

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 Altoona, Iowa, 2004.

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 Altoona, Iowa.
3. "Clerk" means the city clerk of Altoona, 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 Altoona, Iowa, 2004.
6. "Council" means the city council of Altoona, Iowa.
7. "County" means Polk 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“Ordinances” means the ordinances of the City of Altoona, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.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.

(Code of Iowa, Sec. 718.5)

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 the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Code of Iowa, Sec. 364.3[2])

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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 Altoona, Iowa.

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four (4) 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. 19 adopting a charter for the City was passed and approved by the Council on June 23, 1975, and published on June 23, 1975.

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CHAPTER 3

BOUNDARIES

3.01 Corporate Limits

3.02 Voting Precincts

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

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE¹/₄) of Section 24, Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa; thence west to the Center of Section 24; thence west to the West One Quarter Corner of said Section 24-79-23; thence north to a point on the northwesterly right-of-way line of the Chicago, Rock Island and Pacific Railroad; thence southwesterly along said right-of-way to a point on the South line of Lot 1 of the Official Plat of the Northwest One Quarter of the Southeast One Quarter of Section 23, Township 79 North, Range 23 West of the 5th P.M.; thence west along the South line of said Lot 1 550.44 feet to a point on the West line of the Southeast One Quarter of Section 23-79-23; thence north along said line 1316.04 feet to the Center of said Section 23; thence west along the South line of the Northwest One Quarter (NW¹/₄) to the Southwest Corner of the Northwest One Quarter of said Section 23; thence north along the West line of said Section 23 to the Southwest Corner of the NW¹/₄, NW¹/₄ Section 23; thence N 89°20'57" W along the South line of the NE¹/₄, NE¹/₄ of Section 22-79-23 1312.63 feet; thence N 0°00'24" E 854.68 feet; thence N 88°42'46" E 549.20 feet; thence N 0°08'24" E 466.0 feet to a point on the North line of said NE¹/₄, NE¹/₄; thence N 89°42'46" E 330.85 feet; thence S 0°00'00" E 198.0 feet; thence N 89°42'26" E to a point on the East line of said NE¹/₄, NE¹/₄; thence south along the East line of said NE¹/₄, NE¹/₄ 599.7 feet; thence east along the South line of Lot 2 Corner Place Addition 797.7 feet; thence north along the East line of said Lot 2 797.73 feet to a point on the North line of the NW¹/₄ of Section 23-79-23; thence east along the North line of the Northwest One Quarter (NW¹/₄) of the Northwest One Quarter (NW¹/₄) to the Northeast Corner thereof; thence north along the East line of the Southwest One Quarter (SW¹/₄) of the Southwest One Quarter (SW¹/₄) of Section 14-79-23, said line also being along the East line of Wayside Acres 407.7 feet to a point on the Northeast Corner of Lot 37 Wayside Acres; thence west along the North line of said Lot 37 407.1 feet to the Northwest Corner thereof; thence south 275.1 feet to the Southwest Corner of said Lot 39; thence west 474.0 feet to the Southwest Corner of Lot 26 of Wayside Acres; thence north 1188.5 feet to the Northwest Corner of Lot 14 of Wayside Acres; thence west along the North side of said Wayside Acres 441.0 feet to a point on the East line of the Southeast One Quarter (SE¹/₄) of Section 15-79-23; thence north along said East line 401.8 feet;

thence west 584.85 feet; thence south 401.8 feet to the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15-79-23; thence west along said South line 540.43 feet to the Southwest Corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15-79-23; thence north along the West line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15-79-23 to the West $\frac{1}{4}$ Corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15-79-23; thence west along the South line of the North Half of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15-79-23 to the westerly right-of-way of U.S. Hwy. No. 65 as it is presently established; thence southwesterly along said westerly right-of-way to the point of intersection of the easterly right-of-way of proposed U.S. Hwy. 65 Bypass; thence northwesterly along the easterly right-of-way of said proposed U.S. Hwy. 65 Bypass to a point of intersection of the south right-of-way line of U.S. Interstate Hwy. No. 80; thence northeasterly along said right-of-way to I.D.O.T. Station 1262 + 00, said point is the Northwesterly Corner of the present I.D.O.T. Weight Station located in the South One Half (S $\frac{1}{2}$) of Section 10-79-23; thence southeasterly 348 feet \pm ; thence northeasterly parallel with the south R.O.W. of Interstate 80 833.0 feet; thence northeasterly 117.0 feet; thence northwesterly 283.8 feet to the south right-of-way line of U.S. Interstate Hwy. No. 80; thence northeasterly along said R.O.W. 1,820.7 feet to the West line of NE 56th Street; thence south along said West line 226.17 feet; thence southeast along said West line 603.7 feet; thence south along said West line 273.7 feet to the South line of the SE $\frac{1}{4}$ of Section 10-79-23; thence east 33 feet to the Southwest Corner of the Southwest One Quarter (SW $\frac{1}{4}$) of Section 11-79-23; thence east along the South line of said SW $\frac{1}{4}$ 50 feet to a point on the East line of NE 56th Street; thence north along said East line 426.03 feet; thence northeasterly along said East line 450.53 feet; thence north along said East line 225.9 feet to the South R.O.W. line of Interstate Hwy. No. 80; thence east along said R.O.W. 1,105.15 feet; thence southeasterly along said R.O.W. 122.7 feet to the Westerly R.O.W. line of U.S. Highway No. 65; thence southwesterly along said R.O.W. line 877.7 feet to the North line of NE 54th Avenue; thence east along said North line to the Easterly R.O.W. line of said Hwy. No. 65; thence north along said Easterly right-of-way line 172.15 feet to the Southerly right-of-way line of Interstate Hwy. No. 80; thence north-easterly along said Southerly R.O.W. to a point on the West line of NE 72nd Street, approximately 400 feet north and 80 feet west of the Southeast Corner of the Northwest One Quarter of Section 12-79-23; thence southeasterly along said West line to a point approximately 1,100 feet north and 33 feet west of the Southeast Corner of the Northeast One Quarter of the Southeast One Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12-79-23; thence south along said West line to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence east along said South line 33 feet to the Northwest Corner of the Southwest One Quarter of the Southwest One Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 7-79-22; thence east along the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northeast Corner thereof; thence south along the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northwest Corner of the Northeast One Quarter of the Northwest One Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$)

of Section 18-79-22; thence east along the north line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Northeast Corner of the NW $\frac{1}{4}$ of said Section 18-79-22; thence south along the East line of said NW $\frac{1}{4}$ to the Center of said Section 18-79-22; thence south along the West line of the Southeast One Quarter (SE $\frac{1}{4}$) of said Section 18, 20 feet to the South line of NE 50th Avenue; thence east along said South line 528 feet to the Northeast Corner of Lot 5 of Plummer Place; thence south along the East line of said Lot 5, 309.8 feet to the Southeast Corner thereof; thence east to the East line of the West One Half of the Southeast One Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 18-79-22; thence south along said East line to the Southeast Corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$; thence south along the East line of the West One Half of the Northeast One Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 19-79-22 to the Southeast Corner of said W $\frac{1}{2}$ NE $\frac{1}{4}$; thence west to the Center of Section 19-79-22; thence west along the North line of the SW $\frac{1}{4}$ said Section 19 to the NE Corner of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Section 19-79-22; thence south along the East line of said W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19-79-22 to the SE Corner thereof; thence west to the Southwest Corner of said Section 19-79-22; thence north to a point 1005.0 feet south of the NW Corner of the SW $\frac{1}{4}$ Section 19-79-22; thence east 360 feet; thence north 245.0 feet; thence west 360.0 feet to a point on the West line of said SW $\frac{1}{4}$; thence north 760.0 feet to the point of beginning.

Also the North One Half (N $\frac{1}{2}$) of the Southeast One Quarter (SE $\frac{1}{4}$) of Section 24, Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa

And also including Lot 2, Plummer Place Addition to the City of Altoona, Iowa.

3.02 VOTING PRECINCTS. The City is divided into five (5) voting precincts described as follows:

1. Precinct No 1. All of the area within the corporate boundaries of the City lying north of Eighth Street Southeast and Eighth Street Southwest, east of Fifth Avenue Southwest and Fifth Avenue Northwest to Ninth Street Northwest, then east of First Avenue North.
2. Precinct No 2. All of the area lying west of Fifth Avenue Southwest and Fifth Avenue Northwest and east of Seventeenth Avenue Northwest and Seventeenth Avenue Southwest, south of Ninth Street Northwest to Eighth Street Southwest. Also includes an area south of Eighth Street SW, east of Seventeenth Avenue Southwest and west of Four Mile Creek.
3. Precinct No. 3. All of the area within the corporate boundaries of the City lying west of Seventeenth Avenue Northwest and Seventeenth Avenue Southwest and the area west of First Avenue North and north of Ninth Street Northwest.

4. Precinct No. 4. All of the area within the corporate boundaries of the City lying south of Eighth Street Southeast, east of First Avenue South, and north of Twenty-fourth Street Southeast. This precinct also contains an unincorporated area of Clay Township. Subject island is known as 4051 NW 72nd Street, a 1.744 acres parcel tract within Section 19, Township 79 North, Range 22 West of the 5th P.M., State Plane Coordinates of subject island SE corner 1650447, 595367 SW corner 1650087, 595367 NW corner 1650087, 595612 NE corner 1650447, 595612.

5. Precinct No. 5. All of the area within the corporate boundaries of the City lying South of Eighth Street Southwest, east of Four Mile Creek, and west of First Avenue South. Also includes an area south of Twenty-fourth Street Southeast and east of First Avenue South.

(Ord. 08-15-2011 #4 (339) – Dec. 11 Supp.)

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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 Criminal 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 industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.
 - B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
 - (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - (3) The violation does not continue in existence for more than eight (8) hours.

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. 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 one copy 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.

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

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

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CHAPTER 5
OPERATING PROCEDURES

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

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers
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 Altoona 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 his or her successor in office all books, papers, records, documents and property in the officer’s custody and appertaining to that office.

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.5[10])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[12])

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

(Code of Iowa, Sec. 362.5[13])

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

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

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

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13 [2])

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

(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 [2b])

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

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

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used

6.02 Candidacy

6.03 Run-off Election in Lieu of Primary

6.04 Run-off Election Procedure

6.05 Qualification

6.06 Time Held

6.07 Candidates Elected

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

(Code of Iowa, Sec. 376.3)

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

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

(Code of Iowa, Sec. 376.6)

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

(Code of Iowa, Sec. 376.9)

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

(Code of Iowa, Sec. 376.9)

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

(Code of Iowa, Sec. 376.9)

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

(Code of Iowa, Sec. 376.9)

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 Clerk 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. Change Fund. The finance officer is the custodian of a change fund in the amount of one hundred fifty dollars (\$150.00) for the purpose of making change without commingling other funds to meet such requirements.

4. Petty Cash Funds.

A. Finance Officer. The finance officer is the custodian of a petty cash fund not to exceed one hundred dollars (\$100.00) 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.

B. Library. The Librarian is the custodian of the Library's petty cash fund, which is not to exceed fifty dollars (\$50.00) 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 Librarian 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 Librarian 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 is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as may be 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. The finance officer shall have the authority to transfer appropriations from one activity to another activity within a program without prior Council approval.

(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 Clerk is authorized to make timely payments of certain bills of accounts for services or merchandise furnished to the City upon presentation of the bills of account and after having ascertained that said bills of account are correct and proper obligations of the City, and without obtaining prior Council approval therefor, and shall include the following classification of accounts:

- A. Utilities, including gas, telephone and electricity;
- B. Payroll;
- C. Payroll taxes, including monthly withholding deposits and payments due on quarterly report of IPERS, FICA and Sales Tax;
- D. Payroll deductions, including child support, credit union, union dues, dental insurance;
- E. Contract payments previously approved by Council;
- F. Legal publication expenses;

- G. Postage;
- H. Credit card accounts for vehicle gas;
- I. Bills submitted on a specific project previously approved by the Council;
- J. Membership dues previously approved by the Council;
- K. Registration fees, educational fees;
- L. Interest coupons, and matured bonds.

“Previously approved” is defined as bills that do not appear on the payable list but have had separate Council action at the Council meeting. At the next regular meeting of the Council following the payment of said bills of account, the Clerk shall submit to the Council a list of all bills paid for ratification and approval of such action.

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

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.
2. Annual Report. Not later than December first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose

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. “Duration” means the partial exemption shall be available until such time as this chapter is repealed by the Council.
4. “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.

5. “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.

6. “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)

EDITOR'S NOTE

The following ordinances have been adopted granting prior approval:

6-90 #1 (71) — Warren Frozen Food, Lot 4, Rosecrest Acres
6-91 #1 (91) — Warren Frozen Food, Lot 4, Rosecrest Acres

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CHAPTER 9

HOTEL AND MOTEL TAX

9.01 Definitions

9.02 Tax Rate

9.03 Payment of Tax

9.04 Use of Proceeds

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

1. “Hotel” and “motel” mean any hotel, motel, inn, public lodging house, rooming house or tourist court, or any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, except the sales price from the renting of sleeping rooms in dormitories and in memorial unions of all State of Iowa universities and colleges.
2. “Renting” and “rent” include any kind of direct or indirect charge for any room, apartment or sleeping quarter in a hotel or motel, as defined in this chapter.

9.02 TAX RATE. A tax is hereby imposed upon the sales price from the renting of any and all rooms, apartments or sleeping quarters in any hotel or motel, as defined in this chapter, at the rate of seven percent (7%) of such sales price derived from the renting of a room, apartment or sleeping quarter while rented by the same person for a period of not more than thirty-one (31) consecutive days.

9.03 PAYMENT OF TAX. Such tax shall be paid as is provided in Chapter 423A of the Code of Iowa.

9.04 USE OF PROCEEDS. The proceeds of such tax imposed by this chapter shall be used for the following purposes:

1. At least fifty percent (50%) of the revenues derived from such tax shall be used for the acquisition of sites for, or constructing, improving or maintaining of recreation, convention, cultural or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums and parking areas or facilities located at those recreation, convention, cultural or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City for those recreation, convention, cultural or entertainment

facilities; or for the promotion and encouragement of tourist and convention business in the City and surrounding areas.

2. The remaining revenues may be spent for any City operations authorized by law as a proper purpose for the expenditure within statutory limitations of City revenues derived from ad valorem taxes.

3. The City may pledge an amount not to exceed thirty percent (30%) of the revenues derived from such tax to the payment of bonds which the City may issue for one or more of the purposes set forth in the subsection 1 of this section. Any revenue pledged to the payment of such bonds may be credited to the spending requirement of subsection 1.

EDITOR'S NOTE

Ordinance No. 8-6-79 No. 1 imposing a motel and hotel tax was adopted by the Council on August 6, 1979, and was published on January 10, 1980. Approval of the imposition of the tax was given by voters in an election duly held. Ordinance No. 12-90#3(82) relating on an increase in the tax rate, to become effective January 1, 1991, was adopted December 10, 1990.

CHAPTER 10

URBAN RENEWAL

10.01 Purpose

10.02 Altoona Urban Renewal Plan Area

10.03 1994 Addition to the Altoona Urban Renewal Area

10.04 1996 Addition to the Altoona Urban Renewal Area

**10.05 Property to be Deleted from the Altoona Urban
Renewal Area**

10.01 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Areas of the City each year by and for the benefit of the State, City, County, Southeast Polk Community School District and other taxing districts in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City, to finance projects in such areas.

10.02 ALTOONA URBAN RENEWAL PLAN AREA. The provisions of this section apply to the Altoona Urban Renewal Plan Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 10, 1990:

Northeast Portion

Commencing at the southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 11, Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa, thence west along the south line of said Southwest Quarter (SW $\frac{1}{4}$) 450.5 feet; thence north 576.4 feet to the south right-of-way (ROW) line of Interstate Hwy. No. 80; thence northeasterly along said ROW to a point on the east line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 12-79-23; thence northeasterly along said southerly ROW to a point on the west line of NE 72nd Street, approximately 400 feet north and 80 feet west of the southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 12-79-23; thence southeasterly along said west line to a point approximately 1,100 feet north and 33 feet west of the southeast corner of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12-79-23; thence south along said west line to the south line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence east along said south line 33 feet to the northwest corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 7-79-22; thence east along the north line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the northeast corner thereof; thence south along the east line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the northwest corner of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18-79-22; thence east along the north line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the northeast corner of the NW $\frac{1}{4}$ of said Section 18-79-22; thence south along the east line of said NW $\frac{1}{4}$ to the center of said Section 18-79-22; thence south along the east line of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) to a point on the centerline of Fourth Street Southeast; thence west along the centerline of Fourth Street Southeast to a point on the west line of the

Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 18-79-22; thence westerly along the centerline of Fourth Street Southwest to a point on the west line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13-79-23; thence north along said line to the southwest corner of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 13-79-23; thence north along the west line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ 658.8 feet; thence east 652.13 feet; thence north 329.5 feet; thence east 618.9 feet to a point on the east line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence north along said east line approximately 1650 feet to the northeast corner of Section 13-79-23; thence west along the north line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 13-79-23 2601 feet; thence west along the north line of the Northwest Quarter (NW $\frac{1}{4}$) 2609 feet; thence west along the north line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 14-79-23 2662 feet to the point of beginning. Said parcel contains 640 acres more or less.

Northwest Portion

Commencing at the southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section 10, Township 79 North, Range 23 West of the 5th P.M. Polk County, Iowa, thence west along the south line of said SE $\frac{1}{4}$, 1979.86 feet; thence north 678.47 feet to the south right-of-way line of Interstate Hwy. No. 80; thence southwesterly along said right-of-way 833.0 feet; thence northwesterly 348 feet; thence southwesterly along said Interstate 80 ROW to a point on the west line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 10-79-23; thence south along said west line 350 feet to the southwest corner thereof; thence south along the west line of the Northwest Quarter (NW $\frac{1}{4}$) of Section 15-79-23 to the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Northwest Quarter (NW $\frac{1}{4}$); thence east along the south line of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) to the northeast corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); thence south along the west line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) to the north-west corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 15-79-23; thence continuing south to the southwest corner of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 15-79-23; thence east along the south line of said Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) to a point on the northwesterly ROW line of U.S. Hwy. No. 65 as it is presently established; thence northeasterly along said northwesterly ROW line to a point on the east line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 15-79-23; thence north along said east line to the northeast corner of said Section 15, said point also the point of beginning. Said parcel contains 350 acres more or less.

The taxes levied on the taxable property in the Altoona Urban Renewal Plan Area each year by and for the benefit of the State, the City, the County, the Southeast Polk Community School District and all other taxing districts from and after the effective date of Ordinance No. 12-90 #1 (80) shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Altoona Urban Renewal Plan Area, as shown on the assessment roll as of January 1, 1989, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such base period taxes shall be allocated to and when collected be paid into a special tax increment fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 and 403.12 of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Altoona Urban Renewal Plan Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Altoona Urban Renewal Plan Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Altoona Urban Renewal Plan Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Altoona Urban Renewal Plan Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

10.03 1994 ADDITION TO THE ALTOONA URBAN RENEWAL AREA. The provisions of this section apply to the 1994 Addition to the Altoona Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on August 15, 1994:

Beginning at a point 33 feet east of the northwest corner of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 7, Township 79 North, Range 22 West of the 5th P.M., Polk County, Iowa, proceed north along the east right-of-way line of First Avenue North in the City of Altoona, Iowa, approximately 800 feet; thence east 37 feet; thence north 375 feet to a point approximately 46 feet south of the north line of the Southwest Quarter (SW¹/₄) of Section 7; thence northeasterly to a point on said north line, approximately 240 feet east of the West Quarter Section Corner of said Section 7; thence east 600 feet along the

Quarter Section Line; thence north 70 feet; thence northeasterly along the southerly right-of-way line of Interstate Highway 80 to a point on the east line of said Section 7; thence south to the southeast corner of said Section 7; thence continuing south to the southeast corner of Section 18, Township 78 North, Range 22 West; thence west to the South Quarter Section Corner of said Section 18; thence north to the North Quarter Section Corner of said Section 18; thence west to the southeast corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 7; thence north to the northeast corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 7; thence west to the point of beginning.

EXCEPT the following property:

The South One-half (S $\frac{1}{2}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, Township 79 North, Range 22 West of the 5th P.M., Polk County, Iowa.

ALSO,

Beginning at the southeast corner of Section 10, Township 79 North, Range 23 West of the 5th P.M., Polk Co., Iowa, proceed west 1946.86 feet along the south line of said Section 10; thence north 678.47 feet to the south right-of-way line of Interstate Highway No. 80; thence northerly along said right-of-way to a point 175 feet normally distant south of the centerline of said Interstate Highway; thence easterly along said south right-of-way to the west right-of-way of Northeast 56th Street; thence south 315 feet, parallel to and 100 feet west of the east line of said Section 10; thence southerly approximately 514 feet to a point 33 feet west of the east line of said Section 10; thence east 66 feet; thence northerly along the east right-of-way of Northeast 56th Street approximately 604 feet to a point 100 feet east of the west line of Section 11, Township 79 North, Range 23 West; thence north, parallel to the east line of said Section 11, 225 feet to the south right-of-way line of Interstate Highway No. 80; thence easterly along the said south right-of-way line to the west right-of-way of U.S. Highway No. 65; thence southwesterly along said west right-of-way line to the south line of said Section 11; thence west to the point of beginning;

ALSO

Beginning at a point on the south line of Section 11, Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa, which is 450.5 feet west of the South Quarter Section Corner; proceed west along the section line to the east right-of-way line of U.S. Highway No. 65; thence northeasterly along said east right-of-way line to the south right-of-way line of Interstate Highway No. 80; thence northeasterly along said south right-of-way line to a point due north of the point of beginning; thence south 576.4 feet to the point of beginning.

ALSO

The North One-Half (N $\frac{1}{2}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa.

The taxes levied on the taxable property in the 1994 Addition to the Altoona Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which such Urban Renewal Area is located, from and after the effective date of Ordinance No. 8-94 #4 (143), shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1994 Addition to the Altoona Urban Renewal Area, as shown on the assessment roll as of January 1, 1993, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 1994 Addition to the Altoona Urban Renewal Area on the effective date of Ordinance No. 8-94 #4 (143), but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in said 1994 Addition to the Altoona Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the 1994 Addition to the Altoona Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the 1994 Addition to the Altoona Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the 1994 Addition to the Altoona Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 1994 Addition to the Altoona Urban Renewal Area shall be paid into the funds

for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the 1994 Addition to the Altoona Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

10.04 1996 ADDITION TO THE ALTOONA URBAN RENEWAL AREA. The provisions of this section apply to the 1996 Addition to the Altoona Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the 1996 Amendment to the Altoona Urban Renewal Plan approved by the Council by resolution adopted on April 15, 1996:

Southeast Addition to the Renewal Area

Beginning at the southeast corner of Section 13, T-79N, R-23W of the 5th P.M., Polk County, Iowa; thence north along the east line thereof to the centerline of Fourth Street Southwest; thence westerly along said centerline to a point on the west line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 13; thence north along said west line to the south right-of-way line of the Iowa Interstate Railroad; thence southwesterly along said right-of-way line to the west line of the Northwest Quarter (NW $\frac{1}{4}$) of Section 24, T-79N, R-23W, thence south along said west line to the southwest corner of said Northwest Quarter (NW $\frac{1}{4}$) Section 24; thence east along the south line thereof to the southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 24; thence northeasterly along the easterly line of City of Altoona Wastewater Treatment Plant to a point on the south right-of-way line of a 300 foot wide City of Altoona Greenbelt; thence easterly along the south line of said City of Altoona Greenbelt to the centerline of 5th Avenue Southwest; thence northerly along said centerline to the north line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 24; thence east along said north line to the point of beginning.

Southwest Addition to the Renewal Area

Beginning at the northeast corner of Section 22, T-79N, R-23W of the 5th P.M., Polk County, Iowa; thence south along the east line thereof to the east right-of-way line of Relocated U.S. Highway No. 65; thence northwesterly on said east right-of-way line to the south right-of-way line of Hubbell Avenue; thence northeasterly along said south right-of-way line to the east line of Section 15, T-79N, R-23W; thence south along said east line to the northwest corner of the Southwest Quarter (SW $\frac{1}{4}$),

Southwest Quarter (SW¹/₄) of Section 14, T-79N, R-23W; thence east along the north line thereof to the northeast corner of said Southwest Quarter (SW¹/₄), Southwest Quarter (SW¹/₄); thence south along the east line thereof to the southeast corner of said Southwest Quarter (SW¹/₄), Southwest Quarter (SW¹/₄); thence west along the south line thereof to the northeast corner of the Northwest Quarter (NW¹/₄), Northwest Quarter (NW¹/₄), Northwest Quarter (NW¹/₄) of Section 23, T-79N, R-23W; thence south along the east line thereof to the southeast corner of said Northwest Quarter (NW¹/₄), Northwest Quarter (NW¹/₄), Northwest Quarter (NW¹/₄); thence west along the south line thereof to the southwest corner of said Northwest Quarter (NW¹/₄), Northwest Quarter (NW¹/₄), Northwest Quarter (NW¹/₄); thence north along the west line thereof to the point of beginning.

The taxes levied on the taxable property in the 1996 Addition to the Altoona Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which such Urban Renewal Area is located, from and after the effective date of Ordinance No. 4-96 #2 (171), shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 1996 Addition to the Altoona Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in subsection 2 of this section, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 1996 Addition to the Altoona Urban Renewal Area on the effective date of Ordinance No. 4-96 #2 (171), but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 1996 Addition to the Altoona Urban Renewal Area to include the annexed area shall be used in determining the assessed valuation of the taxable property in the annexed area.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the

Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the 1996 Addition to the Altoona Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the 1996 Addition to the Altoona Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the 1996 Addition to the Altoona Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 1996 Addition to the Altoona Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the 1996 Addition to the Altoona Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

10.05 PROPERTY TO BE DELETED FROM THE ALTOONA URBAN RENEWAL AREA. The following described property shall be deleted from the Altoona Urban Renewal Area and shall not be subject to any further division of taxes for the purposes of the Altoona Urban Renewal Area after the effective date of Ordinance No. 4-96 #2 (171):

The Northeast Quarter (NE $\frac{1}{4}$) of Section 14, T-79N, R-23W of the 5th P.M., Polk County, Iowa

ALSO

Beginning at the intersection of the south right-of-way line of Interstate Hwy. No. 80 and the east right-of-way line of relocated U.S. Hwy. No. 65; thence southwesterly along said Interstate 80 right-of-way to a point on the west line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 10-79-23; thence south along said west line 350 feet to the southwest corner thereof; thence south along the west line of the Northwest Quarter (NW $\frac{1}{4}$) of Section 15-79-23 to the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Northwest Quarter (NW $\frac{1}{4}$); thence east along the south line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the northeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence south along the west line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 15-79-23; thence continuing south to the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 15-79-23; thence east along the south line of said Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) to a point on the northwesterly right-of-way line of U.S. Hwy. No. 65 as it is presently established; thence northeasterly along said northwesterly right-of-way line to a point on the east right-of-way line of said Relocated U.S. Hwy. No. 65; thence northerly along said east right-of-way line to the point of beginning.

EDITOR'S NOTE		
<p>The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing additional Urban Renewal Areas in the City and remain in full force and effect.</p>		
ORDINANCE NO.	ADOPTED	NAME OF AREA
12-99#1(40)	12-6-99	1999 Addition to the Altoona Urban Renewal Area
1-00#1(43)	1-3-00	2000 Addition to the Altoona Urban Renewal Area
6-2-03#3(131)	6-2-03	2003 Addition to the Altoona Urban Renewal Area
11-7-05#1(196)	11-7-05	2005 Addition to the Altoona Urban Renewal Area
6-4-07#1(251)	6-18-07	2007 Addition to the Altoona Urban Renewal Area
11-19-07#1(270)	11-19-07	2007 Addition to the Altoona Urban Renewal Area
05-12-2012#01(342)	5-7-12	North Urban Renewal Area
01-07-2013#01(363)	1-7-13	Southeast Urban Renewal Area

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CHAPTER 11

URBAN REVITALIZATION

11.01 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the Code of Iowa, a revitalization area is established for the City. The area consists of the entire corporate limits of the City as of June 1, 1992, and is hereby designated as the Altoona Revitalization Area.

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 376.2)

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

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

(Code of Iowa, Sec. 372.14[1])

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

(Code of Iowa, Sec. 372.14[2])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

(Code of Iowa, Sec. 372.14[1])

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

(Code of Iowa, Sec. 380.5 & 380.6[2])

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

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.
7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.
8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable. The order to remove said nuisances shall be carried out by the Police Chief.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

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

1. Mayor Pro Tem
2. Police Chief
3. Library Board of Trustees
4. Sanitary Sewer Superintendent
5. Water Superintendent
6. Zoning Board of Adjustment
7. Parks and Recreation Board

15.04 COMPENSATION. The salary of the Mayor is seven thousand eight hundred dollars (\$7,800.00) per year, payable monthly. Effective January 2008, the salary of the Mayor shall be nine thousand dollars (\$9,000.00) per year, payable monthly. *(Ord. 10-31-07 #1(267) – Dec. 07 Supp.)*
(Code of Iowa, Sec. 372.13[8])

15.05 VOTING. The Mayor is not a member of the Council and shall not vote as a member of the Council. *(Ord. 11-01 #4(95) – Nov. 01 Supp.)*
(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 Pro Tem is vice president of the Council.

