements. The Council shall not permit any public improvement over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Code of Ordinances unless such subdivision or street has been approved in accordance with the provisions contained therein.
3. Any person or entity who violates any provision of this chapter may, in addition to other sanctions or remedies available, be cited for a municipal infraction.

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