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

16.02 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to 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. The salary of the Mayor Pro Tem is four thousand two hundred dollars (\$4,200.00) per year, payable monthly. Effective January 2008, the salary of the Mayor Pro Tem shall be four thousand six hundred dollars (\$4,600.00) per year, payable monthly.

(Ord. 10-31-07 #2(268) – Dec. 07 Supp.)

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

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CHAPTER 17

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 five (5) Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.100)

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 one hundred thousand dollars (\$100,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

(Ord. 02-17-2014 #02(388) – June 14 Supp.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

17.04 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. Time. All regular or special Council meetings shall begin at 6:30 p.m., unless the Council members shall vote to commence a meeting at another time.

(Ord. 5-99#1(32) – July 99 Supp.)

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority 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 (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. City Administrator
4. Planning and Zoning Commission

17.06 COMPENSATION. The salary of each City Council member is three thousand six hundred dollars (\$3,600.00) per year, payable monthly. Effective January 2008, the salary of each City Council member shall be four thousand six hundred dollars (\$4,600.00) per year, payable monthly.

(*Ord. 10-31-07 #3(269) – Dec. 07 Supp.*)

(*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. At its first meeting in January following the regular city election the Council shall appoint by majority vote a City Clerk to serve for a term of two (2) years. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

18.05 PUBLICATION. The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

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

before the date of the election, hearing or other action, unless otherwise provided by law.

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

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

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

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

(Code of Iowa, Sec. 380.7[3])

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such

officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments 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. 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 following duties relating to elections and nominations:

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

(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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 are the words "ALTOONA, IOWA" and around the margin the words "CITY SEAL."

CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer
19.04 Boards and Commissions

19.01 APPOINTMENT. The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

19.04 BOARDS AND COMMISSIONS. The City Treasurer is the Treasurer of the Library Board and Parks and Recreation Board and pays out all money under control of the respective boards on orders signed by the respective Chairs and Secretaries of such Boards, but receives no additional compensation for such services.

CHAPTER 20

CITY ADMINISTRATOR

20.01 Appointment and Compensation
20.02 Authority

20.03 Powers and Duties

20.01 APPOINTMENT AND COMPENSATION. The City Administrator is appointed by a majority vote of the entire Council at a regular meeting of such body. The appointment is made solely on the basis of administrative qualifications. The City Administrator shall receive compensation in an amount set by resolution of the Council.

20.02 AUTHORITY. The Mayor shall have general supervisory authority over the City Administrator to carry out the policies established by the Council.

20.03 POWERS AND DUTIES. The City Administrator's powers and duties are as follows:

1. To attend all meetings of the Council;
2. To advise Mayor and Council on current problems and future needs of the City and recommend alternative solutions and directions for meeting the needs of the community;
3. To supervise employees responsible for carrying out the policies and programs of the City;
4. To direct and coordinate the implementation of policy made by the Council;
5. To evaluate current City policies and community needs and recommend alternatives for Mayor and Council consideration;
6. To perform other duties as required by law or delegated by the Mayor and Council.

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CHAPTER 21

CITY ATTORNEY

21.01 Appointment and Compensation
21.02 Attorney for City
21.03 Power of Attorney
21.04 Ordinance Preparation
21.05 Review and Comment

21.06 Provide Legal Opinion
21.07 Attendance at Council Meetings
21.08 Prepare Documents
21.09 Parliamentarian

21.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council. The City Attorney shall receive such compensation as established by resolution of the Council.

21.02 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])

21.03 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])

21.04 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])

21.05 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])

21.06 PROVIDE LEGAL OPINION. The City Attorney shall, upon request of the Council, give advice or a written legal opinion on contracts involving the City and upon all questions of law relating to City matters submitted by the Council, any Board or the head of any City department.

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

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

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

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

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

21.09 PARLIAMENTARIAN. The City Attorney shall upon request serve as parliamentarian for the Council and any Board or Commission.

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

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

22.01 PUBLIC LIBRARY. The public library for the City is known as the Altoona 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 five (5) resident members. All members are to be appointed by the Mayor with the approval of the Council.

22.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City. 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 Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City

Treasurer shall serve as Board Treasurer, but shall not be 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 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 on behalf of the Library.

(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)

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

(Code of Iowa, Sec. 414.6 & 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year. Two (2) unexcused absences, or three (3) total absences from regularly scheduled meetings in any one calendar year, are grounds for dismissal from the Commission.

(Ord. 6-15-2009 #1(304) – June 09 Supp.)

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts,

donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARKS AND RECREATION BOARD

24.01 Parks and Recreation Board Created
24.02 Term
24.03 Conduct of Business
24.04 Compensation

24.05 Budget
24.06 Records and Reports
24.07 Powers and Duties
24.08 Liaison Officer

24.01 PARKS AND RECREATION BOARD CREATED. A Parks and Recreation Board (hereinafter referred to as the Board) is hereby created to advise the Council on needed facilities such as parks, playgrounds, community facilities, swimming pool, senior citizens' facilities or other forms of recreation. The Board shall oversee City programs and aid in the creation of new programs for the leisure time of the City's residents.

24.02 TERM. The members of the Board shall be appointed by the Mayor, with the approval of the Council, at the organization Council meeting each year for a term of two (2) years with staggered terms whereby not more than four (4) terms shall expire in any one (1) year. The Board shall consist of seven (7) citizens of the City of legal age. Two (2) unexcused absences, or three (3) total absences from regularly scheduled meetings in any one calendar year are grounds for dismissal from the Board.

24.03 CONDUCT OF BUSINESS. The Board shall at its first meeting in January of each year elect one of its members as Chairperson and such other officers as the Board shall deem necessary to conduct its business. The Board shall adopt such rules as it deems necessary to conduct its business and duties as required by this chapter. The Board meetings shall be conducted pursuant to the rules adopted by the Board and in the event of a specific rule not being adopted by the Board, *Robert's Rules of Order Revised* shall apply.

24.04 COMPENSATION. There shall be no compensation attached to the office of Parks and Recreation Board member and all services performed by said Board Member shall be rendered without compensation therefor.

24.05 BUDGET. On or before February 1 of each year, the Board shall receive from the Director of Parks and Recreation a proposed budget for general parks and recreational purposes for the ensuing fiscal year. The Board shall comment and make recommendations on said budget for submission to the Council.

24.06 RECORDS AND REPORTS. The Board shall keep a record of all transactions and proceedings and submit copies to the Council promptly.

24.07 POWERS AND DUTIES. The jurisdiction of the Board shall consist of all parks, pleasure grounds and buildings acquired by it or owned by the City and set apart for leisure time or recreation, within or outside the City. The Board shall have and exercise, without request, the powers and duties set out herein, but the Council shall have final authority of said powers and duties. They are:

1. To recommend development and extension of playgrounds and recreational facilities to the Council, and accomplish the same as municipal budget allocations permit.
2. To monitor all facilities, appurtenances, fixtures, and equipment owned by or under control of the City used for parks or recreation purposes.
3. To select and recommend for purchase items considered necessary for the operation of the Parks and Recreational facilities.
4. To aid, review and recommend charges for the use of parks and recreational facilities when applicable.
5. To seek citizens' input with and serve as a liaison between the residents of the City and the Council and to promote City parks and recreational programs.
6. To recommend to the Council a long-term capital improvement program for parks and recreational facilities including the acquisition or leasing of park sites and other recreational facilities.
7. To recommend rules and regulations concerning the use of parks and other recreational facilities.
8. To accept gifts in the name of the City of real or personal property or mixed property and devises and bequests, including trust funds, executed deeds and bills of sale for the conveyance of such property. Title to all property shall be taken in the name of the City and all moneys shall be deposited with the Clerk to the credit of the Parks or Recreation accounts.

24.08 LIAISON OFFICER. A liaison officer will be supplied from the Council who will forward all recommendations of the Parks and Recreation Board to either the Mayor or Council for their consideration.

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CHAPTER 25

CENTRAL IOWA AIRPORT AUTHORITY

25.01 Purpose

25.02 Airport Authority Joined

25.01 PURPOSE. The purpose of this chapter is to authorize the City to join the Central Iowa Airport Authority in accordance with a resolution adopted December 15, 1969, and following a public hearing held January 19, 1970.

25.02 AIRPORT AUTHORITY JOINED. Pursuant to and as authorized by the laws of the State, the City shall and hereby does join the Central Iowa Airport Authority.

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CHAPTER 26

POLK COUNTY AVIATION AUTHORITY

26.01 Purpose

26.02 Aviation Authority Joined

26.01 PURPOSE. The purpose of this chapter is to authorize the City to join in the creation of a Polk County Aviation Authority for the purpose of investigating the feasibility of constructing and operating a reliever airport in Polk County, Iowa.

26.02 AVIATION AUTHORITY JOINED. The City is authorized to join the Polk County Aviation Authority. The Mayor is authorized to execute the Polk County Aviation Authority Agreement on behalf of the City.

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CHAPTER 30

POLICE DEPARTMENT

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

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

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

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

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

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

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

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

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council. The Police Chief shall select, subject to the approval of Council, the other members of the department.

(Ord. 11-01 #4(95) – Nov. 01 Supp.)

(Code of Iowa, Sec. 372.4)

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

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

1. General. Perform all duties required of the police chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, 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)

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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 the Police Department under the direction of the Police Chief, but may be obtained in a community college or other facility selected by the individual and approved by the Police Chief. All standards and training required under Chapter 80D of the Code of Iowa constitute the minimum standards for police reserve officers. Upon satisfactory completion of training, the Police Chief shall certify the individual as a reserve police 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, subject to the limitations and restrictions specified by the Police Chief.

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 regular peace officers, 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. The Council may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers.

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 of which regular peace officer may become members.

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Administration
35.04 Training
35.05 Compensation
35.06 Officers
35.07 Oath
35.08 Fire Chief: Duties

35.09 Obedience to Fire Chief
35.10 Departmental Rules and Regulations
35.11 Accidental Injury Insurance
35.12 Liability Insurance
35.13 Calls Outside City
35.14 Mutual Aid
35.15 Authority to Cite Violations
35.16 Emergency Ambulance Service and Fees

35.01 ESTABLISHMENT AND PURPOSE. A combination (volunteer/paid) fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and life safety, and to respond to all emergency medical and rescue requests 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 ADMINISTRATION. The Fire Chief is directly responsible to the City Administrator for administration of the Fire Department.

35.04 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

(Code of Iowa, Sec. 372.13[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 OFFICERS. The City Administrator shall appoint a Fire Chief, subject to the approval of the City Council. The Fire Chief shall be responsible to the City Administrator for the functions of the Fire Department. The Fire Chief shall appoint any other officers in the department. In case of absence of the Chief, the officer next in rank shall be in charge and have and exercise all the powers of Chief.

35.07 OATH. The Fire Chief, before entering upon the duties of office, shall qualify for office by taking the oath prescribed by Section 5.01 of this Code of Ordinances.

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

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

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

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

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)

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

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

14. Personnel. Recruit, select, and train personnel to provide the necessary proficiency level for emergency service responses.

15. Budget. Prepare annual budgetary requests and Capital Improvement Plan (CIP) for personnel, apparatus, equipment, and

maintenance to ensure safe and efficient emergency response for Council approval.

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

35.10 DEPARTMENTAL RULES AND REGULATIONS. The Fire Chief shall establish such rules and regulations, not in conflict with this Code of Ordinances and subject to the approval of the Council, as may be necessary to accomplish the object contemplated for the safe, efficient, and proper performance operations of the department.

35.11 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 firefighters and medical personnel injured in the performance of their duties whether within or outside the corporate limits of the City. All fire department staffing shall be covered by the contract.

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

35.12 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)

35.13 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])

35.14 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])

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

(Code of Iowa, Sec. 100.41)

35.16 EMERGENCY AMBULANCE SERVICE AND FEES. The department is authorized to provide emergency ambulance and rescue services and the accidental injury and liability insurance provided for herein shall include such operation. The department shall charge a fee to the user of such service as set forth in a schedule of fees adopted by Council in resolution form. Payment of such fee shall be made to the City of Altoona Fire Department and deposited in the General Funds.

(Ch. 35 - Ord. 3-20-06 #1(213) – June 06 Supp.)

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CHAPTER 36
EMERGENCY RESCUE SERVICE

(Repealed by Ord. 3-20-06 #1(213) – June 06 Supp.)

[The next page is 201]

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 Peeping; Loitering

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

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

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])

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

40.06 PEEPING; LOITERING. It is unlawful to loiter on the public sidewalks, streets or alleys of the City, or on any private property, with the intent to peep, or in the act of peeping, spying, or looking into the windows of dwellings, apartments, homes, or any private place whether in close proximity thereto or not.

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances

41.02 False Reports to or Communications with Public Safety Entities

41.03 Refusing to Assist Officer

41.04 Harassment of Public Officers and Employees

41.05 Interference with Official Acts

41.06 Abandoned or Unattended Refrigerators

41.07 Antenna and Radio Wires

41.08 Discharging Weapons

41.09 Throwing and Shooting

41.10 Urinating and Defecating

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 727.3)

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

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

41.08 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.

41.09 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, 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])

41.10 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.

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

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

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

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

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

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

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

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the

property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

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

CHAPTER 46

MINORS

46.01 Curfew
46.02 Cigarettes and Tobacco
46.03 Contributing to Delinquency

46.04 Minors in Billiard Rooms
46.05 Persons Under Twenty-One in Gambling Facility

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definition. The term “minor” means in this section, any person below the age of eighteen (18) years. *(Ord. 5-00#2(47) – July 00 Supp.)*

2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of eleven o’clock (11:00) p.m. and five o’clock (5:00) a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of twelve o’clock (12:00) midnight and five o’clock (5:00) a.m. on Saturday and Sunday.

3. Exceptions. The restriction provided by subsection 46.01(2) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over twenty-one (21) years of age, nor shall the restriction apply to any minor who is traveling between his or her home or place of residence and the place where any approved employment, church, municipal or school function is being held.

4. Responsibility of Adults. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 46.01(2), except as otherwise provided in subsection 46.01(3).

(Code of Iowa, Sec. 613.16)

5. Responsibility of Business Establishments. It is unlawful for any persons operating a place of business or amusement to allow or permit any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by subsection 46.01(2) except as otherwise provided in subsection 46.01(3).

6. Enforcement. Any peace officer of the City while on duty is hereby empowered to arrest any minor who violates any of the provisions of Subsections 46.01(2) and (3). Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

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

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

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

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

46.04 MINORS IN BILLIARD ROOMS. It is unlawful for any person who keeps a billiard hall where beer, liquor or wine is sold, or the agent, clerk, or employee of any such person, or any person having charge or control of any such hall, to permit any minor under legal age to remain in such hall or to take part in any of the games known as billiards or pool.

46.05 PERSONS UNDER TWENTY-ONE IN GAMBLING FACILITY. It is unlawful for any person under the age of twenty-one (21) years to enter or attempt to enter a facility licensed under Iowa Code Chapter 99F to operate gambling games. The provisions of this section shall not apply to a person under the age of twenty-one (21) years who is:

1. An employee of the licensee or performing a contracted service for the licensee at the facility.
2. A public official or employee while at the facility in the performance of such person's official duties.
3. A person going directly to or from an area at the facility specifically designated for activities for persons under the age of twenty-one (21) years, if accompanied by a person over the age of twenty-one (21) years and if such person first contacts a representative of the licensee.

The provisions of this section shall also not apply to a facility or that portion of a facility licensed by the State for pari-mutuel gambling.

(Ord. 5-97#2(12) – May 97 Supp.)

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose

47.02 Use of Drives Required

47.03 Fires

47.04 Littering

47.05 Parks Closed

47.06 Camping

47.07 Parking

47.08 Skate Parks

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, Sec. 364.12)

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

1. No car, bicycle, moped, motorcycle or other vehicle, other than vehicles designated or authorized by the City, may be operated on the access road running north to south between the parking areas of the Sam Wise Youth Complex at Eighth Street SE and Eighth Avenue SE.
2. The fine for violating this section is ten dollars (\$10.00).

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

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

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. except for one-half hour after softball games.

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

47.07 PARKING. No parking shall be allowed in the City parks between twelve o'clock (12:00) midnight and five o'clock (5:00) a.m. except as designated by the City Council.

47.08 SKATE PARKS.

1. Skate Park Use.
 - A. All skaters must skate safely and responsibly. No skater may enter the Skate Park when it is already being used to capacity. When skaters are waiting to enter, a time limit of 20 minutes per person shall be imposed.
 - B. The hours of operation for the Skate Park are from sunrise to sunset. Any person attempting to use the Skate Park during any other time shall be subject to immediate removal, in addition to any other penalties provided in this section.
 - C. The Skate Park is for in-line skates and skateboards only. No other use is permitted in or on the Skate Park whatsoever. Unauthorized equipment or obstacles are prohibited.
 - D. Use of profanity or abusive language is strictly prohibited and shall result in immediate removal from the Skate Park in addition to other penalties provided in this section.
 - E. No skating is permitted when surfaces are wet or icy.
 - F. No alcohol shall be permitted. No glass containers shall be permitted.
 - G. No loud music shall be permitted.
 - H. No skating against traffic.
 - I. No use of ramps and runs until clear of other skaters.
 - J. No waxing of skate park surfaces shall be permitted.
 - K. No graffiti shall be permitted.
 - L. No pets shall be permitted in the skating area.
2. Violations and Penalties. Any person violating or failing to comply with any of the provisions of this section, or any of the rules and regulations established pursuant hereto, shall be immediately removed from the Skate Park and shall be subject to a fine of \$25.00 for a first offense, a fine of \$100.00 for a second offense and a permanent revocation of the privilege to use the Skate Park for a third offense.
3. Rules and Regulations. The Mayor and Altoona City Council shall have the power to establish, by resolution or ordinance, additional

rules and regulations for the use and control of the Skate Park. Any such rules and regulations shall be posted at the Skate Park and shall have the same force and effect as any other provisions of this section, and the violation thereof shall constitute violation of this section.

(Ord. 10-6-03#1(139) – 2004 Update)

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CHAPTER 48

DRUG PARAPHERNALIA

48.01 Purpose

48.02 Controlled Substance Defined

48.03 Drug Paraphernalia Defined

48.04 Determining Factors

48.05 Possession of Drug Paraphernalia

48.06 Manufacture, Delivery or Offering For Sale

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

48.02 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.

48.03 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.

48.04 DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

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 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.

13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.

15. Expert Testimony. Expert testimony concerning its use.

48.05 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.

48.06 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.

CHAPTER 49

RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

49.01 Purpose

49.02 Definitions

49.03 Residency Restriction

49.04 Residency Exception

49.05 Violations

49.01 PURPOSE. This chapter is a regulatory measure aimed at protecting the health and safety of children in Altoona from the risk that convicted sex offenders may reoffend in locations close to their residences. As recognized by the Eighth Circuit United States Court of Appeals in its April 29, 2005, decision of Doe v. Miller, and as recognized by the Iowa Supreme Court in State v. Seering, decided on July 29, 2005, the City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by State law near schools and day care centers. The City finds and declares that in addition to schools and day care centers, children congregate or play at child-oriented facilities identified in Section 49.03.

49.02 DEFINITIONS. As used in this chapter and unless the context otherwise requires:

1. “Aggravated offense” means a conviction for any of the following offenses:
 - A. Sexual abuse in the first degree in violation of Iowa Code § 709.2.
 - A. Sexual abuse in the second degree in violation of Iowa Code §709.3.
 - B. Sexual abuse in the third degree in violation of Iowa Code §709.4(1).
 - C. Lascivious acts with a child in violation of Iowa Code § 709.8(1).
 - D. Assault with intent to commit sexual abuse in violation of Iowa Code § 709.11.
 - E. Burglary in the first degree in violation of Iowa Code § 713.3(1)(d).

- F. Kidnapping, if sexual abuse as defined by Iowa Code § 709.1 is committed during the offense.
 - G. Murder, if sexual abuse as defined by Iowa Code § 709.1 is committed during the offense.
 - H. Criminal transmission of human immunodeficiency virus in violation of Iowa Code § 709C.1(1)(a).
2. “Criminal offense against a minor” means any of the following criminal offenses or conduct:
- A. Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent.
 - B. False imprisonment of a minor, except if committed by a parent.
 - C. Any indictable offense involving sexual conduct directed toward a minor.
 - D. Solicitation of a minor to engage in an illegal sex act.
 - E. Use of a minor in a sexual performance.
 - F. Solicitation of a minor to practice prostitution.
 - G. Any indictable offense against a minor involving sexual conduct with the minor.
 - H. An attempt to commit an offense enumerated in this subsection.
 - I. Incest committed against a minor.
 - J. Dissemination and exhibition of obscene material to minors in violation of Iowa Code § 728.2.
 - K. Admitting minors to premises where obscene material is exhibited in violation of Iowa Code § 728.3.
 - L. Stalking in violation of Iowa Code § 708.11(3)(b)(3), if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.
 - M. Sexual exploitation of a minor in violation of Iowa Code § 728.12.
 - N. Enticing away a minor in violation of Iowa Code § 710.10(1).
 - O. An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs A through N.

3. “Other relevant offense” means any of the following offenses:
 - A. Telephone dissemination of obscene materials in violation of Iowa Code § 728.15.
 - B. Rental or sale of hard-core pornography in violation of Iowa Code § 728.4.
 - C. Indecent exposure in violation of Iowa Code § 709.9.
 - D. Incest committed against a dependent adult as defined in Iowa Code § 235B.2 in violation of Iowa Code § 726.2.
 - E. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs A through D if committed in this state.
4. “Person” means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.
5. “Residence” means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
6. “Sexually violent offense” means any of the following indictable offenses:
 - A. Sexual abuse as defined under Iowa Code § 709.1.
 - B. Assault with intent to commit sexual abuse in violation of Iowa Code § 709.11.
 - C. Sexual misconduct with offenders in violation of Iowa Code § 709.16.
 - D. Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.
 - E. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs A through D if committed in this State.

49.03 RESIDENCY RESTRICTION.

1. A person shall not reside within two thousand (2,000) feet of the real property comprising of any of the following child oriented facilities:
 - A. A public or non-public elementary or secondary school;
 - B. A public or non-public park or playground;
 - C. A public swimming pool;

- D. A public library;
- E. A multi-use recreational trail; or
- F. A child care facility.

2. This chapter defines “child care facility” to mean child care center, preschool, or registered child care home. This chapter defines “park” to mean any public or non-public park, including a park, forest preserve, or conservation area under the jurisdiction of the State, a unit of local government, or a private homeowner’s association, and any facilities thereon, as well as any playground, which for the purposes of this chapter shall mean a piece of land owned or controlled by the State, a unit of local government, or a private entity, that has been designated by said entity for the use solely or primarily for children’s recreation. (e.g., youth league baseball, youth softball, youth soccer).

3. The distance of 2,000 feet shall be measured from the closest boundary line of the residence to the closest boundary line of the child oriented facility as identified in subsection 1.

49.04 RESIDENCY EXCEPTION. A person residing within 2,000 feet of the real property comprising a child oriented facility identified in Section 49.03 does not commit a violation of this chapter if any of the following apply:

- 1. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- 2. The person is subject to an order of commitment under Chapter 229A of the Iowa Code.
- 3. The person has established a residence prior to the effective date of the ordinance codified in this chapter, or a child oriented facility as identified in Section 49.03 is newly located on or after such effective date and the person has established a residence prior to the date of the start of construction operation or acquisition of such newly located child oriented facility.
- 4. The person is a minor or a ward under a guardianship.

49.05 VIOLATIONS. Any person who resides within 2,000 feet of a child oriented facility identified in Section 49.03 in violation of this chapter shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by this Code of Ordinances and the Code of Iowa or shall be guilty of a municipal infraction punishable by civil penalty as provided by this Code of Ordinances.

(Ch. 49 - Ord. 11-21-05#5 [201] – Dec. 05 Supp.)

[The next page is 275]

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Nuisances Prohibited
50.04 Nuisance Abatement
50.05 Notice to Abate: Contents
50.06 Method of Service

50.07 Request for Hearing
50.08 Abatement in Emergency
50.09 Abatement by City
50.10 Collection of Costs
50.11 Installment Payment of Cost of Abatement
50.12 Failure to Abate

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:

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.

(Code of Iowa, Sec. 657.2[1])

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.

(Code of Iowa, Sec. 657.2[2])

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

(Code of Iowa, Sec. 657.2[3])

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.

(Code of Iowa, Sec. 657.2[4])

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.

(Code of Iowa, Sec. 657.2[5])

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

(Code of Iowa, Sec. 657.2[7])

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)**

(Code of Iowa, Sec. 657.2[10])

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

(Code of Iowa, Sec. 657.2[11])

9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard. **(See also Chapter 52)**

(Code of Iowa, 657.2[12])

10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 151)**

(Code of Iowa, Sec. 657.2[13])

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

(Code of Iowa, Sec. 657.2[9])

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of

Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2[6])

13. Noise; Vibrations. All unnecessary noises and annoying vibrations.

14. Street Obstructions. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance.

15. Obstructing Traffic or Walks. 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 free use of the streets or sidewalks.

16. Sound Equipment. The operation of any sound equipment, machine or amplifier amplifying sounds, music or talking of any kind within the City whether the same be located upon mobile equipment or permanently located. The Mayor may issue a permit upon the payment of one dollar (\$1.00) under such reasonable restrictions as the Mayor may prescribe to permit and limit the use of such equipment.

17. Parking of Garbage Collection Vehicles. The parking of collection vehicles, whether commercial or private, containing refuse, solid waste, or garbage as such terms are defined in Chapter 105, in or within 500 feet of a residential area for a period of more than two hours except in cases of mechanical breakdown or other emergency; or in the case of empty collection vehicles the parking of same in or within 100 feet of a residential area for a period of more than two hours except in cases of mechanical breakdown or other emergency.

18. Continuing Violation. Any violation of this Code of Ordinances, herein designated as a misdemeanor, in which a continuing offense can only be cured through abatement is a nuisance.

50.03 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)

50.04 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])

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

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

50.06 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

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

50.08 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.10 after notice to the property owner under the applicable provisions of Sections 50.04, 50.05 and 50.06 and hearing as provided in Section 50.07.

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

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

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

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

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

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

(Code of Iowa, Sec. 364.13)

50.12 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.

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.

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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. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within 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 52

WEEDS AND GRASS

52.01 Purpose

52.02 Definitions

52.03 Cutting Specifications and Standards of Practice

52.04 Uniform Height Specifications

52.05 Noxious Weeds

52.06 Notice to Abate

52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

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

1. “Curb,” “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.
5. “Mowing season” means the period beginning April 1 and ending October 31.

(11-19-2012 #4 (361) – Dec. 12 Supp.)

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner’s property to a uniform height as defined in Section 52.04 (1).
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner’s property, to a uniform height as defined in Section 52.04 (2).

(11-19-2012 #4 (361) – Dec. 12 Supp.)

52.04 UNIFORM HEIGHT SPECIFICATIONS.

1. Grass, weeds or brush on private property shall be cut, mowed and maintained so as not to exceed the following height specifications:
 - A. Developed Residential Areas – not to exceed six (6) inches.
 - B. Undeveloped Residential Areas – not to exceed twelve (12) inches.
 - C. Business and Industrial Areas – not to exceed (12) inches.
 - D. Agriculture Areas – not to exceed (15) inches.
 - E. All undeveloped properties adjacent to a developed property - not to exceed six (6) inches inside the property along the side and rear yards for a distance of ten (10) feet measured horizontally into the property from the property line.
2. Grass, weeds or brush adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property shall be cut, mowed and maintained so as not to exceed the following height specifications:
 - A. Six (6) inches.

Grass, weeds and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter.

(11-19-2012 #4 (361) – Dec. 12 Supp.)

52.05 NOXIOUS WEEDS.

1. Every owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds.
2. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

52.06 NOTICE TO ABATE. Upon discovery of any violations of this chapter, the City may within three (3) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

(Ord. 3-99#2(31) – July 99 Supp.)

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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 Animal Littering

55.10 Rabies Vaccination

55.11 Owner's Duty

55.12 Confinement

55.13 Summons Issued

55.14 Disposal of Other Animals

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

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
(Code of Iowa, Sec. 717.1)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means 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 physician prescribed therapy animals with specific approval of the City Council.

(Ord. 05-04-2015 #01 (406) – Jun. 15 Supp.)

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep, chickens, or other similar animals or fowl to run at large within the corporate limits of the City. Any such animal or fowl at large may be impounded. Nothing in this section, however, shall be construed as prohibiting any owner of a dog or cat from walking the dog or cat with a leash, cord, chain, or other similar restraint not more than six feet in length or from transporting such dog or cat within a motor vehicle.

55.07 DAMAGE OR INTERFERENCE. No owner shall allow or permit his or her animal to damage or defile public property or the private property of another.

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 ANIMAL LITTERING. It is unlawful for the owner or responsible party to allow the animal to deposit feces on public or private property without the consent of the property owner. Animal feces deposited on public or private property shall be immediately removed and disposed of in a sanitary manner. This section does not apply to the owner of a service dog when the owner is deemed to be legally blind or to have other medically and physically limiting disabilities.

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

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal 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)

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

(Code of Iowa, Sec. 351.39)

55.13 SUMMONS ISSUED. The owner of any licensed dog or the owner, if known, of any unlicensed dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

55.14 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

(Ch. 55 - Ord. 08-18-2014 #01 (395) - Dec. 14 Supp.)

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CHAPTER 56

COUNTY DOG LICENSE REQUIRED

56.01 Annual License

56.02 Kennel Dogs

56.01 ANNUAL LICENSE. Every owner of a dog over the age of six (6) months shall procure a dog license from the County Auditor.

56.02 KENNEL DOGS. Kennel dogs 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.

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CHAPTER 57

DANGEROUS AND VICIOUS ANIMALS

57.01 Definitions

57.02 Keeping of Dangerous Animals Per Se Prohibited

57.03 Keeping of Dangerous Dogs Regulated

57.04 Keeping of Vicious Dogs Regulated

57.05 Keeping of Vicious Animals Prohibited

57.06 Seizure, Impoundment and Disposition of Dangerous Animals or Vicious Dogs

57.07 Insurance

57.08 Penalty

57.01 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 individual or individuals appointed by the City to enforce this chapter.
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.
4. "Dangerous animal per se" means:
 - A. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - B. Black widow spiders and scorpions;
 - C. Raccoons, opossums and skunks;
 - D. Wolves and coyotes;
 - E. Bears;
 - F. All apes (including chimpanzees), baboons and macaques;
 - G. Monkeys, except the squirrel monkey, female spider monkey and female woolly monkey;
 - H. Elephants;
 - I. Wild boar;
 - J. Snakes that are naturally venomous or poisonous;

- K. All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.);
5. “Dog” means and includes members of the *Canine* species, male or female, whether neutered or not.
6. “Dangerous dog” means any dog shall be categorized as a dangerous dog if it fits into any of the following categories:
- A. Any dog which, when unprovoked, bites a person or a domestic pet or animal, whether on public or private property.
 - B. Any uncontrolled dog that chases or approaches a person without provocation in a manner that threatens the safety of humans or domestic pets or animals.
 - C. Any dog with a demonstrated propensity, tendency or disposition to attack, to cause injury to, or to otherwise threaten the safety of humans or domestic pets or animals. This category shall include a security dog that has been trained to attack.
 - D. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.
7. “Provocation” means that the threat, injury or damage caused by the dog was sustained by a person who, at the time, was willfully trespassing upon the premises occupied by the owner of the dog, or the person was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.
8. “Vicious animal” means any animal, including a dog, except for a dangerous animal per se, as listed above, if it fits into any of the following categories:
- A. Any dog or animal that according to the records of a health department, police department, or humane society or according to any other records available to the Police Department has directly inflicted any physical injury that resulted in broken bones or lacerations requiring sutures on a human being without provocation on public or private property.
 - B. Any dog or animal that has killed a domestic pet or animal without provocation while off its owner’s property.
 - C. Any dog or animal while off its owner’s property without provocation bites, attacks or endangers the safety of humans, domestic pets or animals.

9. Exceptions. A dog shall not be categorized as dangerous or vicious if it bites, attacks or menaces a person, domestic pet or animal in order to:

- A. Defend its owner, caretaker or another person from an attack by a person or animal.
- B. Protect itself, its young or another animal.
- C. Defend itself against any person or animal that has tormented, assaulted or abused it.
- D. Defends its owner's or caretaker's property against trespassers.

57.02 KEEPING OF DANGEROUS ANIMALS PER SE PROHIBITED.

No person shall keep, shelter, or harbor any dangerous animal per se 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.

57.03 KEEPING OF DANGEROUS DOGS REGULATED. The owner or caretaker of any dog determined to be dangerous pursuant to the provisions of the City Code shall comply with the following regulations:

- 1. No person owning, harboring or having care of a dangerous dog may permit such dog to go outside of its kennel or pen unless the dog is securely leashed on a leash no longer than 4 feet in length.
- 2. No person may permit a dangerous dog to be kept on a chain, rope, leash or similar restraining device outside its kennel or pen unless a person competent to govern the animal is in physical control of the restraining device and remains in position to control the dog at all times. The dog may not be leashed to inanimate objects such as trees, posts and buildings.
- 3. No dangerous dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition, except through a door leading directly to a pen or kennel.
- 4. No dangerous dog may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.
- 5. The owner of a dangerous dog must successfully complete a dog behavior modification course at owner's expense instructed by a licensed or certified dog behavior specialist within 60 days after receiving notification declaring the dog dangerous. The owner shall be required to provide a copy of proof of successful completion of the course to the

Chief of Police and the proof shall include certification or receipt bearing the name of the instructor and the dates of instruction.

6. The owner of a dangerous dog must microchip the dog at the owner's expense within 60 days after receiving notification declaring the dog dangerous in addition to licensing the pet in accordance with Chapter 56 of this Code in order to assist in locating the dangerous dog should it be found at large.

7. The owner shall allow the dog to be photographed for identification purposes.

8. The dog shall be spayed or neutered at the owner's expense.

57.04 KEEPING OF VICIOUS DOGS REGULATED. The owner or caretaker of any dog determined to be vicious pursuant to the provisions of the City Code shall comply with the following regulations:

1. No person owning, harboring or having care of a vicious dog may permit such dog to go outside of its kennel or pen unless the dog is securely leashed on a leash, no longer than 4 feet in length.

2. No person may permit a vicious dog to be kept on a chain, rope, leash or similar restraining device outside its kennel or pen unless a person competent to govern the animal is in physical control of the restraining device and remains in position to control the dog at all times. The dog may not be leashed to inanimate objects such as trees, posts and buildings.

3. A vicious dog outside the dog's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when either shown in a sanctioned American Kennel Club Show or upon prior written approval by the Chief of Police or his designee.

4. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel on the premises of the owner or caretaker, except when leashed and muzzled. When constructed in an open yard, the pen or kennel must be childproof from the outside and dog proof from the inside. A strong metal double fence with adequate space between fences (at least 2 feet) must be provided so that a child cannot reach into the dog enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen

must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

5. No vicious dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition, except through a door leading directly to a pen or kennel meeting all of the requirements of this subsection. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

6. The owner or caretaker of a vicious dog shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of no less than 2 inches high warning that there is a vicious dog on the property. A similar sign is required to be posted on the kennel or pen of the dog.

7. The owner or caretaker of a vicious dog shall immediately notify the police department if the dog is on the loose, is unconfined, has attacked another animal, has attacked a human being, has died, has been sold or has been given away. If the vicious dog has been sold or given away, the owner or caretaker shall also provide the police department with the name, address and telephone number of the new owner of the vicious dog. If the vicious dog is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the police department showing that he or she has notified the police department or other law enforcement agency of the dog's new residence.

8. An owner or caretaker of any dog declared vicious found to be in violation of any section of this Code related to vicious dogs shall be ordered in writing to safely remove the dog from the City or destroy the animal within 10 days.

9. The owner of a vicious dog must successfully complete a dog behavior modification course at owner's expense instructed by a licensed or certified dog behavior specialist within 60 days after receiving notification declaring the dog vicious. The owner shall be required to provide a copy of proof of successful completion of the course to the Chief of Police and the proof shall include certification or receipt bearing the name of the instructor and the dates of instruction.

10. The owner of a vicious dog must microchip the dog at the owner's expense within 60 days after receiving notification declaring the dog vicious in addition to licensing the pet in accordance with Chapter

56 of this Code in order to assist in locating the vicious dog should it be found at large.

11. The owner of a vicious dog shall be denied a permit for the dog to enter any park designated as a dog park in the City of Altoona.

12. The owner shall allow the dog to be photographed for identification purposes.

13. The dog shall be spayed or neutered at the owner's expense.

57.05 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. Dogs used while in the line of duty by the police department, any other law enforcement agency or unit of the United States Military Service.

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 57.04. 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.

57.06 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS ANIMALS OR VICIOUS DOGS.

1. Upon investigation, an animal control officer may determine whether a dog fits into any of the categories of dangerous dog or vicious dog. The officer shall immediately inform the owner or caretaker in writing, by personal service or by certified mail, of said determination.

2. In the event that a dangerous or vicious 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 or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

3. Any animal in violation of 57.04 may be issued an Order of Removal by the animal control officer. The order to remove a vicious animal or dog issued by the animal control officer may be appealed to

the Police Chief. In order to appeal such order, written notice of appeal must be filed with the City Clerk within five (5) business days after receipt of the order contained in the notice to remove the dangerous animal or vicious dog. 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 City Clerk. Upon receiving a notice of appeal, a hearing shall be convened, chaired by the Chief of Police or designee, to receive any testimony or other evidence that is deemed appropriate concerning the Removal Order.

5. When an appeal has been filed, the animal control officer shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the Order of Removal, including those persons who were injured or who are owners or keepers of any animals which were injured by the animal.

6. The appeal shall be heard by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an animal control director from another agency or his/her designee. The hearing of such appeal shall be scheduled within ten (10) days of the receipt of notice of appeal. After such hearing, the committee 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 City Clerk within three (3) days after the hearing or any continued session thereof.

7. Pending the outcome of the hearing, the dog must be securely confined in a humane manner either on the premises of the owner or caretaker pursuant to 57.04 or with a licensed veterinarian.

8. If the committee affirms the action of the animal control officer, the committee shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous animal or vicious dog 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 or vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the decision and order of the committee 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.

57.07 INSURANCE. Every person keeping or maintaining a dangerous or vicious dog as provided in this chapter, or 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 one hundred fifty thousand dollars (\$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 ten (10) days' written notice is first given to the City Clerk. Failure to provide or display such certificate of insurance shall be determined to be in violation of the vicious dog code as provided in this chapter.

57.08 PENALTY. Violation of any provision of this chapter by an owner of an animal may be enforced as a municipal infraction within the meaning of Section 364.22 of the *Code of Iowa*, pursuant to Chapter 4 of this Code of Ordinances. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City of Attorney.

(Ch. 57 - Ord. 08-18-2014 #02 (396) – Dec. 14 Supp.)

[The next page is 335]

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.06 Peace Officer's Authority
60.02 Definitions	60.07 Obedience to Peace Officers
60.03 Administration and Enforcement	60.08 Parades, Block Parties and Other Street Closures
60.04 Power to Direct Traffic	Regulated
60.05 Traffic Accidents: Reports	

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Altoona Traffic Code."

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including the following designated streets:

First Avenue North from Ninth Street NW and NE and then south to Eighth Street SE.

Second Street SE from Second Avenue SE to First Avenue South.

Eighth Street SW from Fifth Avenue SW to First Avenue South.

Eighth Street SE from First Avenue South to Eighth Avenue SE.

Adventureland Drive from Seventeenth Avenue southwest to West City Limits.

Northeast Fifty-sixth Street from South City Limits to North City Limits.

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

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

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

5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.
10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code 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, BLOCK PARTIES AND OTHER STREET CLOSURES REGULATED. All street closure requests for parades, block parties and construction shall be directed to the appropriate City Official designated herein and approval must be obtained before the street may be closed for any purpose.

1. Parades Regulated. No person shall conduct or cause any parade on any street except as provided herein:

A. "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.

B. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Police Chief. Such permit shall state the time and date for the parade to be held and the streets or general route thereof. 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.

C. 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.

D. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and

directions in the performance of their duties of law enforcement personnel and members of the fire department.

2. No person shall conduct, organize, sponsor or participate in a block party or other neighborhood or community party (commercial or residential) on any street except as provided herein.

A. “Block Party” Defined. “Block Party” means any organized event for a residential or commercial neighborhood or community-wide event such as Chamber of Commerce events and miscellaneous celebrations held on the streets in an organized fashion.

B. Permission Required. No block party shall be conducted without first obtaining permission from the City Administrator or designee. The person organizing or sponsoring the block party shall provide information concerning the time and date for the event and the requested street closures. Any permission granted to such person includes all participants in the event, provided they have been invited to participate.

C. Block Party Not A Street Obstruction. A block party for which permission has been granted as herein provided, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other Code provision to the contrary.

D. Control By Police and Fire Fighters. Persons participating in a block party shall at all times be subject to any lawful order of a peace officer or direction of a fire department officer during a fire.

3. No person or firm shall block or partially obstruct any public way, including any City sidewalk, except as provided herein.

A. Permission Required. No public way may be blocked without first obtaining permission from the City Building Official and the City Street Supervisor. The person or firm requesting closure of the street right-of-way or City sidewalk, shall provide information concerning the time and date of the event and the requested closure of the specific streets or sidewalks.

4. All street closures granted under this section may be rescinded by the approving authority in the event of an emergency. The approving authority will notify the following of all street closures: Mayor and City Council, City Administrator, police department, fire department, street department and City administrative offices. Notice to these departments shall be given not less than 24 business hours prior to the starting time of the event.

(Ord. 06-18-2012 #6 (349) – June 12 Supp.)

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 Police Department/Public Works Department shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Police Chief 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 Police Chief 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*.

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 Tampering with Vehicle

62.07 Open Containers in Motor Vehicles
62.08 Obstructing View at Intersections
62.09 Reckless Driving
62.10 Careless Driving
62.11 Windshields and Windows

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.79 – Intent to injure.
6. Section 321.91 – Penalty for abandonment.
7. Section 321.98 – Operation without registration.
8. Section 321.99 – Fraudulent use of registration.
9. Section 321.174 – Operators licensed.
10. Section 321.174A – Operation of motor vehicles with expired license.
11. Section 321.180 – Instruction permits.
12. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
13. Section 321.193 – Restricted licenses.
14. Section 321.194 – Special minor’s licenses.
15. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

16. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
17. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 – Permitting unauthorized minor to drive.
19. Section 321.220 – Permitting unauthorized person to drive.
20. Section 321.221 – Employing unlicensed chauffeur.
21. Section 321.222 – Renting motor vehicle to another.
22. Section 321.223 – License inspected.
23. Section 321.224 – Record kept.
24. Section 321.232 – Radar jamming devices; penalty.
25. Section 321.234A – All-terrain vehicles.
26. Section 321.235A – Electric personal assistive mobility devices.
27. Section 321.247 – Golf cart operation on City streets.
28. Section 321.257 – Official traffic control signal.
29. Section 321.259 – Unauthorized signs, signals or markings.
30. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
31. Section 321.262 – Damage to vehicle.
32. Section 321.263 – Information and aid.
33. Section 321.264 – Striking unattended vehicle.
34. Section 321.265 – Striking fixtures upon a highway.
35. Section 321.275 – Operation of motorcycles and motorized bicycles.
36. Section 321.278 – Drag racing prohibited.
37. Section 321.288 – Control of vehicle; reduced speed.
38. Section 321.295 – Limitation on bridge or elevated structures.
39. Section 321.297 – Driving on right-hand side of roadways; exceptions.
40. Section 321.298 – Meeting and turning to right.
41. Section 321.299 – Overtaking a vehicle.

42. Section 321.302 – Overtaking and otherwise.
43. Section 321.303 – Limitations on overtaking on the left.
44. Section 321.304 – Prohibited passing.
45. Section 321.306 – Roadways laned for traffic.
46. Section 321.307 – Following too closely.
47. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
48. Section 321.309 – Towing; convoys; drawbars.
49. Section 321.310 – Towing four-wheel trailers.
50. Section 321.312 – Turning on curve or crest of grade.
51. Section 321.313 – Starting parked vehicle.
52. Section 321.314 – When signal required.
53. Section 321.315 – Signal continuous.
54. Section 321.316 – Stopping.
55. Section 321.317 – Signals by hand and arm or signal device.
56. Section 321.319 – Entering intersections from different highways.
57. Section 321.320 – Left turns; yielding.
58. Section 321.321 – Entering through highways.
59. Section 321.322 – Vehicles entering stop or yield intersection.
60. Section 321.323 – Moving vehicle backward on highway.
61. Section 321.323A – Approaching certain stationary vehicles.
62. Section 321.324 – Operation on approach of emergency vehicles.
63. Section 321.324A – Funeral processions.
64. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
65. Section 321.330 – Use of crosswalks.
66. Section 321.332 – White canes restricted to blind persons.
67. Section 321.333 – Duty of drivers.
68. Section 321.340 – Driving through safety zone.
69. Section 321.341 – Obedience to signal of train.
70. Section 321.342 – Stop at certain railroad crossings; posting warning.

71. Section 321.343 – Certain vehicles must stop.
72. Section 321.344 – Heavy equipment at crossing.
73. Section 321.344B – Immediate safety threat; penalty.
74. Section 321.354 – Stopping on traveled way.
75. Section 321.359 – Moving other vehicle.
76. Section 321.362 – Unattended motor vehicle.
77. Section 321.363 – Obstruction to driver's view.
78. Section 321.364 – Preventing contamination of food by hazardous material.
79. Section 321.365 – Coasting prohibited.
80. Section 321.367 – Following fire apparatus.
81. Section 321.368 – Crossing fire hose.
82. Section 321.369 – Putting debris on highway.
83. Section 321.370 – Removing injurious material.
84. Section 321.371 – Clearing up wrecks.
85. Section 321.372 – School buses.
86. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
87. Section 321.381A – Operation of low-speed vehicles.
88. Section 321.382 – Upgrade pulls; minimum speed.
89. Section 321.383 – Exceptions; slow vehicles identified.
90. Section 321.384 – When lighted lamps required.
91. Section 321.385 – Head lamps on motor vehicles.
92. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
93. Section 321.387 – Rear lamps.
94. Section 321.388 – Illuminating plates.
95. Section 321.389 – Reflector requirement.
96. Section 321.390 – Reflector requirements.
97. Section 321.392 – Clearance and identification lights.
98. Section 321.393 – Color and mounting.
99. Section 321.394 – Lamp or flag on projecting load.

100. Section 321.395 – Lamps on parked vehicles.
101. Section 321.398 – Lamps on other vehicles and equipment.
102. Section 321.402 – Spot lamps.
103. Section 321.403 – Auxiliary driving lamps.
104. Section 321.404 – Signal lamps and signal devices.
105. Section 321.404A – Light-restricting devices prohibited.
106. Section 321.405 – Self-illumination.
107. Section 321.406 – Cowl lamps.
108. Section 321.408 – Back-up lamps.
109. Section 321.409 – Mandatory lighting equipment.
110. Section 321.415 – Required usage of lighting devices.
111. Section 321.417 – Single-beam road-lighting equipment.
112. Section 321.418 – Alternate road-lighting equipment.
113. Section 321.419 – Number of driving lamps required or permitted.
114. Section 321.420 – Number of lamps lighted.
115. Section 321.421 – Special restrictions on lamps.
116. Section 321.422 – Red light in front.
117. Section 321.423 – Flashing lights.
118. Section 321.430 – Brake, hitch and control requirements.
119. Section 321.431 – Performance ability.
120. Section 321.432 – Horns and warning devices.
121. Section 321.433 – Sirens, whistles and bells prohibited.
122. Section 321.434 – Bicycle sirens or whistles.
123. Section 321.436 – Mufflers, prevention of noise.
124. Section 321.437 – Mirrors.
125. Section 321.438 – Windshields and windows.
126. Section 321.439 – Windshield wipers.
127. Section 321.440 – Restrictions as to tire equipment.
128. Section 321.441 – Metal tires prohibited.
129. Section 321.442 – Projections on wheels.

130. Section 321.444 – Safety glass.
131. Section 321.445 – Safety belts and safety harnesses; use required.
132. Section 321.446 – Child restraint devices.
133. Section 321.449 – Motor carrier safety regulations.
134. Section 321.450 – Hazardous materials transportation.
135. Section 321.454 – Width of vehicles.
136. Section 321.455 – Projecting loads on passenger vehicles.
137. Section 321.456 – Height of vehicles; permits.
138. Section 321.457 – Maximum length.
139. Section 321.458 – Loading beyond front.
140. Section 321.460 – Spilling loads on highways.
141. Section 321.461 – Trailers and towed vehicles.
142. Section 321.462 – Drawbars and safety chains.
143. Section 321.463 – Maximum gross weight.
144. Section 321.465 – Weighing vehicles and removal of excess.
145. Section 321.466 – Increased loading capacity; reregistration.

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

(Code of Iowa, Sec. 321.255)

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

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

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

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

62.07 OPEN CONTAINERS IN MOTOR VEHICLES.

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

(Code of Iowa, Sec. 321.284)

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

(Code of Iowa, Sec. 321.284A)

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

62.08 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction 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.

62.09 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.10 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

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

62.11 WINDSHIELDS AND WINDOWS. No person shall drive any motor vehicle equipped with a windshield or side or rear windows which do not permit clear vision.

1. Tinted Windows. A person shall not operate on the highway a motor vehicle equipped with a front windshield or a side window to the immediate right or left of the driver or a sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window or sidewing.
2. Standard of Transparency. “Excessively dark or reflective” means that the windshield, front side window or front sidewing does not meet the minimum standard of transparency established in 49 CRF 571.205 (ANS Z-26.1-1977 and Z-26.1a-1980) as adopted in Iowa Administrative Code, Rule 450.1(321). The federal regulation establishes a minimum standard of transparency requiring seventy percent (70%) light transmittance.
3. Dark Window Exemptions.
 - A. A person suffering from a severe light sensitive condition may be exempt from the standard of transparency if the need is documented by a physician. The exemption does not apply to a commercial vehicle.
 - B. A passenger or operator of a motor vehicle who for medical reasons requires a front windshield, a front side window or a front sidewing with less than 70%, but not less than 35%, light transmittance may obtain a form to be signed by the person’s physician. Form 432020 is available from the office of vehicle registration at the address in paragraph 450.1(7) “b”.

C. “Physician” as used in this subsection means a person licensed under Chapter 148, 150, 150A or 154 of the Code of Iowa.

(Code of Iowa, Sec. 321.438)

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CHAPTER 63

SPEED REGULATIONS

- | | |
|--|---|
| 63.01 General | 63.09 Special 25 MPH Speed Zones |
| 63.02 Business District | 63.10 Special 30 MPH Speed Zones |
| 63.03 Residence or School District | 63.11 Special 35 MPH Speed Zones |
| 63.04 Suburban District | 63.12 Special 40 MPH Speed Zones |
| 63.05 Parks, Cemeteries and Parking Lots | 63.13 Special 45 MPH Speed Zones |
| 63.06 Minimum Speed | 63.14 Special 55 MPH Speed Zones |
| 63.07 Emergency Vehicles | 63.15 Special Speed Limit When Flashing |
| 63.08 Special Speed Restrictions | |

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 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [1])

63.03 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [2])

63.04 SUBURBAN DISTRICT. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this chapter, is unlawful.

(Code of Iowa, Sec. 321.285 [4])

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

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

63.06 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

63.07 EMERGENCY VEHICLES. The speed limitations set forth in this chapter do not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, Sec. 321.231)

63.08 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth 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.

(Code of Iowa, Sec. 321.290)

63.09 SPECIAL 25 MPH SPEED ZONES. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. Second Street SE from First Avenue to Second Avenue SE.
2. First Avenue North from Eighth Street SE/SW to 300 feet north of the railroad tracks.
3. Prairie Meadows Drive from Eighth Street SW to Adventureland Drive.
4. Shriners Parkway from Adventureland Drive North to the North Corporate line.
5. 36th Avenue SW and NW from 8th Street SW to Hubbell Avenue.
(Ord. 7-00 #1(51) – Aug. 00 Supp.)
6. Ninth Street NW from 1st Avenue North to 9th Avenue NW.
(Ord. 9-5-06 #1(229) – Dec. 06 Supp.)
7. Center Place SW from 8th Street SW to 5th Avenue SW.
(Ord. 9-15-08 #1(286) – Dec. 08 Supp.)
8. (Repealed by Ord. 07-15-2013 #02 (371) – Dec. 13 Supp.)

63.10 SPECIAL 30 MPH SPEED ZONES. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. Eleventh Avenue NE from Adventureland Drive NE to the southern extent of the road.

(Ord. 9-15-08 #2(287) – Dec. 08 Supp.)

63.11 SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. First Avenue South from 8th Street SE/SW to 36th Street SE/SW.
(Ord. 8-20-07 #8 (263) – Dec. 07 Supp.)
2. Adventureland Drive from east City limits to west City limits.
3. Eighth Street SE from 14th Avenue SE to 1350 feet west of Fifth Avenue SW.
(Ord. 8-6-07 #1 (254) – Dec. 07 Supp.)
4. Thirty-fourth Avenue SW/NW (NE 56th Street) from Eighth Street SW to Interstate 80.
(Ord. 3-17-03 #2(125) – 2004 Update)
5. Northcrest Drive from 1st Ave. North to the East Corporate limits.
(Ord. 12-00 #2(69) – Feb. 01 Supp.)
6. Seventeenth Avenue from the north limits of the street to the south City limits.
(Ord. 6-2-03 #1(129) – 2004 Update)
7. Thirty-sixth Street SW from First Avenue South to the western corporate limits.
(Ord. 7-7-03 #1(132) – 2004 Update)
8. Ziegler Drive NW from Hubbell Avenue to the eastern corporate limits.
(Ord. 7-19-04#1(155) – Dec. 04 Supp.)
9. Thirty-fourth Avenue SW from Eighth Street SW to the south City limits.
(Ord. 11-1-04#1(165) – Dec. 04 Supp.)
10. Twenty-fourth Street SE from 1st Avenue South to the Eastern City Limits.
(Ord. 07-15-2013 #02 (371) – Dec. 13 Supp.)
11. Fourteenth Avenue SE from 8th Street SE to Lake Shore Drive SE.
(Ord. 07-15-2013 #01 (370) – Dec. 13 Supp.)
12. Twenty-fourth Street Southwest from 1st Avenue South to the western limits of the street.
(Ord. 4-6-2009#1(301) – June 09 Supp.)

63.12 SPECIAL 40 MPH SPEED ZONES. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. First Avenue North from 300 feet north of the railroad tracks to 300 feet north of Adventureland Drive.

63.13 SPECIAL 45 MPH SPEED ZONES. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. First Avenue North from 300 feet north of Adventureland Drive to Interstate 80.
2. Eighth Street SW from west City limits to 1350 feet west of Fifth Avenue SW.
3. First Avenue South from 350 feet south of 17th Street SE to 200 feet south of 24th Street SE (also known as NE 38th Avenue).
(Ord. 11-01 #1 (92) – Nov. 01 Supp.)
4. Eighth Street SE from 14th Avenue SE to the eastern City limits.
(Ord. 8-6-07 #2 (255) – Dec. 07 Supp.)
5. Fourteenth Avenue SE from Lake Shore Drive SE to the south corporate limits.
(Ord. 07-15-2013 #01 (370) – Dec. 13 Supp.)

63.14 SPECIAL 55 MPH SPEED ZONES. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. Highway 65 from west City limits to north City limits.
2. First Avenue South from 200 feet south of 24th Street SE to the south City limits.
(Ord. 11-01 #1 (92) – Nov. 01 Supp.)

63.15 SPECIAL SPEED LIMIT WHEN FLASHING. On the following through streets or on streets or portions thereof designated in the following subsections, any speed in excess of the speed limit specifically provided is unlawful when official signs have been erected giving notice of the authorized speed, and when stop or yield signs have been erected at the entrances thereto. The maximum speed limits permitted in the following subsections are not applicable in established school districts at such locations and times as approved by the Council and when the traffic and transportation director has caused variable display school speed limit signs and beacons to be erected and illuminated.

1. A special twenty-five (25) miles per hour speed limit when flashing on Seventeenth Avenue SW from 900 feet north of Third Street SW to 400 feet south of Fourth Street SW both north and southbound.
2. A special twenty-five (25) miles per hour speed limit when flashing on First Avenue South from 200 feet north to 200 feet south of the crosswalk at 24th Street SE/SW for both northbound and southbound traffic.
(Ord. 11-21-2011 #1 (341) – Dec. 11 Supp.)

3. A special twenty-five (25) miles per hour speed limit when flashing on First Avenue South from 100 feet north to 100 feet south of the Clay Elementary property for both northbound and southbound traffic.

(Ord. 8-20-07 #6 (261) – Dec. 07 Supp.)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections

64.03 Continuous Turning Lanes

64.02 U-turns

64.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

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

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district, at the following designated intersections and at intersections where there are automatic traffic signals.

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

— NONE —

64.03 CONTINUOUS TURNING LANES. No person shall use a continuous turning lane as a passing lane. A continuous turning lane shall only be used for vehicles to turn left or right. The following locations are designated as continuous turning lanes:

1. From 2000 Eighth Street SW to the 800 block of Eighth Street SE.

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets - Stop

65.02 Stop Required

65.03 Three-Way Stop Intersections

65.04 Four-Way Stop Intersections

65.05 Parks Stop Required

65.06 Yield Required

65.07 School Stops

65.08 Stop Before Crossing Sidewalk

65.09 Stop When Traffic Is Obstructed

65.10 Yield to Pedestrians in Crosswalks

65.11 Official Traffic Controls

65.12 Stop for Pedestrians in School Zone Crosswalks

65.01 THROUGH STREETS - STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

(Code of Iowa, Sec. 321.345)

1. Seventeenth Avenue SW from Eighth Street SW to Ninth Street NW.
2. Twelfth Avenue SW from Fourth Street SW to First Street NW and from Second Street NW to Ninth Street NW.
3. Third Avenue SE from Eighth Street SE to First Street East.
4. First Avenue South from Fifteenth Street SE to Ninth Street North.
5. Third Street SW from Fifth Avenue SW to Seventh Avenue SW.
6. Third Avenue SE from Fifteenth Street SE to Eighth Street SE.
7. Seventh Avenue SE from Eighth Street SE to Seventh Avenue Court NE.
8. Eighth Street from East City Limits to West City Limits.
9. Fifth Avenue SW from Eighth Street SW to Third Street SW.
10. Fourth Street SW from Seventeenth Avenue SW to Seventh Avenue SW.
11. Fourth Street SW from Seventeenth Avenue SW west through Twenty-fifth Avenue SW.
12. Adventureland Drive from First Avenue N west to Highway #65.
13. Eighth Avenue SE from Eighth Street SE to First Street SE.

65.02 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

(Code of Iowa, Sec. 321.345)

1. Second Avenue SW. Vehicles traveling on Second Avenue SW shall stop at Sixth Street SW.
2. Fifth Avenue SW. Vehicles traveling on Fifth Avenue SW shall stop at Third Street SW. *(Ord. 8-17-2009 #1 (306) – Dec. 09 Supp.)*
3. Second Avenue SE. Vehicles traveling on Second Avenue SE shall stop at Second Street SE.
4. Eighth Avenue SE. Vehicles traveling on Eighth Avenue SE shall stop at Eighth Street SE.
5. Seventh Avenue Court NE. Vehicles traveling south on Seventh Avenue Court NE shall stop at First Street East.
6. Fourth Avenue SE. Vehicles traveling north on Fourth Avenue SE shall stop at First Street E.
7. Eighth Avenue SE. Vehicles traveling on Eighth Avenue SE shall stop at First Street East.
8. Fourth Avenue SE. Vehicles traveling north on Fourth Avenue SE shall stop at Ninth Street SE.
9. Fifth Street SW. Vehicles traveling west on Fifth Street SW shall stop at Third Avenue SW.
10. Alley between Seventh Street SE and Eighth Street SE. Vehicles traveling east on the alley between Seventh Street SE and Eighth Street SE shall stop at Third Avenue SE.
11. Alley between Seventh Street SE and Eighth Street SE. Vehicles traveling west on the alley between Seventh Street SE and Eighth Street SE shall stop at First Avenue S.
12. Adventureland Drive. Vehicles traveling on Adventureland Drive shall stop at NE Fifty-sixth Street (NW Thirty-fourth Avenue).
13. Third Street NW. Vehicles traveling east on Third Street NW shall stop at Fifth Avenue NW.
14. Fourth Street NW. Vehicles traveling east on Fourth Street NW shall stop at Fifth Avenue NW.
15. Second Street NW. Vehicles traveling west on Second Street NW shall stop at Fifth Avenue NW.

16. Timberline Lane. Vehicles traveling west on Timberline Lane shall stop at Scenic View Blvd.
17. Eighth Avenue SE. Vehicles traveling on Eighth Avenue SE shall stop at Thirteenth Street SE.
18. Eighth Avenue SE. Vehicles traveling on Eighth Avenue SE shall stop at Fifteenth Street SE.
19. Seventh Avenue SE. Vehicles traveling on Seventh Avenue SE shall stop at Fifteenth Street SE.
20. Sixth Avenue SE. Vehicles traveling on Sixth Avenue SE shall stop at Thirteenth Street SE.
21. Sixth Avenue SE. Vehicles traveling on Sixth Avenue SE shall stop at Fifteenth Street SE.
22. Seventh Street NW. Vehicles traveling on Seventh Street NW shall stop at First Avenue N.
23. Fourth Avenue SE. Vehicles traveling on Fourth Avenue SE shall stop at Thirteenth Street SE.
24. Thirteenth Street SW. Vehicles traveling on Thirteenth Street SW shall stop at First Avenue S.
25. Thirteenth Street SE. Vehicles traveling on Thirteenth Street SE shall stop at Seventh Avenue SE. *(Ord. 6-99 #1 (34) – July 99 Supp.)*
26. Bentwood Court. Vehicles traveling on Bentwood Court shall stop at Thirteenth Street SW.
27. Ninth Street SW. Vehicles traveling west on Ninth Street SW shall stop at Scenic View Blvd.
28. Sixth Street NW. Vehicles traveling on Sixth Street NW shall stop at Fifth Avenue NW.
29. Seventh Street NW. Vehicles traveling on Seventh Street NW shall stop at Fifth Avenue NW.
30. Fifth Avenue SW. Vehicles traveling north on Fifth Avenue SW shall stop at Eighth Street SW.
31. Nineteenth Avenue SW. Vehicles traveling on Nineteenth Avenue SW shall stop at Fourth Street SW.
32. Alderwood. Vehicles traveling on Alderwood shall stop at Thirteenth Street SW.

33. Sandalwood. Vehicles traveling on Sandalwood shall stop at Thirteenth Street SW.
34. Falcon Boulevard. Vehicles traveling on Falcon Boulevard shall stop at Eighth Street SE.
35. Lakeshore Drive. Vehicles traveling on Lakeshore Drive shall stop at Fourteenth Avenue SE.
36. Waterbury Circle. Vehicles traveling on Waterbury Circle shall stop at Timberline.
37. Timberline. Vehicles traveling on Timberline shall stop at Brookview Drive.
38. Third Avenue NW. Vehicles traveling on Third Avenue NW shall stop at Fifth Street NW.
39. Sixth Street SW. Vehicles traveling on Sixth Street SW shall stop at Eighteenth Court SW.
40. Eighth Street Court SW. Vehicles traveling on Eighth Street Court SW shall stop at Scenic View Boulevard.
41. Thirteenth Street SE. Vehicles traveling on Thirteenth Street SE shall stop at Seventh Avenue SE.
42. Twelfth Street SE. Vehicles traveling on Twelfth Street SE shall stop at Seventh Avenue SE.
43. Seventh Avenue SE. Vehicles traveling on Seventh Avenue SE shall stop at Thirteenth Street SE.
44. Twelfth Street SE. Vehicles traveling on Twelfth Street SE shall stop at Eighth Avenue SE.
45. Fifth Avenue SE. Vehicles traveling on Fifth Avenue SE shall stop at Thirteenth Street SE.
46. Fifth Avenue SE. Vehicles traveling on Fifth Avenue SE shall stop at Fifteenth Street SE.
47. Alderwood Drive. Vehicles traveling on Alderwood Drive shall stop at Thirteenth Street SW.
48. Fifteenth Street NE. Vehicles traveling on Fifteenth Street NE shall stop at First Avenue North.
49. Alderwood Drive. Vehicles traveling on Alderwood Drive shall stop at Venbury Drive.
50. Cardiff Court. Vehicles traveling on Cardiff Court shall stop at Venbury Drive.

51. Greenbreeze Circle. Vehicles traveling on Greenbreeze Circle shall stop at Ninth Avenue NW.
52. Eleventh Avenue SE. Vehicles traveling on Eleventh Avenue SE shall stop at Ninth Street SE.
53. Alley North of Second Street SE. Vehicles traveling in the alley north of Second Street SE shall stop at Third Avenue SE.
(Ord. 7-97 #2 (14) – July 97 Supp.)
54. Thirteenth Street SW. Vehicles traveling west on Thirteenth Street SW shall stop at Venbury Drive.
55. Thirteenth Street Circle. Vehicles traveling east on Thirteenth Street Circle shall stop at Venbury Drive.
(Ord. 10-97 #2 (19) – July 98 Supp.)
56. Second Avenue SE. Vehicles traveling on Second Avenue SE shall stop at Third Street SE.
(Ord. 11-98 #5 (27) – Dec. 98 Supp.)
57. Second Avenue SW. Vehicles traveling on Second Avenue SW shall stop at Thirteenth Street SW.
58. Third Avenue SW. Vehicles traveling on Third Avenue SW shall stop at Thirteenth Street SW.
(Ord. 11-99 #1 (38) – Nov. 99 Supp.)
59. Third Street SW. Vehicles traveling on Third Street SW shall stop at Fifth Avenue SW.
(Ord. 9-00 #2 (56) – Sep. 00 Supp.)
60. Venbury Drive. Vehicles traveling on Venbury Drive shall stop at Eighth Street SW.
(Ord. 11-00 #3 (64) – Dec. 00 Supp.)
61. Northcrest Drive. Vehicles traveling on Northcrest Drive shall stop at 1st Avenue North.
(Ord. 12-00 #3 (70) – Feb. 01 Supp.)
62. Fourth Street NW. Vehicles traveling on Fourth Street NW shall stop at Fifth Avenue NW.
63. Fourth Street NW. Vehicles traveling on Fourth Street NW shall stop at First Avenue North.
64. Twenty-first Street SE. Vehicles traveling on Twenty-first Street SE shall stop at First Avenue South.
(Ord. 11-01 #2 (93) – Nov. 01 Supp.)
65. Fifth Avenue SW. Vehicle traveling on Fifth Avenue SW shall stop at Venbury Drive SW/17th Street SW.
(Ord. 9-3-02#1(106) – 2004 Update)
66. Eleventh Street NW. Vehicles traveling on Eleventh Street NW shall stop at First Avenue North.
(Ord. 01-6-03#1(116) – 2004 Update)
67. Twenty-first Street SW. Vehicles traveling on Twenty-first Street SW shall stop at First Avenue South.
(Ord. 9-15-03#3(138) – 2004 Update)
68. Sixth Avenue SE. Vehicles traveling on Sixth Avenue SE shall stop at Twenty-fourth Street SE.
(Ord. 9-15-03 #3(138) – 2004 Update)

69. Third Avenue SE. Vehicles traveling on Third Avenue SE shall stop at Twenty-four Street SE. *(Ord. 9-15-03 #3(138) – 2004 Update)*
70. 24th Street SW. Vehicles traveling on 24th Street SW shall stop at Thirty-fourth Avenue SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
71. Fifteenth Street SE. Vehicles traveling on Fifteenth Street SE shall stop at Third Avenue SE. *(Ord. 5-17-04 #3(150) – 2004 Update)*
72. Third Avenue SE. Vehicles traveling on Third Avenue SE shall stop at First Street East. *(Ord. 6-7-04 #3(153) – Dec. 04 Supp.)*
73. Second Avenue SE. Vehicles traveling on Second Avenue SE shall stop at First Street East.
74. First Street East. Vehicles traveling on First Street East shall stop at First Avenue. *(Ord. 7-6-04 #1(154) – Dec. 04 Supp.)*
75. Seventeenth Street SW. Vehicles traveling on Seventeenth Street SW shall stop at First Avenue South. *(Ord. 10-18-04 #4(164) – Dec. 04 Supp.)*
76. Third Avenue SE. Vehicles traveling on Third Avenue SE shall stop at Thirteenth Street SE.
77. Third Avenue SE. Vehicles traveling on Third Avenue SE shall stop at Seventeenth Street SE. *(Ord. 3-7-05 #1(171) – June 05 Supp.)*
78. Eleventh Street SE. Vehicles traveling on Eleventh Street SE shall stop at 7th Avenue SE. *(Ord. 12-5-05 #1 (202) – Dec. 05 Supp.)*
79. Tenth Street NW. Vehicles traveling on 10th Street NW shall stop at 5th Avenue NW. *(Ord. 6-19-06 #1 (217) – Dec. 06 Supp.)*
80. Eagle Creek Boulevard SW. Vehicles traveling on Eagle Creek Boulevard SW shall stop at 8th Street SW. *(Ord. 7-3-06 #1 (221) – Dec. 06 Supp.)*
81. Ninth Street NW. Vehicles traveling on Ninth Street NW shall stop at Fifth Avenue NW. *(Ord. 7-17-06 #1 (222) – Dec. 06 Supp.)*
82. Fifth Avenue NW. Vehicles traveling on Fifth Avenue NW shall stop at Adventureland Drive NW. *(Ord. 8-21-06 #2 (226) – Dec. 06 Supp.)*
83. Eighth Avenue NW. Vehicles traveling on Eighth Avenue NW shall stop at Adventureland Drive NW. *(Ord. 8-21-06 #2 (227) – Dec. 06 Supp.)*
84. Tenth Street SW. Vehicles traveling on Tenth Street SW shall stop at Twenty-fifth Avenue SW. *(Ord. 4-16-07 #1 (250) – July 07 Supp.)*
85. Twenty-fourth Street SE. Vehicles traveling on 24th Street SE shall stop at 1st Avenue South. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*

86. Thirtieth Street SW and SE. Vehicles traveling on 30th Street SW and SE shall stop at 1st Avenue South.
(Ord. 04-07-2014 #01(392) – June 14 Supp.)
87. Thirty-fifth Street SW. Vehicles traveling on 35th Street SW shall stop at 1st Avenue South.
(Ord. 8-20-07 #7 (262) – Dec. 07 Supp.)
88. Center Place SW. Vehicles traveling on Center Place SW shall stop at 8th Street SW.
89. Center Place SW. Vehicles traveling on Center Place SW shall stop at 5th Avenue SW.
90. 11th Avenue NE. Vehicles traveling on 11th Avenue NE shall stop at Adventureland Drive NE.
91. Maplewood Court SW. Vehicles traveling on Maplewood Court SW shall stop at Venbury Drive SW.
92. Elmwood Court SW. Vehicles traveling on Elmwood Court SW shall stop at Venbury Drive SW.
93. Lindsay Court SW. Vehicles traveling on Lindsay Court SW shall stop at Venbury Drive SW.
94. Rosewood Drive SW. Vehicles traveling on Rosewood Drive SW shall stop at Venbury Drive SW.
95. 5th Avenue SW. Vehicles traveling on 5th Avenue SW shall stop at Venbury Drive SW.
96. Driftwood Drive SW. Vehicles traveling on Driftwood Drive SW shall stop at 5th Avenue SW.
97. Everwood Court SW. Vehicles traveling on Everwood Court SW shall stop at 19th Street SW.
98. 6th Avenue SW. Vehicles traveling on 6th Avenue SW shall stop at 19th Street SW.
99. Ashwood Drive SW. Vehicles traveling on Ashwood Drive SW shall stop at 17th Street SW.
100. Pinewood Court SW. Vehicles traveling on Pinewood Court SW shall stop at 17th Street SW.
101. Ashwood Drive SW. Vehicles traveling on Ashwood Drive SW shall stop at 5th Avenue SW.
102. Plumwood Court SW. Vehicles traveling on Plumwood Court SW shall stop at 3rd Avenue SW.

103. Oakwood Court SW. Vehicles traveling on Oakwood Court SW shall stop at Ashwood Drive SW.
104. 3rd Avenue SW. Vehicles traveling on 3rd Avenue SW shall stop at 17th Street SW.
105. Dogwood Court SW. Vehicles traveling on Dogwood Court SW shall stop at 17th Street SW.
106. 2nd Avenue SW. Vehicles traveling on 2nd Avenue SW shall stop at 17th Street SW.
107. Rosewood Drive SW. Vehicles traveling on Rosewood Drive SW shall stop at Maplewood Court SW.
108. Bentwood Court SW. Vehicles traveling on Bentwood Court SW shall stop at Bentwood Court SW.
109. Cedarwood Court SW. Vehicles traveling on Cedarwood Court SW shall stop at 2nd Avenue SW.
110. 19th Street SW. Vehicles traveling on 19th Street SW shall stop at 3rd Avenue SW.
111. 2nd Avenue SE. Vehicles traveling on 2nd Avenue SE shall stop at 17th Street SE.
112. 2nd Avenue SE. Vehicles traveling on 2nd Avenue SE shall stop at 21st Street SE.
113. Country Cove Lane. Vehicles traveling on Country Cove Lane shall stop at 21st Street SE.
114. 3rd Avenue SE. Vehicles traveling on 3rd Avenue SE shall stop at 21st Street SE.
115. 4th Avenue SE. Vehicles traveling on 4th Avenue SE shall stop at 21st Street SE.
116. 4th Avenue SE. Vehicles traveling on 4th Avenue SE shall stop at 17th Street SE.
117. 33rd Street SW. Vehicles traveling on 33rd Street SW shall stop at 3rd Avenue SW.
118. 3rd Avenue SW. Vehicles traveling on 3rd Avenue SW shall stop at 35th Street SW.
119. Eagle Creek Boulevard SW. Vehicles traveling on Eagle Creek Boulevard SW shall stop at 25th Avenue SW.
120. 14th Street SW. Vehicles traveling on 14th Street SW shall stop at 25th Avenue SW.

121. 25th Avenue SW. Vehicles traveling on 25th Avenue SW shall stop at 14th Street SW.
122. 31st Avenue SW. Vehicles traveling on 31st Avenue SW shall stop at 24th Street SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
123. Rutherford Court SW. Vehicles traveling on Rutherford Court SW shall stop at 24th Street SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
124. 30th Avenue SW. Vehicles traveling on 30th Avenue SW shall stop at 24th Street SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
125. 19th Street SW. Vehicles traveling on 19th Street SW shall stop at 30th Avenue SW.
126. 10th Street SW. Vehicles traveling on 10th Street SW shall stop at 28th Avenue SW.
127. 11th Street SW. Vehicles traveling on 11th Street SW shall stop at 28th Avenue SW.
128. 12th Street SW. Vehicles traveling on 12th Street SW shall stop at 28th Avenue SW.
129. 13th Street SW. Vehicles traveling on 13th Street SW shall stop at 28th Avenue SW.
130. 14th Street SW. Vehicles traveling on 14th Street SW shall stop at 28th Avenue SW.
131. 15th Street SW. Vehicles traveling on 15th Street SW shall stop at 28th Avenue SW.
132. 11th Street SW. Vehicles traveling on 11th Street SW shall stop at 26th Avenue SW.
133. 12th Street SW. Vehicles traveling on 12th Street SW shall stop at 26th Avenue SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
134. 13th Street SW. Vehicles traveling on 13th Street SW shall stop at 26th Avenue SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
135. 15th Street SW. Vehicles traveling on 15th Street SW shall stop at 26th Avenue SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
136. 28th Avenue SW. Vehicles traveling on 28th Avenue SW shall stop at 14th Street SW.
137. 26th Avenue SW. Vehicles traveling on 26th Avenue SW shall stop at 14th Street SW.
138. 26th Avenue SW. Vehicles traveling on 26th Avenue SW shall stop at 10th Street SW.

139. 25th Street SE. Vehicles traveling on 25th Street SE shall stop at 6th Avenue SE.
140. 26th Street SE. Vehicles traveling on 26th Street SE shall stop at 6th Avenue SE.
141. 27th Street SE. Vehicles traveling on 27th Street SE shall stop at 6th Avenue SE.
142. 27th Street SE. Vehicles traveling on 27th Street SE shall stop at 8th Avenue SE.
143. 4th Avenue SE. Vehicles traveling on 4th Avenue SE shall stop at 26th Street SE.
144. 9th Avenue SE. Vehicles traveling on 9th Avenue SE shall stop at 13th Street SE.
145. 9th Avenue Place SE. Vehicles traveling on 9th Avenue Place SE shall stop at 13th Street SE.
146. 9th Avenue Place SE. Vehicles traveling on 9th Avenue Place SE shall stop at 10th Street SE.
147. 10th Street SE. Vehicles traveling on 10th Street SE shall stop at 10th Avenue SE.
148. 13th Street SE. Vehicles traveling on 13th Street SE shall stop at 10th Avenue SE.
149. 14th Street SE. Vehicles traveling on 14th Street SE shall stop at 10th Avenue SE.
150. 10th Avenue Place SE. Vehicles traveling on 10th Avenue Place SE shall stop at 10th Avenue SE.
151. 10th Avenue Place SE. Vehicles traveling on 10th Avenue Place SE shall stop at 14th Street SE.
152. Falcon Drive SE. Vehicles traveling on Falcon Drive SE shall stop at 14th Street SE.
153. 11th Avenue SE. Vehicles traveling on 11th Avenue SE shall stop at 14th Street SE.
154. Lakeshore Circle SE. Vehicles traveling on Lakeshore Circle SE shall stop at Lakeshore Drive SE.
155. Stonegate Court SW. Vehicles traveling on Stonegate Court SW shall stop at 6th Avenue SW.
156. 6th Avenue SW. Vehicles traveling on 6th Avenue SW shall stop at 21st Street SW. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*

157. Weatherstone Court SW. Vehicles traveling on Weatherstone Court SW shall stop at 21st Street SW.
158. 3rd Avenue SW. Vehicles traveling on 3rd Avenue SW shall stop at 21st Street SW.
159. Dooley Court SW. Vehicles traveling on Dooley Court SW shall stop at 3rd Avenue SW.
160. 3rd Avenue SW. Vehicles traveling on 3rd Avenue SW shall stop at 24th Street SW.
161. 24th Street SW. Vehicles traveling on 24th Street SW shall stop at 1st Avenue South.
162. 11th Street SE. Vehicles traveling on 11th Street SE shall stop at 15th Avenue SE.
163. 11th Street SE. Vehicles traveling on 11th Street SE shall stop at Tuscany Drive.
164. 15th Avenue SE. Vehicles traveling on 15th Avenue SE shall stop at 12th Street SE.
165. Tuscany Drive. Vehicles traveling on Tuscany Drive shall stop at 12th Street SE.
166. 20th Avenue SE. Vehicles traveling on 20th Avenue SE shall stop at Tuscany Drive. *(Ord. 04-07-2014 #01(392) – June 14 Supp.)*
167. Tuscany Drive. Vehicles traveling on Tuscany Drive shall stop at 17th Street SE.
168. 15th Avenue SE. Vehicles traveling on 15th Avenue SE shall stop at 17th Street SE.
169. 17th Street SE. Vehicles traveling on 17th Street SE shall stop at 14th Avenue SE.
170. 12th Street SE. Vehicles traveling on 12th Street SE shall stop at 14th Avenue SE.
171. 2nd Avenue NE. Vehicles traveling on 2nd Avenue NE shall stop at 11th Street NE.
172. 4th Avenue NE. Vehicles traveling on 4th Avenue NE shall stop at 10th Street NE. *(Ord. 9-15-08 #3 (288) – Dec. 08 Supp.)*
173. Seventh Avenue SE. Vehicles traveling on Seventh Avenue SE shall stop at Eleventh Street SE. *(Ord. 8-17-2009 #2 (307) – Dec. 09 Supp.)*
174. Thirty-fourth Avenue NW. Vehicles traveling on Thirty-fourth Avenue NW shall stop at Adventureland Drive NW. *(Ord. 9-21-2009 #1 (308) – Dec. 09 Supp.)*

175. 16th Street SW. Vehicles traveling on 16th Street SW shall stop at 26th Avenue SW.
176. 16th Street SW. Vehicles traveling on 16th Street SW shall stop at 28th Avenue SW.
177. 17th Street SW. Vehicles traveling on 17th Street SW shall stop at 28th Avenue SW.
178. 26th Avenue SW. Vehicles traveling on 26th Avenue SW shall stop at 17th Street SW.
179. Park Meadows Drive SW. Vehicles traveling on Park Meadows Drive SW shall stop at 28th Avenue SW.
180. Park Meadows Drive SW. Vehicles traveling on Park Meadows Drive SW shall stop at 24th Street SW.
181. 3rd Avenue SW. Vehicles traveling on 3rd Avenue SW shall stop at 30th Street SW.
182. 31st Street SW. Vehicles traveling on 31st Street SW shall stop at 3rd Avenue SW.
183. 32nd Street SW. Vehicles traveling on 32nd Street SW shall stop at 3rd Avenue SW.
184. 28th Street SE. Vehicles traveling on 28th Street SE shall stop at 6th Avenue SE.
185. 4th Avenue SE. Vehicles traveling on 4th Avenue SE shall stop at 28th Street SE.
186. 8th Avenue SE. Vehicles traveling on 8th Avenue SE shall stop at 28th Street SE.
187. 11th Avenue NE. Vehicles traveling on 11th Avenue NE shall stop at Adventureland Drive NE.
188. Hearthstone Court SW. Vehicles traveling on Hearthstone Court SW shall stop at 21st Street SW.
(Subsections 175-188 - Ord. 04-07-2014 #01(392) – June 14 Supp.)
189. 35th Street SE. Vehicles traveling on 35th Street SE shall stop at 1st Avenue South.
190. 35th Street SE. Vehicles traveling on 35th Street SE shall stop at 4th Avenue SE.
191. 34th Street SE. Vehicles traveling on 34th Street SE shall stop at 4th Avenue SE.
192. 4th Avenue SE. Vehicles traveling on 4th Avenue SE shall stop at 36th Street SE.
193. Sunstone Court SE. Vehicles traveling on Sunstone Court SE shall stop at 35th Street SE.

194. Lost Creek Lane SE. Vehicles traveling on Lost Creek Lane SE shall stop at 35th Street SE.

195. 4th Avenue SW. Vehicles traveling on 4th Avenue SW shall stop at 24th Street SW.

(Subsections 189-195 - Ord. 09-15-2014 #1(398) – Dec. 14 Supp.)

65.03 THREE-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

1. First Street Northwest and Tenth Avenue Northwest. All vehicles approaching the intersection of First Street Northwest and Tenth Avenue Northwest shall stop before entering such intersection.

65.04 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

(Code of Iowa, Sec. 321.345)

1. Fourth Street SW and Third Avenue SW.
2. Eighth Avenue SE and Fifth Street SE.
3. Third Avenue SW and Sixth Street SW.
4. First Street East and Seventh Avenue.
5. Twelfth Avenue NW and First Street NW.
6. Fifth Avenue NW and Fifth Street NW.
7. Falcon Drive and Falcon Boulevard/Ninth Street SE.
8. Thirteenth Street SW and Fifth Avenue SW.

(Ord. 6-99 #1 (34) – July 99 Supp.)

65.05 PARKS STOP REQUIRED. Every driver of a vehicle shall stop at the exits of all City parks.

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

(Code of Iowa, Sec. 321.345)

1. *(Repealed by Ord. 11-98#5(27) - Dec. 98 Supp.)*
2. Fourth Avenue SE. Vehicles traveling on Fourth Avenue SE shall yield at Third Street SE.
3. Fourth Avenue SE. Vehicles traveling on Fourth Avenue SE shall yield at Second Street SE.
4. Fourth Avenue SE. Vehicles traveling south on Fourth Avenue shall yield at Fourth Street SE.
5. Second Avenue SE. Vehicles traveling south on Second Avenue SE shall yield at Fourth Street SE.
6. Second Avenue SE. Vehicles traveling north on Second Avenue SE shall yield at Seventh Street SE.

7. Third Avenue SE. Vehicles traveling on Third Avenue SE shall yield at Fifteenth Street SE.
8. Fourth Avenue SE. Vehicles traveling south on Fourth Avenue SE shall yield at Fifteenth Street SE.
9. Eleventh Street SE. Vehicles traveling east on Eleventh Street SE shall yield at Fourth Avenue SE.
10. Nineteenth Avenue SW. Vehicles traveling on Nineteenth Avenue SW shall yield at Fifth Street SW.
11. Third Street SW. Vehicles traveling east on Third Street SW shall yield at Tenth Avenue SW.
12. Eleventh Avenue NW. Vehicles traveling south on Eleventh Avenue NW shall yield at First Street NW.
13. Second Street NW. Vehicles traveling east on Second Street NW shall yield at Tenth Avenue NW.
14. Second Street NW. Vehicles traveling west on Second Street NW shall yield at Eleventh Avenue NW.
15. Rosa Drive. Vehicles traveling east on Rosa Drive shall yield at Thirteenth Avenue NW.
16. Rosa Drive. Vehicles traveling east on Rosa Drive shall yield at First Street NW.
17. Seventh Street NW. Vehicles traveling west on Seventh Street NW shall yield at Fourteenth Avenue NW.
18. Sixth Street SW. Vehicles traveling on Sixth Street SW shall yield at 25th Avenue SW.
19. Sixth Street SW. Vehicles traveling east on Sixth Street SW shall yield at 22nd Avenue SW.
20. Thirteenth Avenue NW. Vehicles traveling north on Thirteenth Avenue NW shall yield at Fourth Street NW.
21. Fourteenth Avenue NW. Vehicles traveling south on Fourteenth Avenue NW shall yield at Fourth Street NW.
22. Village Circle. Vehicles traveling north on Village Circle shall yield at Fourth Street NW.
23. Tenth Street SE. Vehicles traveling east on Tenth Street SE shall yield at Fourth Avenue SE.
24. Second Avenue SW. Vehicles traveling on Second Avenue SW shall yield at Seventh Street SW.
25. Seventh Street SW. Vehicles traveling west on Seventh Street SW shall yield at Third Avenue SW.
26. Second Avenue SW. Vehicles traveling on Second Avenue SW shall yield at Fifth Street SW.

27. Second Avenue SW. Vehicles traveling on Second Avenue SW shall yield at Fourth Street SW.
28. Second Avenue SW. Vehicles traveling north on Second Avenue SW shall yield at Third Street SW.
29. Third Street SW. Vehicles traveling east on Third Street SW shall yield at Fifteenth Avenue SW.
30. Guenever. Vehicles traveling west on Guenever shall yield at 25th Avenue SW.
31. Camelot. Vehicles traveling east on Camelot shall yield at 22nd Avenue SW.
32. Fifth Avenue SE. Vehicles traveling on Fifth Avenue SE shall yield at Sixth Street Place SE.
33. Sixth Avenue SE. Vehicles traveling on Sixth Avenue SE shall yield at Sixth Street Place SE.
34. Trails End. Vehicles traveling east on Trails End shall yield at Twenty-second Avenue SW.
35. Third Street NW. Vehicles traveling east on Third Street NW shall yield at Tenth Avenue NW.
36. Third Street NW. Vehicles traveling west on Third Street NW shall yield at Eleventh Avenue NW.
37. Fourth Street NW. Vehicles traveling east on Fourth Street NW shall yield at Tenth Avenue NW.
38. Eleventh Avenue NW. Vehicles traveling north on Eleventh Avenue NW shall yield at Fourth Street NW.
39. Fifth Street NW. Vehicles traveling east on Fifth Street NW shall yield at Tenth Avenue NW.
40. Sixth Street NW. Vehicles traveling east on Sixth Street NW shall yield at Tenth Avenue NW.
41. Seventh Street NW. Vehicles traveling east on Seventh Street NW shall yield at Tenth Avenue NW.
42. Lynn Court. Vehicles traveling southeast on Lynn Court shall yield at Tenth Avenue SW.
43. Village Court. Vehicles traveling north on Village Court shall yield at Fourteenth Avenue NW.
44. Sixth Street Place SW. Vehicles traveling east on Sixth Street Place SW shall yield at Thirteenth Avenue SW.
45. Sixth Street Place SW. Vehicles traveling west on Sixth Street Place SW shall yield at Fifteenth Avenue SW.

46. Third Street SW. Vehicles traveling west on Third Street SW shall yield at Twenty-fifth Avenue SW.

47. Third Street SW. Vehicles traveling east on Third Street SW shall yield at Twenty-second Avenue SW.

48. Eleventh Avenue NW. Vehicles traveling south on Eleventh Avenue NW shall yield at Seventh Street NW.

49. Second Street SW. Vehicles traveling east on Second Street SW shall yield at Twenty-second Avenue SW.

50. Tenth Street NW. Vehicles traveling west on Tenth Street NW shall yield at Ninth Avenue NW.

51. Third Street SW. Vehicles traveling east on Third Street SW shall yield at Nineteenth Avenue SW.

65.07 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 ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Fourth Street SW at Nineteenth Avenue SW.
2. Third Avenue SW at Sixth Street SW.
3. First Avenue South at Sixth Street SW.
4. First Avenue South at Thirteenth Street SW.
5. Seventeenth Avenue SW at Third Street SW.
6. RR crossing at Fifth Avenue SW.

65.08 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)

65.09 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.

65.10 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)

65.11 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. First Avenue South and Eighth Street.
2. Adventureland Drive and Highway 65.
3. Seventeenth Avenue SW and Eighth Street.
4. Seventh Avenue SE and Eighth Street.
5. Thirty-fourth Avenue SW and Eighth Street SW.
6. Fifth Avenue SW and Eighth Street.
7. Prairie Meadows Drive and Eighth Street.
8. First Avenue North and Adventureland Drive.
9. Venbury Drive and Eighth Street SW.

(Ord. 9-4-07 #1 (264) – Dec. 07 Supp.)

65.12 STOP FOR PEDESTRIANS IN SCHOOL ZONE CROSSWALKS. The driver of a vehicle shall stop and yield for pedestrians in school zone crosswalks where authorized signs are posted.

(Ord. 12-19-05#3 [205] – Dec. 05 Supp.)

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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 therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

— NONE —

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 Police Chief 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 whose body weight or whose registered gross weight exceeds weighing ten (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 not travel over or upon any and all streets within the City except through streets defined as truck routes as follows:

(Code of Iowa, Sec. 321.473)

- A. First Avenue from Eighth Street to the City limits south.
- B. Eighth Street SW and Eighth Street SE from the east City limits to the west City limits.

2. Deliveries Off Truck Route. Any motor vehicle weighing ten (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. Exceptions. The restrictions imposed by subsection 66.05(1) hereof do not apply to the following:

- A. Emergency Vehicles. The operation of emergency vehicles upon any street within the City.
- B. Public Utilities. The operation of trucks owned or operated by the City, or any contractor or material men, while engaged in the repair, maintenance or construction of streets, public improvement, or street utilities in the City.
- C. Buses. The operation of any school bus or public bus upon any street in the City.

D. Detoured Trucks. The operation of trucks upon any officially established detour in any case where such trucks could lawfully operate upon the street for which such detour is established.

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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.



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])

1. Second Street SE is eastbound from First Avenue to Third Avenue.

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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 Parking Limited to Fifteen Minutes
69.11 Snow Removal
69.12 Snow Routes
69.13 No Parking on North Side of Streets
69.14 No Parking on East Side of Streets
69.15 Fire Lanes

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 eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. Second Street SE, on the north and south sides, from First Avenue South to Second Avenue SE. *(Ord. 4-3-06 #1 (214) – June 06 Supp.)*

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 sixteen (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 forty-eight (48) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

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

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

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

(Code of Iowa, Sec. 321.358 [6])

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

(Code of Iowa, Sec. 321.358 [8])

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

(Code of Iowa, Sec. 321.358 [9])

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(Code of Iowa, Sec. 321.358 [10])

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the 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. Theatres, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley

in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

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

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

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

17. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 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 which 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. (Repealed by Ord. No. 06-03-2013 #01 (368) – June 13 Supp.)
2. Sixth Street SW, on the north side from the intersection of Sixth Street SW and Third Avenue SW for a distance of 260 feet west, between the hours of 7:00 a.m. and 4:00 p.m. from August 15th to June 15th of each year.
3. Sixth Street SW, on the south side, from the intersection of Sixth Street SW and Third Avenue SW for a distance of 380 feet west, between the hours of 7:00 a.m. and 4:00 p.m. from August 15th to June 15th of each year.
4. Eighth Avenue SE, on the west side, from 1st Street East to 8th Street SE. *(Ord. 06-03-2013 #01 (368) – June 13 Supp.)*
5. Eighth Street SW and Eighth Street SE on both sides within the City limits.
6. First Avenue from the north City limits to the south City limits. This does not apply to paved off-street parking areas on First Avenue.
7. Adventureland Drive NW and Adventureland Drive NE, on either side, within the City limits. *(Ord. 01-05-2009#2(298) – June 09 Supp.)*
8. Seventeenth Avenue SW and Seventeenth Avenue NW within the City limits.
9. Fourth Street SW on the south side commencing at the entrance to Lions Park, westbound for a distance of 250 feet.
10. Fourth Street SW on the south side commencing at the entrance to Lions Park, eastbound for a distance of 200 feet.
11. Fourth Street SW on either side from Seventh Avenue SW to Ninth Avenue SW.
12. Third Street SW on either side from Seventh Avenue SW east on Third Street SW one hundred sixty feet (160').

13. On the inside of the circle formed by the following streets: Fifth Avenue SE south from Fifth Street SE to Eighth Street Place SE, Eighth Street Place SE from Fifth Avenue SE east to Sixth Avenue SE, Sixth Avenue SE north to Fifth Street SE, Fifth Street SE west to Fifth Avenue SE.
14. On the inside of the circle of Seventh Avenue Court NE from 100-140 Seventh Avenue Court NE.
15. On the inside of the circle formed by the following streets: Seventh Street NW east from Fifth Avenue NW to Fourth Avenue NW, Fourth Avenue NW south to Sixth Street NW, Sixth Street NW west to Fifth Avenue NW, Fifth Avenue NW north to Seventh Street NW.
16. On the inside of the half circle formed by Rosa Drive from the 1300 to 1400 block of said named Rosa Drive.
17. On the inside of the circle formed by the following streets: Third Street NW west from Fifth Avenue NW to Seventh Avenue NW, Seventh Avenue NW north from Third Street NW to Fourth Street NW, Fourth Street NW east from Seventh Avenue NW to Fifth Avenue NW.
18. (Repealed by Ord. No. 6-19-06 #2(218) – Dec. 06 Supp.)
19. Timberline Road on the north side within City limits.
20. Brookview on the east side and the north end of the circle.
21. N.E. 57th Street Court on the east side.
22. Scenic View on the east side.
23. Fourth Street SW from Seventeenth Avenue to Nineteenth Avenue between the hours of 7:00 a.m. and 4:00 p.m. from August 15th to June 15th of each year. *(Ord. 8-97 #1 (15) – Sep. 97 Supp.)*
24. 36th Avenue SW and NW, on either side, from 8th Street to Hubbell Avenue. *(Ord. 7-00 #2 (52) – Aug. 00 Supp.)*
25. The frontage road west of 36th Avenue SW, on either side, west to Highway 65. *(Ord. 10-00 #3 (59) – Dec. 00 Supp.)*
26. On the south side of 8th Street Court SW from Scenic View Blvd. forty feet (40') east on 8th Street Court SW *(Ord. 12-00 #1 (68) – Feb. 01 Supp.)*
27. On the south side of 2nd Street NW from 5th Avenue NW to a point 95 feet east.
28. On the south side of 4th Street SW from 3rd Avenue SW to a point 120 feet west. *(Ord. 1-19-04#1(145) – 2004 Update)*

29. On the west side of 31st Avenue SW from 8th Street SW to the northern end of the street. *(Ord. 10-3-05 #1 [192] – Dec. 05 Supp.)*
30. On the south side of 3rd Street SW from 17th Avenue SW to a point 80 feet east. *(Ord. 10-2-06 #1 (232) – Dec. 06 Supp.)*
31. On the south side of 13th Street SE from the intersection of 1st Avenue South 150 feet east. *(Ord. 10-1-07 #1 (266) – Dec. 07 Supp.)*
32. On the south side of 9th Street SE from 7th Avenue SE to a point 75 feet east. *(Ord. 2-18-08 #1 (274) – June 08 Supp.)*
33. Fourth Street NW, on the south side of the street, from Seventeenth Avenue NW east to the east side of the Fourteenth Avenue NW intersection. *(Ord. 8-2-2010 #1 (323) – Dec. 10 Supp.)*

69.09 TRUCK PARKING LIMITED. The parking of trucks and/or trailers or any combination thereof, weighing four (4) tons or more, loaded or empty, is prohibited on or in the streets of the City and in the alleys of the City except for the purpose of loading or unloading.

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

69.10 PARKING LIMITED TO FIFTEEN MINUTES. It is unlawful to park any vehicle for a continuous period of more than fifteen (15) minutes between the hours of seven o'clock (7:00) a.m. and four o'clock (4:00) p.m. on each weekday except Saturday, and between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m. on Saturday upon the following designated streets:

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

1. Third Avenue SW from the intersection of Sixth Street and Third Avenue SW for a distance of one hundred thirty (130) feet north.

69.11 SNOW REMOVAL. The snow removal parking ban shall begin automatically when it is determined that one (1) or more inches of snow have fallen at any place in the City of Altoona. The determination of said accumulation of one inch can be proclaimed by any one of the following:

Community Services Director or his or her designee

Altoona Police Department

National Weather Service

When this section is in effect, no person, except physicians or other persons on emergency calls, shall park or leave unattended any vehicle on any public streets within the City limits. This section shall remain in effect for a period of forty-eight (48) hours after the snow has subsided. This section shall not be

construed as suspending parking limitations or restrictions imposed by any other sections of this chapter. *(Ord. 10-01 #2 (91) – Nov. 01 Supp.)*

69.12 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])

69.13 NO PARKING ON NORTH SIDE OF STREETS. Parking of vehicles in the street on the north side of all streets in the City running in an east to west direction is hereby prohibited, except on Second Street SE and Fourth Street NW from Seventeenth Avenue NW to Fourteenth Avenue NW.

(Ord. 8-2-2010 #2 (324) – Dec. 10 Supp.)

69.14 NO PARKING ON EAST SIDE OF STREETS. Parking of vehicles in the street on the east side of all streets in the City running in a north to south direction is hereby prohibited, except on 8th Avenue SE from 1st Street East to 8th Street SE.

(Ord. 06-03-2013 #02 (369) – June 13 Supp.)

69.15 FIRE LANES. No person shall stop, stand or park any vehicle, except authorized emergency vehicles, in a designated fire lane established pursuant to Chapter 161 of this Code of Ordinances.

(Code of Iowa, Sec. 321.236)

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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. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) for all violations except as otherwise provided herein. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). For violations of the following parking restrictions the simple notice of a fine shall be:

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

1. Snow route[†] and snow removal parking - \$25.00.
2. Fire lane parking- \$50.00.
3. Persons with disabilities parking - \$200.00.

Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Ord. 11-04-2013 #02 (386) – Dec. 13 Supp.)

[†] **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 69.12.)

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

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

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

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked upon a street 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 Hours of Operation

75.07 Negligence

75.08 Accident Reports

75.09 Thaw Ban

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

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 321I.25 of the Code of Iowa.

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

2. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

(Code of Iowa, Sec. 321G.1 [18])

75.03 GENERAL REGULATIONS. No person shall operate an ATV 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, numbering, equipment and manner of operation.

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

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

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

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

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

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

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

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

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

(2) The snowmobile is brought to a complete stop before crossing the street;

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

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

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

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

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

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

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

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

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

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

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving ATVs.

(Code of Iowa, Sec. 321I.10[1 & 2A])

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

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

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[h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

75.06 HOURS OF OPERATION. No ATV or snowmobile shall be operated in the City between the hours of twelve o’clock (12:00) midnight and seven o’clock (7:00) a.m. except for emergency situations.

75.07 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)

75.08 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) 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)

75.09 THAW BAN. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

(Ch. 75 - Ord. 10-18-04#1(161) - Dec. 04 Supp.)

CHAPTER 76

BICYCLE REGULATIONS

76.01 Definitions	76.11 Place of Riding
76.02 Alteration of Serial Frame Number	76.12 Bicycle Lanes
76.03 Sirens and Whistles Prohibited	76.13 Emerging from Alley or Driveway
76.04 Lamps and Reflectors	76.14 Operation on Sidewalk
76.05 Stopping	76.15 Clinging to Other Vehicles
76.06 Applicability of Motor Vehicle Laws	76.16 Following Emergency Vehicles
76.07 Obedience to Signals	76.17 Parking
76.08 Improper Riding	76.18 Reckless Operation
76.09 Carrying Packages	76.19 Violations
76.10 Control With Hands on Handlebars	

76.01 DEFINITIONS.

1. "Bicycle" means either of the following:
 - A. A device having up to four wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - B. A device having up to four wheels with fully operable pedals and an electric motor of one horsepower or less.
2. "Multi-use trail" means a way or place, the use of which is controlled by the City as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the City Council, and no multi-use trail shall be considered as a street or highway.

76.02 ALTERATION OF SERIAL FRAME NUMBER. It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial frame number of any bicycle.

76.03 SIRENS AND WHISTLES PROHIBITED. A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

76.04 LAMPS AND REFLECTORS.

1. Every bicycle ridden at any time from sunset to sunrise and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of three hundred feet ahead shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least three hundred feet to the front.

2. Every bicycle shall be equipped with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light.
3. Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.
4. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

76.05 STOPPING. Every bicycle used upon the City streets, sidewalks, highways, park roads or multi-use trails shall be able to come to a complete stop within a safe distance.

76.06 APPLICABILITY OF MOTOR VEHICLE LAWS. Every person operating a bicycle upon the City streets, highways, park roads, or multi-use trails shall be subject to this chapter and other City traffic ordinances and the state statutes applicable to the drivers of motor vehicles, except as to special regulations in this chapter and except as to those provisions of ordinances and statutes which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

76.07 OBEDIENCE TO SIGNALS. Every person operating a bicycle shall obey the directions of official traffic signals, signs and other control devices applicable to other vehicles, unless otherwise directed by a police officer, and shall obey direction signs relative to turns permitted, unless such person dismounts from the bicycle, when he or she shall then obey the regulations applicable to pedestrians.

76.08 IMPROPER RIDING.

1. A person propelling a bicycle on any street, sidewalk, highway, park road or multi-use recreational trail, shall not ride other than upon or astride a permanent and regular seat attached to the bicycle and shall not use a bicycle to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.
2. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

76.09 CARRYING PACKAGES. No person operating a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

76.10 CONTROL WITH HANDS ON HANDLEBARS. The operator of a bicycle upon a street, sidewalk, highway, park road or multi-use trail shall keep the bicycle under control at all times and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.

76.11 PLACE OF RIDING.

1. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

A. When overtaking and passing another bicycle vehicle proceeding in the same direction.

B. When preparing for a left turn at an intersection or into a private road or driveway.

C. When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

D. A facility that would allow bicycle traffic on the left side of the roadway.

2. Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

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

4. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

76.12 BICYCLE LANES.

1. Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction may ride within the bicycle lane, except that such person may move out of the lane under any of the following situations:

- A. When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
 - B. When preparing for a left turn at an intersection or into a private road or driveway.
 - C. When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
 - D. When the bicycle lane does not include a marked shared lane.
2. No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.
 3. No person shall drive a motor vehicle in a bicycle lane established on a roadway except as follows:
 - A. To park where parking is permitted.
 - B. To enter or leave the roadway.
 - C. To prepare for a turn within a distance of 200 feet from the intersection.

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

76.14 OPERATION ON SIDEWALK. Bicycles may be operated upon the public sidewalks in a careful and prudent manner and except where signs are erected prohibiting riding on the sidewalk. Every person lawfully operating a bicycle upon a public sidewalk, shall yield the right-of-way when approaching a pedestrian and shall give an audible signal before overtaking and passing.

76.15 CLINGING TO OTHER VEHICLES. No person riding upon any bicycle on a street, sidewalk, highway, park road or multi-use trail shall attach the bicycle or himself or herself to any moving vehicle by tow rope, hand grip or otherwise, and shall not tow or be towed by another bicycle or vehicle.

76.16 FOLLOWING EMERGENCY VEHICLES. No person riding a bicycle shall follow closer than 500 feet of an emergency vehicle as defined by Iowa Code section 321.1 which has emergency lights and/or siren activated,

and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.

76.17 PARKING. No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic. Local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

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

76.19 VIOLATIONS. Any person violating the provisions of this chapter is subject to a fine of thirty dollars (\$30.00) for the first offense, forty dollars (\$40) for a second offense, and fifty dollars (\$50) for a third offense, or may, in lieu of the scheduled fine, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

(Ch. 76 – Ord. 08-15-2011 #3 (338) – Dec. 11 Supp.)

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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 Extension of Time

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

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

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Police authority" means the Iowa highway safety 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 an abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. 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. 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 which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their 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 serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. 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 the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (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 ten (10) day reclaiming period.

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

80.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

80.05 EXTENSION OF TIME. The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten (10) day reclaiming period, obtain an additional five (5) days within which the motor vehicle or personal property may be reclaimed.

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

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

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions
81.02 Warning Signals
81.03 Obstructing Streets

81.04 Crossing Maintenance
81.05 Speed

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

(Code of Iowa, Sec. 321.1)

1. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.
2. “Operator” means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.

81.02 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

(Code of Iowa, Sec. 327G.13)

81.03 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 ten (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.

81.04 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)

81.05 SPEED. It is unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than reasonable under existing conditions.

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Stop
90.05 Permit	90.15 Interior Stop
90.06 Fee for Permit	90.16 Inspection and Approval
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 Stop and Hydrants
90.10 Tapping Mains	90.20 Cross Connection Control

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available.

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 cock 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 Clerk. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of 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.

1. Application Fee. Before any permit is issued the person who makes the application shall pay one hundred dollars (\$100.00) plus meter costs to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

2. System Development Fee. A system development fee shall be required for all new water service connections within the corporate limits of the City which are connected to the water system after July 1, 2007. Said fee has the financial objective of providing for water system expansion for new development without undue impact on existing users and user rates. This fee shall be in addition to all other applicable service charges for each separate domestic water service connection, separate domestic irrigation water service connection, or commercial irrigation water service connection and shall be based on standard meter size as follows:

1 Inch or Less	1.5 Inch	2.0 Inch	3.0 Inch	4.0 Inch
\$450.00	\$1,080.00	\$1,440.00	\$2,895.00	\$4,500.00

On January 1, 2008, the following fee shall be in addition to all other applicable service charges for each separate domestic water service connection, separate domestic irrigation water service connection, or commercial irrigation water service connection and shall be based on standard meter size as follows:

1 Inch or Less	1.5 Inch	2.0 Inch	3.0 Inch	4.0 Inch
\$900.00	\$2,160.00	\$2,880.00	\$5,790.00	\$9,000.00

The fee shall not be required for replacement of existing connections of equal size. Payment shall be due and payable prior to issuance of a building or plumbing permit, whichever occurs first.

(Code of Iowa, Sec. 384.84)

(Ord. 3-19-07 #1 (249) – July 07 Supp.)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the International Plumbing Code(latest edition).

(Ord. 1-3-05 #1 (168) – June 05 Supp.)

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber licensed by the City. A plumber’s license may be suspended or revoked for violation of any of the provisions of the Water Service chapters of this Code of Ordinances.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements and the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premise may be shut off independently of the other.

2. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

(Ord. 11-01 #3 (94) – Nov. 01 Supp.)

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be type K copper tubing with a minimum size of one inch. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.14 CURB STOP. There shall be installed a main shut-off valve on the water service pipe at a point one foot outside the outer sidewalk line or six (6) feet from the property line with a suitable lock of a pattern approved by the Superintendent. 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.

90.15 INTERIOR STOP. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall

permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on. The City reserves the right to shut off the supply of water to any customer at any time for the purpose of repair or maintenance of the water system or its components, or for any other necessary purpose.

90.19 OPERATION OF CURB STOP AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb stop, 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 CONNECTION CONTROL. No person or corporation shall connect any equipment or mechanism to a water supply line or use any water treating chemical or substance which could cause pollution of the water supply unless an approved backflow prevention device is installed, as per plumbing code. Backflow devices shall be tested annually by a state certified individual with the results to be submitted to the City Water Department no later than June 1 of each year. If a person or corporation does not submit the results to the City Water Department the Superintendent shall shut off the water supply pursuant to Section 90.18.

(Ord. 1-3-05#1(168) – June 05 Supp.)

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CHAPTER 91

WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems- Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Repairs

91.07 Right of Entry

91.08 Meter Fee

91.09 Irrigation Meters

91.10 Conduit Required

91.11 Hydrant Meter Use and Pay Schedule

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 purchased by the customer from the City and installed by the City. The meter shall be installed by substantial completion of the building served and prior to any seeding or sodding. If violated subject to confiscation of equipment for usage of water and/ or fine.

(Code of Iowa, Sec. 384.84[1])

(Ord. 1-3-05#2(169) – June 05 Supp.)

91.03 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS.

1. The water meter shall have full accessibility with a clear space of three (3) feet in all directions.
2. Meter setting shall be located no more than eight (8) feet from the nearest floor drain in the same room.
3. Each meter shall have a ball valve on the street side as well as the house side of the meter.
4. No accessories or equipment other than the equipment listed herein shall be installed within twelve (12) inches of either side of the water meter.
5. Meter Radio Unit (MXU). All buildings serviced by the City shall be equipped with a Meter Radio Unit (MXU) supplied by the City and installed by the City.

- A. Water Meter ECR Register to Meter Radio Unit (MXU) 3 conductor, 18 gauge wire provided by the City, ½ inch EMT conduit terminating within 1 foot of the MXU and flush with the outermost exterior wall immediately behind the touchpad. Each end of said conduit shall be fitted with a male connector and nylon busing to protect the wire.
 - B. Meter Radio Unit (MXU) to Remote Meter Touchpad. 3 conductor 18 gauge wire, provided by the City.
6. These requirements apply only to new meters installed after the adoption of the ordinance codified in this section.

(Ord. 1-3-05#2(169) – June 05 Supp.)

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including an approved valve on both sides of the meter within close proximity of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER REPAIRS. Whenever a residential water meter is found to be out of order the Superintendent shall have it repaired, and the property owner shall be liable for the cost of repairs if due to misuse or freezing. Commercial meters shall be maintained at the expense of the owner. The cost of repairing a remote meter device, except repairs due to ordinary wear and tear, shall be paid to the Water Department by the customer or the owner of the property served.

91.07 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer between the hours of seven o'clock (7:00) a.m. and six o'clock (6:00) p.m. weekdays to remove or change a meter.

91.08 METER FEE. There shall be a fee charged to the property owner for each new meter and installation. The fee shall be the cost of such meter to the City, rounded to the nearest dollar.

(Code of Iowa, Sec. 384.84[2a])

91.09 IRRIGATION METERS. A “prime meter” measures water consumed and disposed through the public water and sanitary sewer system respectively. “Irrigation meters” may additionally be installed to measure water which is not disposed through the public sanitary sewer treatment system. The water used for “irrigation meters” would include water for swimming pools, yards, gardens, or other uses where sanitary sewer service charges are not applicable. Irrigation meters shall be installed not more than four feet from the prime meter and shall be installed parallel to the prime meter. Sewer charges shall not apply to water amounts measured by irrigation meters. The water rate

to be charged for irrigation meters shall be at the same rate as provided in Section 92.02 of this Code of Ordinances, and there shall not be any base rate charged. Shut off valves are required ahead and after the irrigation meter and must be within one foot of the meter. A back flow preventer (approved by the City) to protect against contamination of the water system *must* be installed after the irrigation meter. The irrigation meter must be installed with the arrow on the meter being in the direction of the flow of water to the outside. Underground irrigation systems are allowed in City right-of-way with the understanding that any repair of the irrigation system caused by maintenance of utilities will be at the homeowner's expense.

91.10 CONDUIT REQUIRED.

1. Electrical conduit shall be installed in all buildings in accordance with specifications provided by the Water Department of each meter.

(Ord. 7-01 #1 (85) – Aug. 01 Supp.)

91.11 HYDRANT METER USE AND PAY SCHEDULE. \$50.00 per calendar month of hydrant rental residential, \$100.00 per business and present rate per 1,000 gallons.

(Ord. 1-3-05#2(169) – June 05 Supp.)

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CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates
92.03 Senior Citizen Exemption
92.04 Rates Outside the City
92.05 Billing for Water Service
92.06 Service Discontinued

92.07 Lien for Nonpayment
92.08 Lien Exemption
92.09 Lien Notice
92.10 Customer Deposits
92.11 Temporary Vacancy
92.12 Meters Not Registering

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES. Water service shall be furnished at the rate of \$6.01 per 1,000 gallons, effective February 1, 2011, for commodity, and a base rate of \$5.00 for residential and \$15.00 for commercial per month. Any customer whose water usage exceeds 9,000,000 gallons over a thirty (30) day billing cycle shall be given a credit of \$3.00 / thousand gallons off of the water rates in effect at the time of usage for all usage in excess of 9,000,000 gallons.

(Ord. 03-18-2013 #02(366) – June 13 Supp.)

92.03 SENIOR CITIZEN EXEMPTION. Provisions shall be made for an exemption of the base rate charge as provided in Section 92.02 for residents who are the head of the household living in the City who have reached the age of 65 and have an annual income less than 125% of HUD Poverty guidelines for Polk County poverty.

(Ord. 11-98 #3 (25) – Dec. 98 Supp.)

92.04 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at rates two hundred percent (200%) of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

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

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare, date and issue bills for combined service accounts.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by 4:30 p.m. end of business day on the third of each month. If the third falls on a Saturday, Sunday or a holiday when City Hall is closed, the bill will be due by 10:30 a.m. the next regular business day when City Hall is open.
(Ord. 8-20-07#5(260) – Dec. 07 Supp.)
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

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

(Code of Iowa, Sec. 384.84)

1. Notice. Each delinquent customer will be notified that service will be discontinued if payment of the combined service account including late payment charges, is not received within the time period specified in the notice. Such notice shall be in the form of a “red tag” which shall be hung at the premises if payment of the combined service account is not received within 23 days after the rendition of the bill therefore, and a \$10.00 charge will be assessed for the notice. If payment is not received within forty-eight (48) hours after such notice, service will be discontinued and shall not be restored until full payment of the account is received, including red tag and turn on fee. Payment must be made at City Hall Monday through Friday between the hours of 8:00 am and 4:30 pm. Service will not be restored after hours or on weekends unless deemed a health emergency. The notice shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

(Ord. 04-05-2010 #1(319) – June 10 Supp.)

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

4. Fees. A fee of twenty-five dollars (\$25.00) shall be charged during normal working hours. (Monday thru Friday, 8:00 a.m. – 4:30 p.m.). Seventy-five dollars (\$75.00) shall be assessed after normal working hours and on weekends. Before service is restored to a delinquent customer, any fees assessed for repairs, delinquent or non payment shall be paid prior to reconnections.

(Ord. 04-05-2010 #1(319) – June 10 Supp.)

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

(Code of Iowa, Sec. 384.84)

92.08 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

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

(Code of Iowa, Sec. 384.84)

92.10 CUSTOMER DEPOSITS. There shall be required from every new customer or prospective customer that makes application for a new or different water service from the City a one hundred dollar (\$100.00) deposit intended to guarantee the payment of bills for service. The deposit shall be paid in full to the City before service will be turned on, or put into tenant's name. When a customer moves, he or she shall receive the deposit back within thirty (30) days after the date of the final meter reading or the account of such customer shall be credited with the amount of the deposit within thirty (30) days on any bills due and owing. A customer who has paid their deposit, and has not received a red tag over a twelve (12) month period, then shall receive the deposit refund as a credit on their water bill.

(Ord. 5-04-2009#1(302) – June 09 Supp.)

(Code of Iowa, Sec. 384.84)

92.11 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 fifteen dollar (\$15.00) fee collected for restoring service.

92.12 METERS NOT REGISTERING. If a meter fails to register the quantity of water, the quantity shall be determined and the charge made, based upon the average quantity registered during such preceding period of time, prior to the date of failure to register, as the superintendent shall decide.

CHAPTER 93

PRIVATE WELLS

93.01 When Permitted
93.02 Private Well Permit

93.03 Renewals
93.04 Health and Safety Standards

93.01 WHEN PERMITTED. Except as provided below, private wells and water systems shall not be maintained by any individual or property owner within the City. Private wells and water systems shall be allowed only as set out in the following subsections:

1. If no part of a tract of land upon which a private well or water system is proposed is within 400 feet of a City water main.
2. 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 shall mean 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 were in no way caused or contributed to by the property owner or permit applicant. The Council shall rule on all questions of undue hardship and their decision shall be final.

93.02 PRIVATE WELL PERMIT. All individuals or property owners who desire to construct or maintain a private well or water system shall first secure from the Clerk a private well permit. The contents of the permit application and the fee therefor shall be set by the Council from time to time by resolution.

93.03 RENEWALS. Individuals and property owners using and maintaining private wells or water systems within the City limits must have an annual private well permit. Provided, however, should the private well or water system not be used for a six-month period of time, or if the private well or water system does not meet the health and safety regulations set forth below, then at the expiration of the current private well permit for the premises, said permit shall not be renewed unless all provisions of this chapter are complied with.

93.04 HEALTH AND SAFETY STANDARDS. All private wells and water systems for which permits are granted shall meet the minimum health and safety standards as set forth by the appropriate County and State health officials. In addition, all permit holders shall grant to the appropriate County or

State health official the right to inspect and test the private well and water system maintained upon the permit holder's property. Should the private well or water system so inspected not meet minimum County or State health or safety standards for a continuous period of six months, the private well permit shall be revoked and the individual or property owner shall be required to make connection to the City's water system under the terms of this Code of Ordinances.

CHAPTER 94

WATER CONSERVATION PLAN

94.01 Water Shortages

94.02 Conditions

94.03 Water Watch

94.04 Water Warning – Tier I

94.05 Water Warning – Tier II

94.06 Water Emergency

94.07 Base Allocation

94.08 Water Appeal Board

94.09 Appeal and Adjustment of the Base Allocation

94.10 Premium Rate for Imprudent Consumption

94.11 Adjustment of Premium Rate Charges

94.12 Penalties

94.13 Municipal Infraction

94.14 Reduction in Flow of Water to any Person

94.01 WATER SHORTAGES. From time to time, the City's water supply or capacity to treat water may become significantly constrained so that customary and usual demands cannot be met. Under these conditions, the City Council may find, and declare by resolution, a public Water Watch, Water Warning, or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction in water consumption until, by resolution, the City Council finds and declares the constraint conditions to be ended.

94.02 CONDITIONS.

1. Water Watch. A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a water watch include: system operating at 75% of pumping capacity; moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells.

2. Water Warning. A Tier I or Tier II Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Tier I water warning include: system operating at 85% of pumping capacity; significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells. Indicators of the need to impose a Tier II water warning include severe system emergencies such as a chemical spill or major system failure.

3. Water Emergency. A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a water emergency include: system operating at 95% of pumping capacity; serious decrease in the pumping

water level of wells or serious decrease in recovery rate of water level in wells.

94.03 WATER WATCH. Under a water watch, all customers of the water utility are encouraged to limit or curtail all nonessential uses of water in order to conserve water resources during the time or shortage or equipment failure. Customers may be encouraged to comply with the following voluntary standards:

1. No watering of lawns, shrubs, or gardens between the hours of 6:00 a.m. and 8:00 p.m.
2. No water should be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pool or pond.
3. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
5. Water should be served at restaurants only upon the request of the customer.

94.04 WATER WARNING – TIER I. Under a Tier I Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. Outdoor watering or irrigation of lawns is prohibited.
2. Outdoor watering of any kind is prohibited between the hours of 6:00 a.m. and 8:00 p.m. daily.
3. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than 4 years old, and new seeding or sod is permitted once per week with an application not to exceed one inch.
4. Car washing is prohibited except in commercial establishments that provide that service.
5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pool or pond.
6. No water shall be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.

8. Water shall be served at restaurants only upon the request of the customer.
9. Use of water-consuming comfort air conditioning equipment which consumes in excess of 5 percent of the water circulating in such equipment is prohibited.
10. Tankload water sales may be curtailed or eliminated.

Water reclaimed or recycled after some primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from other sources than the City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

94.05 WATER WARNING – TIER II. Under a Tier II Water Warning, no person shall use potable processed water of the municipal water system in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation, and fire, is prohibited.
2. All commercial and industrial use of water not essential in providing products or services is prohibited.
3. Irrigation of agricultural crops is prohibited.
4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use, is prohibited.
5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

94.06 WATER EMERGENCY. Under a Water Emergency, Tier I Water Warning use restrictions will be in effect and, in addition, each customer will be afforded a monthly allocation of water.

94.07 BASE ALLOCATION. The base allocation of water for residential use shall be 3,000 gallons per household per billing period. For commercial, industrial, or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April).

94.08 WATER APPEAL BOARD.

1. A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the Superintendent of the water system, and the City Administrator. The Water Appeal Board shall hear appeals of any action

taken pursuant to a Water Warning or Water Emergency; except that, if a customer is charged with a municipal infraction relating to this chapter, that proceeding shall be conducted pursuant to Iowa Code Section 364.22.

2. The decision of the Water Appeal Board may be appealed by the applicant to the City Council. The City Clerk shall notify the applicant by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) nor more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

3. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

94.09 APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION.

Any person may file an appeal with the Water Appeal Board within seven days of implementation of the water warning or water emergency to adjust the base allocation amount. The Water Appeal Board may grant an adjustment to the appellant based upon the following criteria:

1. For single-family residential use, the base allocation may be increased by 1,000 gallons per person per billing period for all individuals residing at the appellant's residence for a period of more than thirty (30) days.
2. For commercial, industrial, institutional, or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer, such as usage, production, service, and occupancy data provided by the customer.

94.10 PREMIUM RATE FOR IMPRUDENT CONSUMPTION. In addition to the water rates duly enacted by the City Council, all persons shall pay a premium rate of \$20.00 per 1,000 gallons of water consumed in excess of the base allocation.

94.11 ADJUSTMENT OF PREMIUM RATE CHARGES. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Water Appeal Board. The Water Appeal Board may

grant an adjustment of the premium rate charges in accordance with the following criteria:

1. Adjustments may be granted for overconsumption due to mechanical failures such as broken or leaky pipes or fixtures but not for overconsumption due to human carelessness.
2. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
3. The adjustment shall be granted only for the billing period prior to the correction of the failure.
4. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be 40 percent of the actual bill which shall include the premium rate charges and sales tax.

94.12 PENALTIES. The following penalties shall apply for violations of Water Warning use restrictions imposed under this chapter.

1. **First Violation.** For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Warning or Water Emergency.
2. **Second Violation.** For a second violation within a 12-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill.
3. **Subsequent Violations.** For any subsequent violations within a 12-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill and, in addition, the utility shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee and has provided reasonable assurance that future violations of Water Warning or Water Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Warning or Water Emergency use restrictions may request a hearing before the Water Appeal Board. The Water Appeal Board may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty.

94.13 MUNICIPAL INFRACTION. A second or subsequent violation of the Water Warning or Water Emergency use restrictions by any person within a 12-month period constitutes a municipal infraction. Any person who, in making application to the Water Appeal Board for adjustment of the base

allocation or premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction.

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

(Ch. 94 - Ord. 08-15-2011 #2 (337) – Dec. 11 Supp.)

[The next page is 531]

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose	95.10 Entry Authorized
95.02 Definitions	95.11 Indemnification
95.03 Objectionable Wastes	95.12 Use of Easements
95.04 Untreated Discharge	95.13 Notice of Violation
95.05 Septic Tanks	95.14 Misdemeanor
95.06 Connection Required	95.15 Liability for Damage
95.07 Property Owner's Responsibility	95.16 Nuisance
95.08 Private Disposal Required	95.17 Chapters Take Precedence
95.09 Damage Prohibited	

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. "Authorized City representative" means the City Administrator or any designated representative.
2. "Basic user charge" means a charge levied on each user for administrative costs and debt retirement.
3. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C., expressed in milligrams per liter (mg/l).
4. "Building drain" means that part of the lowest piping of a 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, or other approved point of discharge, beginning two (2) feet outside the building wall.
5. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
6. "Combined sewer" means a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.
7. "DNR" means the Iowa Department of Natural Resources.
8. "Easement" means an acquired legal right for the specific use of land owned by others.

9. “Effluent criteria” are defined in any applicable “NPDES Permit.”
10. “EPA” means the U.S. Environmental Protection Agency.
11. “Federal Act” or “Act” means the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243), and any other amendments to said public laws.
12. “Federal grant” means the U.S. government participation in the financing of the construction of treatment works as provided for by *Title II - Grants for Construction of Treatment Works* of the Act and implementing regulations.
13. “Floatable oil” means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
14. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
15. “Industrial wastes” means any liquid, solid or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.
16. “Major contributing industry” means an industrial user of the publicly owned treatment works that:
 - A. Has a flow of 25,000 gallons or more per average work day; or
 - B. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste; or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or
 - D. Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries,

on that treatment works or upon the quality of effluent from that treatment works.

17. "Milligrams per liter" means a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.
18. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
19. "NH₃" or "NH₃N" (Denoting Ammonia) means that portion of nitrogen in the form of protein or intermediate decomposition products which is determined by standard laboratory procedures for analysis of ammonia nitrogen, expressed in milligrams per liter (mg/l).
20. "NPDES permit" means any permit or equivalent document or requirements issued by the administrator, or where appropriate, by the director after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
21. "pH" means the logarithms (Base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods."
22. "Population equivalent" means a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds (200 mg/l) of BOD, 0.20 pounds (240 mg/l) of suspended solids, and 0.03 pounds (40 mg/l) of ammonia-nitrogen (NH₃N) and 1.25 pounds (1,500 mg/l) sulfate.
23. "Ppm" means parts per million by weight.
24. "Pretreatment" means the treatment of wastewater from sources before introduction into the wastewater treatment works.
25. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch in any dimension.
26. "Public sewer" means a sewer provided by or subject to the jurisdiction of the City. It also includes sewers within or outside the corporate boundary that serve one or more persons and ultimately

discharge into the City sanitary sewers, even though those sewers may not have been constructed with City funds.

27. “Sanitary sewer” means a sewer which conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

28. “Sewage” is used interchangeably with “wastewater.”

29. “Sewer” means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

30. “Sewer connection charge” means the amount to be paid prior to making or altering a new connection to a public sewer by a user.

31. “Sewerage” means the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

32. “Significant noncompliance” means:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City’s exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

- F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.
33. “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.
34. “Standard methods” means the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
35. “Storm sewer” means a sewer which carries storm, surface and groundwater drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
36. “Storm water runoff” means that portion of the precipitation that is drained into the sewers.
37. “State Act” means the Code of Iowa, Chapter 445B et. seq.
38. “State grant” means the State participation in the financing of the construction of treatment works as provided for by the Code of Iowa.
39. “Surcharge” means the assessment in addition to the user charge and basic user charge which is levied on those persons whose wastes are greater in strength than the concentration values established.
40. “Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in *Standard Methods*.
41. “User charge” means a charge levied on users of treatment works for the cost of operation and maintenance including replacement.

42. “Unpolluted water” means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

43. “Wastewater” means the spent water of a community. From this standpoint, of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

44. “Wastewater facilities” means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

45. “Wastewater treatment works” means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant.”

46. “Water quality standards” are defined in the Iowa Administrative Code, Chapter 16.

47. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 OBJECTIONABLE WASTES. It is unlawful for any person to place or deposit or permit to be deposited 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.

95.04 UNTREATED DISCHARGE. It is unlawful to discharge to any natural outlet within the City, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these chapters.

95.05 SEPTIC TANKS. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

95.06 CONNECTION REQUIRED. The owners of all 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 sewer of the City, are hereby required to install, at each such owner’s

expense, suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of these Sanitary Sewer chapters, within ninety (90) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line.

95.07 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer from the public sewer main to the building, including interior piping, 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. *(Ord. 09-20-2010 #2 (327) – Dec. 10 Supp.)*

95.08 PRIVATE DISPOSAL REQUIRED. Where a public sanitary sewer is not available in accordance with Section 95.06 above, the building sewer shall be connected to a private sewage disposal system approved by the County Department of Health. When a public sanitary sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days.

95.09 DAMAGE PROHIBITED. No person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewerage system and wastewater treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

95.10 ENTRY AUTHORIZED. The authorized City representative and other duly authorized employees of the City, the State Department of Natural Resources and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The authorized City representative or other persons noted above shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, 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.

95.11 INDEMNIFICATION. While performing the necessary work on private property referred to in Section 95.10 hereof, the authorized City representative or duly authorized employees of the City, the State Department of Natural Resources and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the owner or occupant which are not in conflict with their regulatory duties and the owner or occupant shall be held harmless for injury or death to City employees or other

persons noted above and the City, State Department of Natural Resources and the U.S. Environmental Protection Agency shall indemnify the owner or occupant against loss or damage to its property by City employees or other persons noted above and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

95.12 USE OF EASEMENTS. The authorized City representative 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 sewerage system and wastewater treatment 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.

95.13 NOTICE OF VIOLATION. Any person found to be violating any provision of these chapters shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The City may revoke any permit for sewage disposal as a result of any violation of any provision.

95.14 MISDEMEANOR. Any person who continues any violation beyond the time limit provided for in Section 95.13 is guilty of a misdemeanor, and each day in which any such violation shall continue shall be deemed a separate offense, on conviction thereof shall be fined an amount equal to \$1,000 or the amount levied on the City by the EPA, IDNR or other regulatory agencies for each violation.

95.15 LIABILITY FOR DAMAGE. Any person violating any of the provisions of these chapters shall become liable to the City including any expense, loss, or damage accrued by the City by reason of such violation.

95.16 NUISANCE. Whoever is convicted of violating the provisions contained in these Sanitary Sewer chapters, when the same has not been repealed by statute, shall be guilty of a misdemeanor and the continued violation shall be deemed a nuisance which may be abated in the same manner as another nuisance deferred by the City ordinance and the costs recovered.

95.17 CHAPTERS TAKE PRECEDENCE. The provisions contained in these Sanitary Sewer chapters shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Act and 40 CFR 35.2140 of the May 12, 1983, Federal Register.

(Ch. 95 - Ord. 8-97#2 (16) – Jul. 98 Supp.)

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit Required
96.02 Unlawful Disposal
96.03 Classes of Permit
96.04 Connection Prohibited
96.05 Costs
96.06 Separate Connections
96.07 Existing Building Sewers

96.08 Construction Standards
96.09 Lift Required
96.10 Runoff or Groundwater Prohibited
96.11 Connection Specifications
96.12 Inspection Required
96.13 Excavations
96.14 Backwater Valves

96.01 PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the authorized City representative.

96.02 UNLAWFUL DISPOSAL. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal standards promulgated pursuant to the Federal Act and more stringent State and local standards.

96.03 CLASSES OF PERMITS. There shall be two (2) classes of building sewer permits.

1. For residential and commercial service, and
2. For service to establishments producing industrial wastes.

In either case, the owner or agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the authorized City representative. A sewer connection charge and/or inspection fee as established by the City for a building sewer permit shall be paid to the City at the time the application is filed. An industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

96.04 CONNECTION PROHIBITED. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

96.05 COSTS. All costs and expenses incident to the installation and connection 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.

96.06 SEPARATE CONNECTIONS. A separate and independent building sewer shall be provided for every 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

96.07 EXISTING BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authorized City representative to meet all requirements of this chapter.

96.08 CONSTRUCTION STANDARDS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building Code and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9*, and Chapter 12 - *Iowa Standards for Sewer Systems*, shall apply.

96.09 LIFT REQUIRED. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an appropriate means in accordance with the Plumbing Code and discharged to the building sewer.

96.10 RUNOFF OR GROUNDWATER PROHIBITED. No persons shall make connection of roof downspouts, sump pumps, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

96.11 CONNECTION SPECIFICATIONS. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9* and Chapter 12, *Iowa Standards for Sewer Systems*. All such connections

shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the authorized City representative before installation.

96.12 INSPECTION REQUIRED. The applicant for the building sewer permit shall notify the authorized City representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the authorized City representative.

96.13 EXCAVATIONS. All excavation for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

96.14 BACKWATER VALVES. Backwater valves shall be installed in accordance with the Plumbing Code whenever the Superintendent determines that such valves are needed in the building drainage system.

(Ch. 96 - Ord. 8-97#2 (16) - Jul. 98 Supp.)

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CHAPTER 97

USE OF PUBLIC SEWERS

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97.03 Prohibited Wastes	97.15 Show Cause Hearing
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97.10 Method of Testing and Measurement	97.22 Civil Penalties
97.11 Special Agreements	97.23 Criminal Prosecution
97.12 Increased Industrial Loads	97.24 Remedies Nonexclusive

97.01 PROHIBITED DISCHARGE. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

97.02 STORM WATER; COOLING WATER. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the authorized City representative. Industrial cooling water or unpolluted process waters may be discharged on approval of the authorized City representative to a storm sewer, combined sewer or natural outlet.

97.03 PROHIBITED WASTES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammables. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Waste. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system and wastewater treatment 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 sewerage system and wastewater treatment works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

97.04 RESTRICTED WASTES. 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 authorized City representative 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 authorized City representative 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 wastewater treatment works, degree of treatability of wastes in the wastewater treatment works, and maximum limits established by regulatory agencies. The substances prohibited are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).
2. Oily/Toxic Wastes. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (0°C to 65°C).
3. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the authorized City representative.
4. Acids. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
5. Plant Design Limit. Any waters or wastes containing iron, chromium, copper, zinc or 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 authorized City representative for such materials.

6. 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 authorized City representative as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the authorized City representative in compliance with applicable State or Federal regulations.
8. pH. Any waters or wastes having a pH less than 5.5 or greater than 9.5, or wastewater having any other corrosive properties (i.e. H₂S) capable of causing damage or hazard to structures, equipment and/or personnel of the wastewater facilities.
9. Mercury. Any mercury or any of its compounds in excess of 0.005 mg/l as Hg at any time except as permitted by the authorized City representative in compliance with applicable State or Federal regulations.
10. Cyanide. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the authorized City representative in compliance with applicable State and Federal regulations.
11. 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 BOD, 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.
12. 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 wastewater treatment works effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

13. Excessive Load. Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, or (4) having wastewater concentrations greater than normal as determined by sampling and testing of a user's wastewater discharge, shall be subject to the review of the authorized City representative. Where necessary in the opinion of the authorized City representative, the owner shall provide, at said owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) 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 authorized City representative and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.05 POWERS OF THE CITY. 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 97.01, 97.03 and 97.04 of this chapter and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the authorized City representative may have a deleterious effect upon the sewage system and wastewater treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the authorized City representative may:

1. Rejection. Reject the wastes;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controlled Discharge. Require control over the quantities and rates of discharge;
4. Added Cost. 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 Section 97.11 of this chapter; and/or
5. Prohibit. Order the condition to be abated as a public nuisance through the procedures set forth for such action.

If the authorized City representative 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 authorized City representative and subject to the requirements of all applicable codes, ordinances, and laws.

97.06 INTERCEPTORS. All commercial, restaurant and others involved in food preparation shall have grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the authorized City representative, and shall be located as to be readily and easily accessible for cleaning and inspection. Owners shall maintain records of maintenance and cleaning of grease, oil and sand interceptors. These records shall be presented to the authorized City representatives upon request.

97.07 MAINTENANCE OF PRETREATMENT OR FLOW DEVICES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

97.08 CONTROL MANHOLES REQUIRED. Each industry shall be required to install a control manhole and, when required by the authorized City representative, 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 authorized City representative. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.09 MEASUREMENT AND TESTS REQUIRED. The owner of any property served by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with these chapters and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, State and local standards are being met. The owner shall report the results of such measurements and laboratory analyses to the City at such times and in such

manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

97.10 METHOD OF TESTING AND MEASUREMENT. 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* 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 sewerage system and wastewater treatment works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

97.11 SPECIAL AGREEMENTS. No statement in this chapter shall be construed as preventing a special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, in accordance with any resolution establishing special rates and charges passed by the Council, provided such payments are in accordance with Federal and State guidelines for user charge system.

97.12 INCREASED INDUSTRIAL LOADS. Any industry desiring to introduce wastes into the sewer system, which is not doing so as of the effective date of the ordinance codified by these Sanitary Sewer chapters, or any industry desiring to expand in a manner which will increase its discharge of waste or will change the nature of the waste discharged into the sewer system shall submit to the authorized City representative a report of the amount and character of waste proposed to be discharged into the sewer; said report shall be submitted at least sixty (60) days prior to the first day of discharge into the sewers.

(Ch. 97 - Ord. 8-97#2 (16) - Jul. 98 Supp.)

97.13 NOTICE OF VIOLATION. When the Community Service Director or his authorized representative finds that a user has violated, or continues to

violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Community Service Director or his authorized representative may serve upon the user a written notice of violation. Within forty-eight (48) hours of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction thereof, to include specific required actions, shall be submitted by the user to the Community Service Director or his authorized representative. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Community Service Director or his authorized representative to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

97.14 CONSENT ORDER. The Community Service Director or his authorized representative is hereby empowered to enter into consent orders, including more frequent testing as determined by the Community Service Director, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

97.15 SHOW CAUSE HEARING. The Community Service Director or his authorized representative may order any user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) business days prior to the hearing. Such notice may be served on the authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

97.16 CEASE AND DESIST ORDERS.

1. When the Community Service Director or his authorized representative finds that a user is in significant non-compliance and has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Community Service Director or his authorized

representative may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

2. The term "significant non-compliance" is defined as follows:

- A. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit multiplied by the applicable criteria (1.4 for BOD, TSS, oil and grease, and 1.2 for all other pollutants except pH);
- B. Any other discharge violation that the City believes has caused alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);
- C. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such as discharge;
- D. Failure to meet, within ninety (90) days after the scheduled date, a compliance milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- E. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring report, and report on compliance with compliance schedules;
- F. Failure to accurately report non-compliance;
- G. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

97.17 SUSPENSION OF WASTEWATER DISCHARGE PERMIT. The Community Service Director or his authorized representative may suspend a

wastewater discharge permit for good cause including, but not limited to, the following reasons:

1. Misrepresentation or failure to accurately report all relevant facts of wastewater discharge;
2. Failure of the user to provide prior notification to the Community Service Director or his authorized representative of significantly changed conditions that would negatively impact the operation of the City wastewater treatment facility;
3. Tampering with monitoring equipment;
4. Refusing to allow the Community Service Director or his authorized representative timely access to the facility premises and records;
5. Failure to meet effluent limitations and who is in significant non-compliance;
6. Failure to report a significant upset, failure, or bypass of user's pretreatment facilities that would negatively impact the operation of the City wastewater treatment facility;
7. Failure to pay fines, fees, or sewer user charges;
8. Failure to follow enforcement orders or meet compliance schedules;
9. Failure to correct a condition that impedes or alters the POTW's ability to monitor the user's discharge or has the potential to cause interference or pass through;
10. Falsifying self-monitoring reports;
11. Failure to complete a wastewater survey;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter; or
14. Failure to cease discharging a waste with physical or chemical characteristics which potentially cause interference or pass through.

Wastewater discharge permits shall be voidable upon cessation of operation or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon issuance of a new wastewater discharge permit to that user.

97.18 INJUNCTIVE RELIEF. When the Community Service Director or his authorized representative finds that a user has violated, or continues to violate, any provisions of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Community Service Director or his authorized representative may request the Iowa District Court for issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Community Service Director or his authorized representative may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

97.19 OTHER REMEDIES FOR VIOLATIONS.

1. Any person violating any of the provisions of this chapter shall be liable to the City for any damage, loss, cost, or expense occasioned by reason of such violation.
2. For a violation of any of the provisions of this chapter, after informal notice, the Community Service Director or his authorized representative may:
 - A. Take necessary measures to correct and abate such violation, and the Community Service Director or his authorized representative is authorized to enter on private property to do so;
 - B. Order the service to the premises involved discontinued and authorize the disconnection of any tapping or connection made to the wastewater system of the City. In the event a violation of the provisions of this chapter creates an immediate hazard to the wastewater facilities or to the operation thereof, or to the health and safety of any person or to the preservation and protection of any property, the Community Service Director or his authorized representative is authorized and directed to perform all necessary acts, without prior notice or hearing, to correct and abate such violations and may enter on private property to do so.
3. The cost of any corrective measures required under the provisions of this section shall be a lien on the property served by the wastewater facilities in connection with which such violation has occurred and shall be levied and collected by the City Council as ordinary taxes.
4. In addition to any other remedies provided for in this chapter, the City may bring suit to collect any sums due it, including user charges

and cost recovery charges, from the person or persons incurring the liability for the payment of such charges.

97.20 EMERGENCY SUSPENSION. The Community Service Director or his authorized representative may immediately suspend a user's discharge after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause imminent or substantial endangerment to the health or welfare of persons. The Community Service Director or his authorized representative may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the Publicly Owned Treatment Works (POTW), or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Community Service Director or his authorized representative may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize significant damage that would negatively impact the operation of the City wastewater treatment facility, its receiving stream, or endangerment to any individuals. The Community Service Director or his authorized representative may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Community Service Director or his authorized representative that the period of endangerment has passed, unless termination proceedings are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and measures taken to prevent any future occurrence, to the Community Service Director or his authorized representative prior to the date of any show cause or termination hearing. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

97.21 TERMINATION OF DISCHARGE. In addition to the provisions in Section 97.14 of this chapter, any user who violates the following conditions is subject to discharge termination:

1. Failure to accurately report the wastewater constituents and characteristics of its discharge;
2. Failure to report significant changes in operation or wastewater volume, constituents, and characteristics prior to discharge;

3. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
4. Violation of the pretreatment standards.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the Community Service Director or his authorized representative shall not be a bar to, or a prerequisite for, taking any other action against the user.

97.22 CIVIL PENALTIES. Any user who violates any provisions of this chapter or any order or permit issued hereunder, shall be liable for a civil penalty of not more than one thousand dollars (\$1,000.00) for each violation plus actual damages incurred by the Publicly Owned Treatment Works (POTW) per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Community Service Director or his authorized representative may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

97.23 CRIMINAL PROSECUTION.

1. Any user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall be in violation of this Code of Ordinances, and each day in which any such violation continues shall be deemed a separate offense.
2. Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document files or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall be in violation of this Code of Ordinances, and each day in which any such violation continues shall be deemed a separate offense.

97.24 REMEDIES NONEXCLUSIVE. The remedies provided for in this chapter are not exclusive. The Community Service Director or his authorized representative may take any, all, or any combination of the actions against a noncompliant user. However, the Community Service Director or his authorized representative may take further action against any user when circumstances warrant. Further, the Community Service Director or his

authorized representative is empowered to take more than one enforcement action against any noncompliant user.

(Sections 97.13 – 97.24 - Ord. 4-01 #1 (79) – Aug. 01 Supp.)

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CHAPTER 98

WASTEWATER SERVICE CHARGES

98.01 Basis for Charges	98.11 Bills
98.02 Connection Charge	98.12 Delinquent Bills
98.03 Surcharge Factor	98.13 Lien for Nonpayment
98.04 Connection Fee	98.14 Foreclosure of Lien
98.05 Connection Fee for Single-Family Equivalent	98.15 Revenues
98.06 Single-Family Equivalent	98.16 Accounts
98.07 Annual Review	98.17 Access to Records
98.08 Measurement of Flow	98.18 Periodic Review
98.09 Charges Herein to Take Precedence	98.19 Notification
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98.01 BASIS FOR CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement and local capital financing charge and a surcharge, if applicable. The user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic wastewater concentrations:

1. Average day, 20 degrees centigrade (20°C) biochemical oxygen demand (BOD) of 200 mg/l.
2. A suspended solids (SS) content of 240 mg/l.
3. An ammonia-nitrogen (NH₃N) content of 40 mg/l.
4. An oil and grease content of 100 mg/l.
5. A sulfate content of 1,500 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

1. Estimate wastewater characteristics by volume, pounds of SS, pounds of BOD, pounds of NH₃N and pounds of oil and grease to be treated, and customer bills to be sent.
2. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
3. Proportion the estimated costs to wastewater facility categories by volume, SS, BOD, ammonia-nitrogen (NH₃N), oil and grease, and customer.
4. Develop unit rates for volume, BOD, SS, and NH₃N, and oil and grease by dividing estimated costs in the preceding paragraph 3 by estimated wastewater characteristics in paragraph 1.

5. Compute costs per 1000 gallons for normal domestic wastewater.
6. Compute surcharge factor for multiplying time costs per 1000 gallons for BOD, SS, NH₃N, and oil and grease in excess of normal domestic wastewater. A surcharge will also be assessed for heavy metals or toxics that exceed acceptable limits. The charge will be determined according to the toxic or heavy metals involved.

98.02 CONNECTION CHARGE. A sewer connect charge shall be assessed for each new, replaced or altered building sewer that is connected to the public sanitary sewer system. The inspection fee shall be charged to all making connections, reconnections or alterations to the public sewer system.

98.03 SURCHARGE FACTOR. A surcharge factor shall be levied for the following customers whose wastewaters exceed normal domestic wastewater:

CUSTOMER TYPE	SURCHARGE FACTOR
Laundry, including industrial laundries, commercial laundries and laundromatic	1.2
Car washes	1.3
Restaurants, including quick serve and sit-down types	1.6
Bakeries	1.4

98.04 CONNECTION FEE. The connection fee shall be a minimum of the number of units times the single-family equivalent (SFE) times \$300, or according to a formula developed by the City based on a proportionate charge such as cost per acre, cost per lot or flow requirement.

98.05 CONNECTION FEE FOR SINGLE-FAMILY EQUIVALENT. The connection fee for each single-family equivalent connection will be \$300.00.

98.06 SINGLE-FAMILY EQUIVALENT. The single-family equivalent for each type of use shall be as follows:

USE	SINGLE-FAMILY EQUIVALENTS (SFE)
Single Family	1 per unit
Duplex	1.4 per duplex
Apartment	0.36 per unit
Townhouse/Condo	0.47 per unit
Day Care	0.06 per student
Public School	0.07 per student
Other School	0.06 per student
Motel without Restaurant	0.17 per room
Motel with Restaurant	0.43 per room
Nursing Home	.25 per bed
Restaurant	0.3 per seat
Restaurant Fast Service	0.14 per seat
General Retail	0.00020 per SF
Office Building	0.00014 per SF
Church	1.14 per each

For any proposed use not listed in the above table the single-family equivalent (SFE) shall be determined by the City Engineer from documented water usage for similar uses divided by 350 gallons per day per each single-family equivalent.

98.07 ANNUAL REVIEW. The adequacy of the wastewater service charge shall be reviewed annually by the City. The wastewater service charge shall be revised periodically to reflect a change in debt service and other local capital financing costs or a change in operation and maintenance costs including replacement costs.

98.08 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and local capital financing charges shall be the metered water consumption read to the lowest even increment of 1,000 gallons.

1. If the person discharging wastes into the public sewers procures any part, or all, of said person’s water from sources other than the Altoona Municipal Water Department, all or a part of which is discharged into the public sewers, the person shall install and maintain, at said person’s expense, water meters of a type approved by the authorized City representative for the purposes of determining the volume of water obtained from these other sources.

2. Devices for measuring the volume of waste discharged may be required by the authorized City representative if these volumes cannot otherwise be determined from the metered water consumption records.

3. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the authorized City representative.

98.09 CHARGES HEREIN TO TAKE PRECEDENCE. The wastewater service charges established herein shall take precedence over any terms or conditions of agreements or contracts between the City and users which are inconsistent with the requirements of Section 204(b)(1)(a) of the Federal Act and the corresponding regulations.

98.10 RATES. New rate will be \$6.98 per 1,000 gallons effective January 1, 2016.

(Ord. 11-02-2015 #01(415) – Dec. 15 Supp.)

98.11 BILLS. Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant, and the user of the services are jointly and severally liable therefor to the City. All sewer bills are due and payable 18 days after the billing date. A late fee may be assessed to any bill not paid by the 18th day after the billing date. A late charge of ten percent (10%) shall be charged as provided by the rules and regulations of the Water Department for bills not paid by the 18th day.

98.12 DELINQUENT BILLS. If the charges for such services are not paid within 23 days after the rendition of the bill for such services, a “red tag” shall be hung at the premises where the water is consumed. A ten dollar (\$10.00) charge will be assessed for the hanging of the red tag. If payment for such services is not paid within 48 hours after hanging of the red tag, such services may be discontinued and shall not be reinstated until all claims are settled. Service may be disconnected by means of the discontinuance of the water service in the same manner provided by the rules and regulations of the Water Department in the case of delinquent water bills.

98.13 LIEN FOR NONPAYMENT. Sewer rental charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Auditor for collection in the same manner as property taxes; or, in the alternative, whenever a bill for sewer service remains unpaid and after due notice is served to the property owner, the Council shall certify to the County Auditor statement of lien claim. This statement shall contain the name of the owner of record, the legal description of

the premises served, the amount of the unpaid bill, the date that the bill became due and payable, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. The failure of the County Auditor to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned above.

98.14 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City. The City is hereby authorized and directed to institute such proceedings in any court having jurisdiction over such matters against any property for which the bill has remained unpaid.

98.15 REVENUES. All revenues and moneys derived from the operation of the sewerage system and wastewater treatment works shall be deposited in the wastewater account of the wastewater fund. All such revenues and moneys shall be held by the Clerk separate and apart from private funds and separate and apart from all other funds of the City and all of said sum without any deductions whatever shall be delivered to the Clerk not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Council. The Clerk shall receive all revenues from the sewerage system and wastewater treatment works and all other funds and moneys incident to the operation of such system as the same may be delivered to the Clerk and deposit the same in the account of the fund designated as the "Sanitation Fund of the City." The Clerk shall administer such fund in every respect in the manner provided by statute of the Iowa Administrative Code.

98.16 ACCOUNTS. The Clerk shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system and wastewater treatment works, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that the wastewater service charges do in fact meet these regulations. In addition to the proper system of accounts established for the transactions relating to the sewerage system and wastewater treatment works a Sewer Replacement Fund shall be established specifically for direct costs related to replacement of capital equipment. The City shall deposit into

the Sewer Replacement Fund on an annual basis a minimum of \$62,500, or an amount to be calculated by the staff and approved by the Council.

98.17 ACCESS TO RECORDS. The State Department of Natural Resources or its authorized representative shall have access to any books, documents, papers, and records of the City which are applicable to the City system of user charges for the purposes of making audit, examination, excerpts, and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any Federal or State Grant.

98.18 PERIODIC REVIEW. The wastewater service charge shall be reviewed periodically (at least every two (2) years) and adjusted as appropriate to insure that said charges generate sufficient funds for operation, maintenance, and replacement of the sewerage system and wastewater treatment works and local capital financing requirements.

98.19 NOTIFICATION. The City shall notify each user at least annually of the rate being charged for operation, maintenance including replacement of the sewerage system and wastewater treatment works.

(Ch. 98 - Ord. 8-97#2 (16) - Jul. 98 Supp.)

[The next page is 577]

CHAPTER 99

BENEFITED SEWER DISTRICTS

99.01 Purpose

99.02 Intent

99.03 Procedure

99.04 West Side Sanitary Sewer Connection Fee District

99.05 Southeast Side Sanitary Sewer Connection Fee District

99.06 South Side Sanitary Sewer Connection Fee District

99.07 North I-80 Sanitary Sewer Connection Fee District

99.01 PURPOSE. The City has determined the necessity of establishing a policy and a procedure to be utilized to recover the cost of design and construction of major sanitary sewer facilities in those instances in which a significant number of the properties to be benefited by such facilities are not sufficiently developed to permit the recovery of those costs through the special assessment process as provided in Chapter 384, Division IV of the Code of Iowa. The City hereby declares its intent to utilize connection fees, as herein provided, to recover the costs for design and construction of such major sanitary sewer facilities from property owners who connect to such facilities subsequent to their construction.

99.02 INTENT. It is the intent of this chapter to set forth the method of recovery of proportional cost shares from those property owners who connect their properties to major sanitary sewer facilities subsequent to their construction, so that in the event that all property, other than street and road right-of-way, which lies within the benefited district is connected to the major sanitary sewer facilities during their expected useful life, then those properties shall bear, in the aggregate, up to 100 percent of the cost for design and construction of such facilities, including legal, administrative, and interest expenses associated therewith.

99.03 PROCEDURE.

1. In the event the Council determines the necessity for construction of a major sanitary sewer facility, and determines that the utilization of a connection fee is the most equitable manner in which to recover the City's costs associated therewith, the Council shall cause a "Notice of Public Hearing on the Proposed Adoption of an Ordinance to Establish a Benefited District and a Connection Fee Schedule" to be published in a newspaper of general circulation within the City as hereafter provided. In addition to indicating the date, time, and place of the public hearing, the notice shall:

A. Indicate the nature and extent of the major sanitary sewer facility or facilities under consideration for construction, as well

as the estimated cost or costs for the design and construction of same;

B. Identify by general description the proposed benefited district to be served by the major sanitary sewer facility or facilities; and

C. Set forth the proposed yearly schedule of connection fees to be paid by property owners within the benefited district who connect to said facilities, expressed in dollars per acre of land area served.

The notice shall also state that the proposed connection fee ordinance is on file, along with a service area map of the area to be served, and both are available for public inspection in the office of the Clerk. The notice shall be published not more than 45 days and not less than 20 days prior to the scheduled date of the public hearing, and shall be mailed to each property owner within the benefited district as shown by the records of the County Auditor.

2. At the public hearing, the owners of property within the proposed benefited district shall be heard and may offer comments or objections as to:

A. The necessity for the project;

B. The calculation of the area benefited by the proposed major sanitary sewer facilities;

C. The estimated cost of the proposed facilities;

D. The proposed per acre connection fee; and

E. The graduated yearly connection fee schedule.

3. Upon concluding the hearing, the Council shall rule upon the objections presented during the hearing and may consider the adoption of the proposed connection fee ordinance. Upon consideration of the proposed connection fee ordinance, the Council may:

A. Adopt the ordinance as proposed;

B. Delete elements or portions of the proposed major sanitary sewer facilities from the proposed project and the properties served thereby from the benefited district proposed; or

C. Amend the ordinance to revise the connection fee schedule.

4. The connection fee ordinance may provide, at the Council's discretion, that single family residences within the benefited district, in

existence or under construction upon the effective date of the ordinance, and located within the corporate limits of the City, are eligible for connection to the major sanitary sewer facility. In that event, the ordinance shall include the following provisions:

A. That the owners of residences on parcels of less than one acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, payment of the connection fee for the parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the Public Works Director.

B. That the owners of residences on parcels in excess of one acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, subdivision of said parcel into a residence parcel and an outlot, payment of the connection fee for the residence parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the Public Works Director.

C. The connection fee ordinance may also provide, at the Council's discretion, that sanitary sewer service can be provided to recreational and park facilities in the same manner and under the same procedures set forth in this section for single family residences within the benefited district.

All other property located within the corporate limits of the City and within a benefited district shall be eligible for connection to the major sanitary sewer facility upon approval of an application for connection by the owner thereof, as hereafter provided, and payment of the connection fee for such property, provided such property has been appropriately subdivided for development, and, where applicable, all sanitary sewer improvements necessary to serve said property have been constructed, at the owner's expense, and accepted by the City.

5. After adoption, publication and recording by the Clerk of a connection fee ordinance for a benefited district, all owners of those properties within the benefited district whose properties are eligible for connection, and who propose to connect such properties directly or indirectly to the major sanitary sewer facility, shall make application to the City for such connection. The submittal of construction plans to the City for sanitary sewer improvements on property being subdivided for development shall constitute an application to the City for purposes of this chapter. The sewer connection fee shall be due and payable at the

time application is made to the City for connection to the major sanitary sewer facility. No connection shall be made to a major sanitary sewer facility until such application has been approved and until the required connection fee has been paid. The sewer connection fee shall be paid before the City will approve the final plat of property subject to the sewer connection fee.

6. The sewer connection fee shall be in an amount equal to the maximum acre area of contiguous property, or fraction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per acre connection fee established in the connection fee ordinance for that benefited district. The connection fee ordinance may provide for a graduated connection fee, with annual interest adjustments, such that property owners who connect in later years pay interest on the connection fee for their property. The rate of interest applicable to the connection fee established in each benefited district shall not exceed the rate of interest applicable to special assessments pursuant to Chapter 74A and Section 384.60(3) of the Iowa Code in effect on the date that the connection fee was established for that district by enactment of a connection fee ordinance.

7. The sewer connection fee required by this chapter shall be due and payable to the City Clerk and is in addition to, and not in lieu of, any other fees for connection required under the plumbing code or other provisions of this Code of Ordinances.

8. In the event any property owner connects his or her property within a benefited district to a major sanitary sewer facility without having made application therefor or without having received approval thereof or without having paid the required connection fee established by a connection fee ordinance, the City shall be entitled to disconnect such private sewer connection until such time as the property owner has made and received approval of his or her application, and/or has paid the required connection fee.

(Ord. 5-99 #2 (33) – July 99 Supp.)

99.04 WEST SIDE SANITARY SEWER CONNECTION FEE DISTRICT.

1. The West Side Sanitary Sewer Connection Fee District is hereby established, consisting of a tract of land in Sections 10, 14, 15, 22, 23, 24, 25 and 26, Township 79 North, Range 23 West of the Fifth Principal Meridian, Polk County, Iowa, more particularly described as follows:

THAT PART OF:

THE SOUTH 1/2 OF SECTION 10 LYING EAST OF RELOCATED PRIMARY ROAD NO. U.S. 65 AND SOUTH OF INTERSTATE 80 AND

THAT PART OF INTERSTATE 80 RIGHT-OF-WAY IN SAID SECTION 10 LYING SOUTH OF A LINE BEING 175 FEET NORMALLY DISTANT FROM THE CENTERLINE OF SAID INTERSTATE 80, SAID PARCEL BEING ACQUIRED BY WARRANTY DEED RECORDED IN BOOK 3643, PAGE 143. AND

THAT PART OF SECTION 15 LYING EAST OF SAID U.S. 65 AND

LOTS 1 THROUGH 13, WAYSIDE ACRES, BEING AN OFFICIAL PLAT, AND THE ROAD RIGHT-OF-WAY ADJOINING EAST AND SOUTH OF SAID LOTS 1 THROUGH 13 ALL IN SECTION 14 AND

THAT PART OF SECTION 22 LYING EAST OF SAID U.S. 65 AND

THE SOUTH 1/2 LYING EAST OF SAID U.S. 65, THE SOUTH 1/2 OF THE NORTHEAST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 23 AND

THE WEST 21.22 ACRES EXCEPT THE NORTH 20 RODS, LOT 1, THE OFFICIAL PLAT OF THE NORTHWEST 1/4 OF SAID SECTION 23 AND

THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 LYING SOUTHEASTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD IN SAID SECTION 23 AND

THE SOUTHWEST 1/4 OF SECTION 24 AND

THE NORTHWEST 1/4 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25

ALL BEING IN TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF ALTOONA, POLK COUNTY, IOWA AND

THAT PART OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF ALTOONA, POLK COUNTY, IOWA AND MORE PARTICULARITY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 24; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 24 TO THE NORTH 1/4 CORNER OF SAID SECTION 25; THENCE SOUTH ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 25 TO THE SOUTHEAST CORNER OF SAID NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25; THENCE WEST ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE SOUTHWEST 1/4 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 26; THENCE WEST ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE SOUTHEAST 1/4 TO A POINT BEING 357.4 FEET WEST OF THE WEST LINE OF SAID SOUTHEAST 1/4; THENCE NORTH ALONG A LINE PARALLEL WITH AND 357.4 FEET WEST OF SAID WEST LINE TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE WEST ALONG SAID NORTH LINE TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID RELOCATED PRIMARY ROAD NO. U.S. 65, SAID POINT BEING 190 FEET EASTERLY OF AND NORMALLY DISTANT TO THE CENTERLINE OF SAID U.S. 65; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY AND ALONG A CURVE TO A POINT ON THE EASTERLY RIGHT-OF-WAY

LINE OF THE HEARTLAND RAIL CORPORATION, SAID POINT BEING 190 FEET EASTERLY OF AND NORMALLY DISTANT TO SAID CENTERLINE; THENCE CONTINUING NORTHWESTERLY TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HEARTLAND RAIL CORPORATION, SAID POINT BEING 140 FEET EASTERLY OF AND NORMALLY DISTANT TO SAID CENTERLINE; THENCE CONTINUING NORTHWESTERLY ALONG A LINE 140 FEET EASTERLY OF AND NORMALLY DISTANT TO SAID CENTERLINE TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23, SAID POINT BEING ON SAID EASTERLY RIGHT-OF-WAY OF U.S. 65; THENCE CONTINUING NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF SAID SECTION 15; THENCE NORTH TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NE 46TH AVENUE; THENCE WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. 65; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTHEASTERLY CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT ON THE EASTERLY LINE OF SAID SECTION 10; THENCE SOUTH ALONG SAID EASTERLY LINE TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 15 TO THE INTERSECTION OF SAID EAST LINE WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, WAYSIDE ACRES, BEING AN OFFICIAL PLAT; THENCE EAST ALONG SAID WESTERLY EXTENSION AND ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH ALONG THE EAST LINE OF SAID LOTS 1 THROUGH 13 AND THE SOUTHERLY EXTENSION OF SAID EAST LINE TO A POINT ON THE NORTH LINE OF SAID SECTION 23; THENCE EAST ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 23; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE SOUTHEAST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID NORTHWEST 1/4 OF SAID SECTION 23 AND THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 23 TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4 OF SAID SECTION 23; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 23 TO THE WEST 1/4 CORNER OF SAID SECTION 24; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 24 TO THE POINT OF BEGINNING.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the West Side Sanitary Sewer Connection Fee District, pursuant to Altoona Ordinance No. 5-99 #2 (33), at the time of application to connect their properties to said sewer facilities, as follows:
 - A. From the effective date of Ordinance No. 3-01 #1 (78) through June 30, 2001, a connection fee of \$2,500 per acre of property served by the sewer facilities shall be imposed.

Thereafter, the per-acre connection fee shall be annually adjusted as of July 1 of each year according to the following schedule:

Effective Date	Connection Fee (\$/acre)
July 1, 2001	\$2,600
July 1, 2002	\$2,700
July 1, 2003	\$2,800
July 1, 2004	\$2,910
July 1, 2005	\$3,030
July 1, 2006	\$3,150
July 1, 2007	\$3,270
July 1, 2008	\$3,400
July 1, 2009 and thereafter	\$3,500

B. The above-established connection fee schedule shall also apply to any properties outside the West Side Sanitary Sewer Connection Fee District which use or derive benefit from any of the sewer facilities constructed for the West Side Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The above-established connection fee schedule shall not apply to any properties within the West Side Sanitary Sewer Connection Fee District which do not use or derive benefit from any sewer facilities constructed for the West Side Sanitary Sewer Connection Fee District.

D. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recording, or issuance of a building or plumbing permit, whichever occurs first.

E. Any single family residence existing or under construction upon the effective date of Ordinance No. 3-01 #1 (78) located upon a parcel in excess of one acre may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel and an outlot, and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

F. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of Ordinance No. 3-01 #1 (78) may apply for connection upon annexation to the City and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

3. Effect of Schedule. The above-established connection fee schedule shall remain in force and effect until such time that the City Council for the City of Altoona adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the West Side Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from appropriate adjustment of the connection fee schedule to reflect future construction costs.

(Ord. 3-01 #1 (78) – Aug. 01 Supp.)

99.05 SOUTHEAST SIDE SANITARY SEWER CONNECTION FEE DISTRICT.

1. The Southeast Side Sanitary Sewer Connection Fee District is hereby established, consisting of a tract of land in Sections 19 and 30, Township 79 North, Range 22 West, and Section 25 and 36, Township 79 North, Range 23 West of the Fifth Principal Meridian, Polk County, Iowa, more particularly described as follows:

THAT PART OF:

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 24;

AND

The Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, all in said Section 25;

AND

The Southwest $\frac{1}{4}$ and the Southeast $\frac{1}{4}$, all in said Section 19, including Country Cove Plats 1, 2 and 4, being Official Plats;

AND

The Northwest $\frac{1}{4}$, the West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, the East $\frac{3}{4}$ of the North $\frac{1}{4}$ of said Northeast $\frac{1}{4}$, the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the West $\frac{3}{4}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, all in said Section 30.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Southeast Side Sanitary Sewer Connection Fee District, pursuant to Altoona Ordinance No. 5-99 #2 (33), at the time of application to connect their properties to said sewer facilities, as follows:

A. From the effective date of Ordinance No. 05-02 #1 (103) through June 30, 2002, a connection fee of \$2,500 per acre of property served by the sewer facilities shall be imposed. Thereafter, the per-acre connection fee shall be annually adjusted as of July 1 of each year according to the following schedule:

Effective Date	Connection Fee (\$/acre)
July 1, 2002	\$2,600
July 1, 2003	\$2,700
July 1, 2004	\$2,800
July 1, 2005	\$2,910
July 1, 2006	\$3,030
July 1, 2007	\$3,150
July 1, 2008	\$3,270
July 1, 2009	\$3,400
July 1, 2010 and thereafter	\$3,500

B. The above-established connection fee schedule shall also apply to any properties outside the Southeast Side Sanitary Sewer Connection Fee District which use or derive benefit from any of the sewer facilities constructed for the Southeast Side Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The above-established connection fee schedule shall not apply to any properties within the Southeast Side Sanitary Sewer Connection Fee District which do not use or derive benefit from any sewer facilities constructed for the Southeast Side Sanitary Sewer Connection Fee District.

D. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recording, or issuance of a building or plumbing permit, whichever occurs first.

E. Any single family residence existing or under construction upon the effective date of Ordinance No. 05-02 #1 (103) located upon a parcel in excess of one acre may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel and an outlot, and payment of a single-

acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

F. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of Ordinance No. 05-02 #1 (103) may apply for connection upon annexation to the City and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

3. Effect of Schedule. The above-established connection fee schedule shall remain in force and effect until such time that the City Council for the City of Altoona adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the Southeast Side Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from appropriate adjustment of the connection fee schedule to reflect future construction costs.

(Ord. 05-02 #1 (103) – June 02 Supp.)

99.06 SOUTH SIDE SANITARY SEWER CONNECTION FEE DISTRICT.

1. The South Side Sanitary Sewer Connection Fee District is hereby established, consisting of a tract of land in Sections 30 and 31, Township 79 North, Range 22 West, and Sections 25, 26 and 36, Township 79 North, Range 23 West of the Fifth Principal Meridian, Polk County, Iowa, more particularly described as follows:

A PART OF SECTION 30, 31 IN TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., AND A PART OF SECTION 25, 26, 36 IN TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., ALL BEING IN POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 31 TO THE EAST ¼ CORNER OF SAID SECTION 31; THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SECTION 31 TO THE CENTER OF SAID SECTION 31; THENCE CONTINUING WEST ALONG THE SOUTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 31 TO THE WEST ¼ CORNER OF SAID SECTION 31; THENCE CONTINUING WEST ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 36 TO A POINT ON THE EAST LINE OF PARCEL "B" AS SHOWN ON A PLAT OF SURVEY RECORDED IN BOOK 10390, PAGE 159; THENCE NORTH ALONG SAID EAST LINE OF PARCEL "B" TO THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE WEST ALONG THE NORTH LINE OF SAID PARCEL "B" TO THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL "B" TO A POINT ON SAID

SOUTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 36; THENCE WEST ALONG SAID SOUTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 36 TO THE CENTER OF SAID SECTION 36; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$ OF SECTION 36 TO THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 25 TO THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE CONTINUING WEST ALONG THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26 TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 65; THENCE NORTH ALONG SAID EASTERLY U.S. HIGHWAY 65 RIGHT OF WAY LINE TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE WEST ALONG SAID EASTERLY U.S. HIGHWAY 65 RIGHT OF WAY LINE AND ALONG SAID SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 26 TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD; THENCE NORTH ALONG SAID EASTERLY RAILROAD RIGHT OF WAY LINE TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 26; THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26 TO THE NORTHEAST CORNER OF SAID SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 26; THENCE CONTINUING EAST ALONG THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ ALL IN SAID SECTION 25 TO THE NORTHEAST CORNER OF SAID SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25; THENCE CONTINUING WEST ON THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND ALONG THE NORTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ ALL IN SAID SECTION 30 TO THE NORTHEAST CORNER OF SAID SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 30; THENCE SOUTH ALONG THE EAST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 30 TO THE POINT OF BEGINNING.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the South Side Sanitary Sewer Connection Fee District, pursuant to Altoona Ordinance No. 5-99 #2 (33), at the time of application to connect their properties to said sewer facilities, as follows:

A. From the effective date of Ordinance No. 7-17-06 #2 (223) through June 30, 2007, a connection fee of \$3,000 per acre of property served by the sewer facilities shall be imposed. Thereafter, the per-acre connection fee shall be annually adjusted as of July 1 of each year according to the following schedule:

Effective Date	Connection Fee (\$/acre)
July 1, 2007	\$3,100
July 1, 2008	\$3,200
July 1, 2009	\$3,300
July 1, 2010	\$3,400
July 1, 2011	\$3,500
July 1, 2012	\$3,600
July 1, 2013	\$3,700
July 1, 2014	\$3,800
July 1, 2015 and thereafter	\$3,900

B. The above-established connection fee schedule shall also apply to any properties outside the South Side Sanitary Sewer Connection Fee District which use or derive benefit from any of the sewer facilities constructed for the South Side Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The above-established connection fee schedule shall not apply to any properties within the South Side Sanitary Sewer Connection Fee District which do not use or derive benefit from any sewer facilities constructed for the South Side Sanitary Sewer Connection Fee District.

D. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recording, or issuance of a building or plumbing permit, whichever occurs first.

E. Any single family residence existing or under construction upon the effective date of Ordinance No. 7-17-06 #2 (223) located upon a parcel in excess of one acre may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel and an outlot, and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

F. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of Ordinance No. 7-17-06 #2 (223) may apply for connection upon

annexation to the City and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

3. Effect of Schedule. The above-established connection fee schedule shall remain in force and effect until such time that the City Council for the City of Altoona adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the South Side Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from appropriate adjustment of the connection fee schedule to reflect future construction costs.

(Ord. 7-17-06 #2 (223) – Dec. 06 Supp.)

99.07 NORTH I-80 SANITARY SEWER CONNECTION FEE DISTRICT.

1. The North I-80 Sanitary Sewer Connection Fee District is hereby established, consisting of a tract of land in Sections 2, 3, 10, 11, and 12, Township 79 North, Range 23 West of the Fifth Principal Meridian, Polk County, Iowa, more particularly described as follows:

A PART OF SECTIONS 2, 3, 10, 11 AND 12 IN TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 2;

AND

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2;

AND

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2;

AND

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 3;

AND

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 3;

AND

THAT PART OF SAID SECTION 10 LYING NORTH OF INTERSTATE HIGHWAY 80;

AND

THE NORTHWEST 1/4 OF SAID SECTION 11;

AND

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 11 LYING NORTH OF INTERSTATE HIGHWAY 80

AND

THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 11 LYING NORTH OF A LINE BEGINNING AT THE CENTER OF SAID SECTION 11; THENCE EAST 107.1 FEET; THENCE NORTHEASTERLY TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 THEREOF;

AND

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11 LYING NORTH AND WEST OF HIGHWAY 65;

AND

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 12 LYING NORTH AND WEST OF HIGHWAY 65.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the North I-80 Sanitary Sewer Connection Fee District, pursuant to Altoona Ordinance No. 5-99 #2(33), at the time of application to connect their properties to said sewer facilities, as follows:

A. From the effective date of Ordinance No. 03-16-2009#1 (300) through June 30, 2009, a connection fee of \$2,500 per acre of property served by the sewer facilities shall be imposed. Thereafter, the per-acre connection fee shall be annually adjusted as of July 1 of each year according to the following schedule:

Effective Date	Connection Fee (\$/acre)
July 1, 2009	\$2,600
July 1, 2010	\$2,700
July 1, 2011	\$2,800
July 1, 2012	\$2,900
July 1, 2013	\$3,000
July 1, 2014	\$3,100
July 1, 2015	\$3,200
July 1, 2016	\$3,300
July 1, 2017 and thereafter	\$3,400

B. The above-established connection fee schedule shall also apply to any properties outside the North I-80 Sanitary Sewer Connection Fee District which use or derive benefit from any of

the sewer facilities constructed for the North I-80 Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The above-established connection fee schedule shall not apply to any properties within the North I-80 Sanitary Sewer Connection Fee District which do not use or derive benefit from any sewer facilities constructed for the North I-80 Sanitary Sewer Connection Fee District.

D. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recording, or issuance of a building or plumbing permit, whichever occurs first.

E. Any single family residence existing or under construction upon the effective date of Ordinance No. 03-16-2009#1 (300) located upon a parcel in excess of one acre may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel and an outlot, and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

F. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of Ordinance No. 03-16-2009#1 (300) may apply for connection upon annexation to the City and payment of a single-acre connection fee. Any future development of said parcel shall require a revised application for connection and payment of the connection fee as established in the above fee schedule.

3. Effect of Schedule. The above-established connection fee schedule shall remain in force and effect until such time that the City Council for the City of Altoona adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the North I-80 Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from appropriate adjustment of the connection fee schedule to reflect future construction costs.

(Ord. 03-16-2009#1 (300) – June 09 Supp.)

[The next page is 595]

CHAPTER 100

**REGULATION OF INDUSTRIAL WASTEWATER,
COMMERCIAL WASTEWATER AND HAULED WASTE**

EDITOR'S NOTE

The Regulation of Industrial Wastewater, Commercial Wastewater and Hauled Waste, adopted March 6, 2006 by Ordinance No. 3-6-06 #1 (212), and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

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CHAPTER 101

FOOTING DRAIN DISCONNECTION PROGRAM

101.01 Purpose	101.06 Non-Compliance Fee for Footing Drain Connection
101.02 Applicability	101.07 Rebuttable Presumption
101.03 Notification Procedure	101.08 Refund of Non-Compliance Fee
101.04 Removal of Footing Drain Connections Required	101.09 Inspection and Notice
101.05 Approved Removal Procedure	

101.01 PURPOSE. The purpose of this chapter is to eliminate footing drain connections to the sanitary sewer system by the establishment of procedures of notification and procedures of removal for sanitary sewer system customers to disconnect the footing drain from the sanitary sewer system within a specified period of time, and to establish monthly surcharge payments for sanitary sewer system customers with previous notification that fail to disconnect footing drains within a specified period of time following the notification.

101.02 APPLICABILITY. This chapter shall be applicable to all properties located within the corporate boundaries of the City of Altoona that are not currently connected to a public storm sewer system or public footing drain collection system.

101.03 NOTIFICATION PROCEDURE. The Community Services Director shall notify, by certified mail or other method as approved by the City Council, sanitary sewer system customers that directly or indirectly connect footing drains, foundation drains, roof downspouts, sump pumps, sump pits, or similar systems or devices to the sanitary sewer system. The notification shall mandate that disconnection from the sanitary sewer system is required within the specified period of time and installation of a sump pump pit, sump pump, discharge line, and connection to a public storm sewer system or public footing drain collection system is required.

101.04 REMOVAL OF FOOTING DRAIN CONNECTIONS REQUIRED. All direct or indirect connections of a footing drain, foundation drain, roof downspouts, sump pump, sump pit, or similar system or device intended to collect and convey groundwater along, adjacent to, beside or under the footing, foundation or basement of any building shall be disconnected from the sanitary sewer system within one hundred and eighty (180) days after the notification by the Community Services Director. Disconnection shall mean removal of any direct or indirect connection to the sanitary sewer system, including direct connections to the sanitary sewer service, connections to a sanitary sewer floor drain or similar plumbing fixture that would allow footing drain flow to enter the sanitary sewer system.

101.05 APPROVED REMOVAL PROCEDURE. The approved removal procedure for a direct or indirect footing drain connection to the sanitary sewer system under this chapter must fully comply with the following:

1. **Prior Inspection.** Prior to any work on the removal or disconnection of the footing drain connection, the existing connection must be inspected by the City. The sanitary sewer system customer shall be responsible to schedule the inspection.
2. **Approved System.** An approved system for the removal of footing drain connections must be used. The approved system shall consist of a sump pump and sump pit with a discharge to an approved storm sewer connection, an approved footing drain collection connection, or an approved yard location.
3. **Plugging of Existing Connection.** Any direct or indirect connection between the footing drain and the sanitary sewer system of the building shall be permanently plugged.
4. **Construction Inspection.** Upon installation of the sump pump pit, sump pump, and plumbing connections; and prior to installation of the concrete floor, the sanitary sewer customer shall be responsible to schedule a City inspection of the completed work.
5. **Floor Drain Connection Prohibited.** The new system shall be installed in such a manner that direct or indirect flow from the footing drain to a floor drain shall not be possible.
6. **Post-Construction Inspection.** The installation of the sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer shall be responsible to schedule the post-construction inspection.

101.06 NON-COMPLIANCE FEE FOR FOOTING DRAIN CONNECTION. Any sanitary sewer customer with a direct or indirect footing drain connection to the sanitary sewer system, being properly notified as described under Section 101.03, and remaining in place one hundred and eighty (180) days after said notification, shall be subject to a monthly surcharge of one-hundred dollars (\$100.00) for potential un-metered flow contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges.

101.07 REBUTTABLE PRESUMPTION. There is a presumption that all sanitary sewer customers receiving notification have a footing drain connection to the sanitary sewer system as prohibited under this chapter. Effective one hundred and eighty (180) days after notification that properties that have not completed an approved removal procedure or other equivalent removal

procedure inspected and documented by the City shall be presumed to have a footing drain connection for purposes of this chapter.

101.08 REFUND OF NON-COMPLIANCE FEE. Any property owner subject to the non-compliance fee under this chapter may request the City to inspect the sanitary sewer service. If the City determines there was no direct or indirect footing drain connection as of the date of non-compliance, the City shall refund all un-metered flow payments collected. In the event the City determines a footing drain disconnection was completed and the footing drain connection no longer exists, the City shall discontinue the imposition of the un-metered flow charges for that sanitary sewer customer and shall refund previous non-compliance fee payments. Such refund shall be limited to the number of monthly payments made or three (3) months, whichever is smaller.

101.09 INSPECTION AND NOTICE. The City may conduct periodic inspections of properties to confirm there are no direct or indirect connections of the footing drain to the sanitary sewer system. If during an inspection the City determines there is a direct or indirect connection as a result of a modification of the system to allow for a direct or indirect connection, failure to maintain or replace a failed sump pump that would allow an indirect or direct connection to the sanitary sewer system, or such other cause as may allow a direct or indirect connection, the City shall provide the property owner a written notice. The property owner shall be provided thirty (30) days to cure the defect and to arrange for a re-inspection by the City. If at the end of thirty (30) days the direct or indirect connection has not been inspected and determined to have been removed, the property shall be subject to the un-metered flow charge provisions under this chapter. The payment shall continue until such time as the City determines through inspection the direct or indirect footing drain connection no longer exists.

(Ch. 101 - Ord. 01-17-2011 #2 (331) – June 11 Supp.)

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.09 Separation and Disposal of Banned Substances
105.02 Definitions	105.10 Littering Prohibited
105.03 Sanitary Disposal Required	105.11 Open Dumping Prohibited
105.04 Health and Fire Hazard	105.12 Toxic and Hazardous Waste
105.05 Open Burning Restricted	105.13 Waste Storage Containers
105.06 Separation of Yard Waste Required	105.14 Prohibited Practices
105.07 On-premises Composting of Yard Waste	105.15 Sanitary Disposal Project Designated
105.08 Off-premises Disposal of Yard Waste	

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

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

1. “Banned substance” means any waste prohibited by the Code of Iowa from being disposed of in sanitary landfills, including yard waste, lead acid batteries, oil and medical waste.
2. “Bundle” means a stack of brush and/or tree branches bound together.
3. “Commercial establishment” includes all businesses and operations in the City which are not defined as residences, including schools, churches and apartment buildings.
4. “Composting” means a controlled microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.
5. “Container” means a reusable and clearly marked receptacle constructed of plastic or metal materials.
6. “Degradable bags” are any untreated bags or biodegradable plastic bags acceptable to the composting station or facility and used by the licensed hauler.
7. “Director” means the director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

8. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361[2])

9. “Dumpsters” are large metal containers with lids.

10. “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.

11. “Garbage” means all waste generated by normal residential and commercial day-to-day operations, and fitting in an approved bag, container or properly bundled. The following items are specifically excluded from the garbage classification:

- A. Furniture and appliances, including box springs and mattresses;
- B. Dead animals;
- C. Waste generated by kennel operations;
- D. Vehicle parts, oil, grease;
- E. Construction debris, paint;
- F. Trees, dirt, rubble, yard waste;
- G. Ammunition and other hazardous materials.

12. “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])

13. “Lead acid batteries” means those batteries which contain lead plates and acid.

14. “Licensed hauler” or “collector” means any person with a valid license obtained from the City and who is engaged in the business, process or any part thereof of storage, collection, transportation and disposal of solid waste.

15. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

16. “Medical waste” means that waste determined to be infectious by the Iowa Department of Natural Resources.

17. “Oil” means any petroleum based or synthetic oil.

18. “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.

19. “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)

20. “Residence” means a single-family dwelling and any multiple-family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development. Single-family attached dwelling units, having individual ownership, are deemed to be residences.

21. “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])

22. “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)

23. “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)

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

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

25. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such

materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

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

26. “Yard waste” means debris such as grass clippings, leaves, garden waste, prunings, weeds, brush and trees which are produced as part of yard and garden development and maintenance. Yard waste does not include tree stumps or any treated lumber such as landscape timbers or railroad ties.

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

(Code of Iowa, Ch. 657)

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

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except as provided in Chapter 161 of this Code of Ordinances.

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in authorized bags, containers or bundles for collection. All such bags or containers to be collected shall be clearly marked or indicated that they are yard waste.

105.07 ON-PREMISES COMPOSTING OF YARD WASTE. All yard waste material to be composted on the premises on which it is generated or collected shall be done so in a manner so as not to create a nuisance or odor to a neighboring residence or business. Yard waste generated, composted and disposed of on the same premises where it originated does not require a permit.

105.08 OFF-PREMISES DISPOSAL OF YARD WASTE. Yard waste not composted and intended only for off-premises disposal shall be collected from residential, commercial, industrial and institutional premises. All yard waste

materials shall be placed in either the appropriately marked containers or specially marked degradable bags or tied bundles. All disposal of yard waste materials shall be done in accordance with the additional policies and guidelines established by the composting station or authority.

105.09 SEPARATION AND DISPOSAL OF BANNED SUBSTANCES.

1. All banned substances shall be separated by the owner or occupant from all other solid waste accumulated on the premises.
2. All solid waste picked up by any person or licensed hauler within the limits of the City for disposal in the Des Moines Metro Landfill shall not contain banned substances.
3. If banned substances have not been separated from other solid waste prior to collection and transportation, the hauler of the waste shall be responsible for the separation and disposal. Banned waste shall be disposed of at the appropriate collection site or City approved facility and all other solid waste disposed of at the landfill.

105.10 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)

105.11 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

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

105.12 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar

harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

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

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

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than twenty (20) gallons or more than thirty-five (35) gallons in nominal capacity, and shall be leakproof and waterproof. The total weight of any container and contents shall not exceed seventy-five (75) pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

- (1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;
- (2) Have handles, bails or other suitable lifting devices or features;
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;
- (4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

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 being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of residential solid waste awaiting collection shall be placed at the curb line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection and in no event later than twelve (12) hours following the day of pickup. In the case of areas which have open ditch roads, placement shall be along the front property line of the premises adjacent to the driveway.

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

5. Yard Waste. Yard waste placed in the authorized bags, containers or in tied bundles shall be placed three (3) to six (6) feet from other garbage or refuse prior to pickup. No yard waste materials shall be placed out for pickup more than forty-eight (48) hours in advance of the regularly scheduled collection day.

The number of bags, containers or bundles of waste material placed out for collection shall be unlimited unless regulated or limited by the hauler of the waste materials.

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

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

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

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid,

liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

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

105.15 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the Metropolitan Solid Waste Agency are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION AND DISPOSAL OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Yard Waste

106.06 Banned Substances
106.07 Bulky Rubbish
106.08 Right of Entry
106.09 Collector's License
106.10 Violations

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 leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. Collection vehicles, whether commercial or private, containing refuse, solid waste or garbage shall not be parked in or within 500 feet of a residential area for a period exceeding two hours except in cases of mechanical breakdown or other emergency. Empty collection vehicles, whether commercial or private, shall not be parked in or within 100 feet of a residential area for a period exceeding two hours except in cases of mechanical breakdown or other emergency.

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. Yard waste materials shall be scheduled for pickup at least once per week between April 1 and December 1.

106.05 YARD WASTE. All licensed haulers shall provide the City with a description of the method they intend to use to separately collect and haul yard waste, and shall provide an annual written report accounting for the amount of yard waste collected and delivered for composting to the County composting facility.

106.06 BANNED SUBSTANCES. Licensed haulers shall keep an accurate accounting and submit an annual written report to the City detailing the amount of banned substances which have been collected and delivered during each month of the reporting year.

106.07 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.

106.08 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.

106.09 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste or yard waste 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.
2. 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 amount of \$2,000,000. 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 with an absolute notification clause of not less than ten (10) days prior to the effective date of such action. Said

policies shall name the City as an additional insured for all policies and proof of such coverage must be sent to the City annually.

3. License Fee. A license fee in the amount of one hundred dollars (\$100.00) shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. 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.

5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. 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.

8. 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.

106.10 VIOLATIONS. The City may in its discretion enjoin any operations by any person or licensed hauler who violates any of the provisions of Chapter 105 and 106 of this Code of Ordinances. Licensed haulers may also be subject to a revocation of license to haul waste at the discretion of the City. Every violator of the provisions of these chapters shall be deemed guilty of a separate offense for each and every day such violation occurs.

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CHAPTER 107

RECYCLING FOR MULTI-FAMILY UNITS

107.01 Purpose	107.07 Applicability of Regulations
107.02 Definitions	107.08 Collection and Transportation of Recyclables
107.03 Establishment of Recycling Program	107.09 Storage of Recyclables
107.04 Reporting Requirements	107.10 Preparation and Placement for Collection
107.05 Authorization of Collectors	107.11 Collection by Unauthorized Persons
107.06 License Application, Term, and Revocation	107.12 Enforcement

107.01 PURPOSE. The purpose of this chapter is to promote recycling by requiring property owners to provide facilities for the source separation of recyclable materials at multi-family dwelling unit sites.

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

1. “Collection” means the transportation of the municipal waste from the place it is generated and includes all activities up to the time the waste is delivered to a recycling facility or solid waste disposal site.
2. “Collector” means a person authorized by the City to collect, transport and dispose of municipal waste or recyclable materials.
3. “Commingled” means source separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).
4. “Designated recyclable material” means those items set forth for recycling by the Metro Solid Waste Agency.
5. “Dwelling unit” means a group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.
6. “Multi-family dwelling” means any building under one roof which contains four or more complete dwelling units.
7. “Municipal waste” means any garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semi-solid or contained gaseous material resulting from the operation of multi-family dwellings.
8. “Nearby” means adjoining, adjacent, or contiguous.
9. “Non-recyclable material” means any material not defined as recyclable material.

10. “Premises” means real property on which any multi-family dwelling unit or combination of units sharing common driveways are located.

11. “Recycling facility” means any facility employing a technology that is a process that separates or recovers reusable materials that can be sold or reused by a manufacturer as a substitute for or a supplement to virgin raw materials.

12. “Recycling” means the separation, collection, processing, recovering and sale or reuse of materials which would otherwise be disposed of as municipal waste.

13. “Source separation” means the separation of recyclable materials from the municipal waste stream at the point of waste generation.

107.03 ESTABLISHMENT OF RECYCLING PROGRAM. There is hereby established a recycling program for the source separation, separate collection and recycling of designated recyclable materials generated within the City from all multi-family dwellings not presently served by existing residential recycling collection programs.

1. Collection of designated recyclable material pursuant to this chapter shall be made at least twice per month, or more often as necessary, as determined by the Director of Public Works or other designee of the City Administrator, and the storage of said designated recyclable materials shall not result in the creation of a public nuisance.

2. All multi-family dwellings which are not presently part of existing residential recycling collection programs shall be required to provide the facilities for the source separation of all designated recyclable materials generated on the premises and shall arrange for the collection of said materials to be transported to a recycling facility.

3. Program development, implementation and operation shall be the responsibility of the same entity which contracts for the private collection and disposal of solid waste on the premises .

4. The City reserves the right to amend the list of designated recyclable materials at any time.

107.04 REPORTING REQUIREMENTS. It is the responsibility of all commercial waste haulers collecting solid waste or designated recyclable materials generated in the City to submit a recycling report to the City on an annual basis. Said report shall identify individual establishments being served and the total weight of recyclable materials collected as well as identification of the processor of each recovered recyclable material. All such reports of the

previous year shall be submitted, on forms provided by the City, to the Director of Public Works or other designee of the City Administrator by January 31. The City reserves the right to require any additional information deemed necessary by the Director of Public Works or other designee of the City Administrator.

107.05 AUTHORIZATION OF COLLECTORS. All commercial solid waste haulers or haulers of designated recyclable material who as a commercial enterprise provide the service of collection of said designated recyclable material or waste to owners/operators of multi-family dwellings units shall be duly authorized by the Department of Public Works through the issuance of a license.

107.06 LICENSE APPLICATION, TERM, AND REVOCATION. All applications for licensing shall be issued by the City Clerk's office for an administrative fee of ten dollars (\$10.00) in addition to any fees for a haulers permit. The license shall be for a one (1) year period and shall be approved in accordance with the following:

1. Licenses for collection of solid waste and/or designated recyclable materials may be issued only to those persons who can provide satisfactory evidence they are capable of providing the necessary services and can comply with the provisions and intent of this chapter. The City reserves the right to disapprove any application for a license for just cause.
2. Every applicant, before being granted a designated recyclable materials collection license or a solid waste license, shall submit proof that all said materials will be transported in vehicles that are tarped, covered or closed and that the materials being transported are not capable of blowing or falling out or away from the transporting vehicle.

107.07 APPLICABILITY OF REGULATIONS. Any person or persons engaged in the collection, processing and marketing of designated recycling materials within the City or who collects solid waste within the City, and all householders, firms, corporations, co-partnerships and any and all persons who may or do produce solid waste and/or designated recyclable materials shall be subject to the provisions of this chapter.

107.08 COLLECTION AND TRANSPORTATION OF RECYCLABLES.

1. Any person transporting designated recyclable materials within the City shall prevent or remedy any spillage from vehicles or containers used in the transportation of such designated recyclable materials. Such vehicles or containers shall not be overfilled and shall be cleaned at

sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Such vehicles shall also be so constructed, loaded and driven as to prevent any portion of the load from falling out upon the streets or highways.

2. Collectors shall return the recycling receptacles to the premises from which they have been removed in a manner so as not to create a public nuisance. Collectors shall also collect and remove all recyclable materials for which they are responsible to collect from the premises.

107.09 STORAGE OF RECYCLABLES.

1. It is the duty of every owner or entity which contracts for the private collection and disposal of solid waste from the premises to provide and keep at all times, a sufficient number of containers to hold all designated recyclable materials which may accumulate during the intervals between collection of such materials by the authorized collector. Containers may be located on-site or on nearby premises with the permission of the affected property owner or otherwise in accordance with the provisions of this section. Owners of multi-family dwelling units shall ensure that each dwelling unit has access to the containers and that said containers are sufficient to hold all designated recyclable materials accumulated by the occupants of the dwelling unit during the intervals between collections.

2. All designated recyclable materials accumulated by owners and/or occupants of multi-family dwelling units shall be placed in containers which are durable, water tight and made of metal or plastic and marked with the recycling symbol or other acceptable markings. The containers shall remain on the premises at all times and shall be kept in a clean condition. The type of bulk container to be furnished to the collector shall be acceptable to the Director of Public Works or other designee of the City Administrator. Containers shall have lids if necessary to avert a public nuisance or protect the marketing quality of the designated recyclable materials. Such lids must remain closed except when designated recyclable materials are being placed in or removed from the container. The container shall be clearly marked with both the recyclable symbol and with the type of material(s) to be deposited in the container. The container shall be kept clean and in good repair. The number of such containers shall be sufficient to handle the volume of recyclables which accumulate between collection intervals.

3. Bulk storage containers for collection at multi-family dwellings using private collection shall be located on such premises at a place agreed upon by such owner and occupant of the property and the

authorized collector. Such location shall not interfere with private or public sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of private or public buildings and shall be in compliance with all applicable laws. Bulk storage containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement.

107.10 PREPARATION AND PLACEMENT FOR COLLECTION.

Designated recyclable materials shall be separated and prepared in a manner consistent with recycling market requirements and placed at a designated area separate from municipal waste for collection at such time and dates as may be agreed upon between the collector and the establishment.

107.11 COLLECTION BY UNAUTHORIZED PERSONS.

It is a violation of this chapter for any person(s) unauthorized by the City to collect or pick up, or cause to be collected or picked up, any recyclable materials or solid waste. Each such collection in violation hereof shall constitute a separate and distinct offense and shall be subject to a civil penalty of one hundred dollars (\$100.00) for each offense. Notwithstanding any provision of this chapter, any person having ownership of the same may sell or donate recyclable materials for the purpose of recycling to any person, partnership or corporation, whether operating for profit or not for profit.

107.12 ENFORCEMENT

The staff of the City is hereby authorized and directed to administer and enforce this chapter. At apartment complexes, the City staff will tie recycling compliance into their biannual multi-family inspections and include it on the inspector's checklist. Enforcement relative to multi-family recycling may also be handled by more frequent inspections or on a complaint basis. Any person who fails, neglects or refuses to comply with any terms or provisions of this chapter or any regulation or requirement pursuant hereto and authorized hereby, shall be subject to a civil penalty of one dollar (\$1.00) per month for each dwelling unit on the premises in violation of this chapter.

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
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110.15 Severability
110.16 Effective

110.01 FRANCHISE GRANTED. 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 Altoona, 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 twenty-two (22) year period from and after the effective date of the ordinance codified in this chapter[†].

110.02 COMPANY RIGHTS. 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, 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 LOCATION AND RELOCATION. 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

[†] **EDITOR'S NOTE:** Ordinance No. 03-21-2016 #05(426), adopting a natural gas franchise for the City, was passed and adopted on April 18, 2016.

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 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 or vegetation 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 said removals does not coincide with Company's facilities relocation schedule and the Company must remove those materials that are included in the City's portion of the project, the City shall either remove the trees/vegetation or reimburse the Company for the expenses incurred to remove them. 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 City 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 VACATIONS. 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 (5) years.

110.07 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities as may be required by Sections 100.04, 100.05 and 100.06, 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 CONFIDENTIAL 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, 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 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 3 percent (_3%) upon the gross revenue generated from sales of natural and mixed gas by the Company within the corporate limits of the City. 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 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.

110.13 BINDING FRANCHISE. This franchise shall apply to and bind the City and the Company and their successors and assigns.

110.14 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 sixty (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.

110.15 SEVERABILITY. If any of the provisions of this franchise ordinance are for any reason declared to be illegal or void, the lawful provisions of this franchise ordinance, which are severable from said unlawful provisions, shall be and remain in

full force and effect, the same as if the franchise ordinance contained no illegal or void provisions.

110.16 EFFECTIVE. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within ten (10) days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted	111.14 Franchise Fee
111.02 Rights and Privileges	111.15 Fee Exemptions
111.03 Poles and Wires	111.16 Modifying Fees
111.04 Trimming Trees	111.17 Collection of Fees
111.05 Construction and Maintenance	111.18 Identifying Customers
111.06 Excavations	111.19 Franchise Fee Indemnification
111.07 Utility Easements	111.20 Fee Remittance
111.08 Relocation not Required	111.21 Fee Administration
111.09 Relocation Reimbursement	111.22 Fee Refunds
111.10 Indemnification	111.23 Obligation to Collect
111.11 Information	111.24 Obligation Relieved
111.12 Applicable Regulations	111.25 Termination
111.13 Quality and Quantity	

111.01 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the “Company,” and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Altoona, Iowa, hereinafter called the “City,” a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of the ordinance codified by this chapter, however, that either the City or the Company may, during the first ninety (90) days following the tenth (10th), fifteenth (15th) and twenty (20) anniversaries of the effective date of the franchise, provide written notice to the other party of its desire to amend the franchise. The parties shall negotiate these amendments in good faith for a period of up to ninety (90) days following receipt of notice. If, at the conclusion of the negotiation period, the City determines in good faith that the franchise, if continued without amendment, will have a material or significant adverse impact on the City or the Company’s electric customers located within the corporate limits of the City, the City may terminate the franchise. The City shall have the burden to objectively demonstrate the material or significant adverse impact. Failure to amend the franchise at the first option does not render invalid the City’s second option to amend the franchise.†

111.02 RIGHTS AND PRIVILEGES. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2011 or as subsequently amended or changed.

† **EDITOR’S NOTE:** Ordinance No. 5-20-2013 #01 (367), adopting an electric franchise for the City, was passed and adopted on June 17, 2013.

111.03 POLES AND WIRES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to unreasonably interfere with the construction of any water pipes, drain or sewer, or the flow of water there from, which have been or may hereafter be located by authority of the City.

111.04 TRIMMING TREES. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley 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 done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations.

111.05 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 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 or alley of such street or alley. The City and the Company shall work together to develop a suitable alternative route or construction method so as to eliminate or minimize the cost and expense to the company of relocation of company installations. 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 the tree removals does not coincide with the Company 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 said 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.

111.06 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the condition as existed prior to the Company excavation. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition

or to a condition required for the City to comply with city, state or federal rules, regulations or law. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition.

111.07 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 on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for existing Company facilities.

111.08 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 5 (five) years.

111.09 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities as may be required by Sections 111.03, 111.05, 111.06, 111.07 and 111.08, if the City orders or requests the Company to relocate its existing facilities or equipment in order to facilitate the project of a commercial or private developer or other non-public entity, the City shall reimburse or 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.

111.10 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned 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 from the negligence of the City, its officers, employees or agents.

111.11 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. The Company and City recognize the information provided will, under current Iowa law, constitute public records, but that nonetheless, some information provided will be confidential under state or federal law or both. Therefore, the City shall not release any information with respect to the location or type of equipment which the Company owns or controls in the right of way which may constitute a trade secret or which may otherwise be protected from public

disclosure by state or federal law. 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.

111.12 APPLICABLE REGULATIONS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

111.13 QUALITY AND QUANTITY. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company's tariff and made effective by the Iowa Utilities Board or its successors and Iowa law.

111.14 FRANCHISE FEE. There is hereby imposed upon and shall be collected from the retail electric customers of the Company receiving service, pursuant to the Tariff, located within the corporate limits of the City and remitted by the Company to the City, a franchise fee from each customer class as set forth below of the gross receipts, minus uncollectable amounts, derived by the Company from the delivery and sale of electric energy to customers within the corporate limits of the City.

- Residential Customers 3%
- Non-Residential Customers 3%

(Ord. 3-21-2016 #04 (425) – June 16 Supp.)

111.15 FEE EXEMPTIONS. The City may, as allowed by Iowa law, exempt customer classes of sales from imposition of the franchise fee, or modify, decrease or eliminate the franchise fee. The City reserves the right to cancel any or all the franchise fee exemptions and also reserves the right to grant exemptions to customer classes in compliance with Iowa law and Section 111.16 of this chapter. The City does therefore exempt the customer classes or customer groups shown below franchise fees.

- Customer classes initially exempted by the City:

111.16 MODIFYING FEES. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than 60 days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the City Council.

111.17 COLLECTION OF FEES. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following 90 days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.

111.18 IDENTIFYING CUSTOMERS. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.

111.19 FRANCHISE FEE INDEMNIFICATION. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

111.20 FEE REMITTANCE. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.

- January, February and March
- April, May and June
- July, August and September, and
- October, November and December

MidAmerican shall provide City with notice at least 30 days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

111.21 FEE ADMINISTRATION. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required

by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company deemed by negotiations by the City and the Company to be in excess of typical costs of franchise fee administration.

111.22 FEE REFUNDS. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City 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.

111.23 OBLIGATION TO COLLECT. The obligation to collect and remit the fee imposed by this chapter is modified or repealed if:

1. Any other person is authorized to sell electricity at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this chapter, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;
2. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or
3. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final nonappealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

111.24 OBLIGATION RELIEVED. The other provisions of this chapter to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefore under each of any of the following circumstances as determined to exist in the sole discretion of Company:

1. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.
2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.
3. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

111.25 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.

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CHAPTER 112

TELEPHONE FRANCHISE

112.01 Franchise Granted
112.02 Construction Permit

112.03 City Held Harmless

112.01 FRANCHISE GRANTED. US West, a corporation (the “Company”), its successors and assigns are hereby granted the right to use and occupy the streets, alleys and other public places of the City for a term of twenty-five (25) years from the effective date of the ordinance codified by this chapter, for the purpose of constructing, maintaining and operating a general telephone system within the City.

112.02 CONSTRUCTION PERMIT. Prior to any construction work to be performed by the Company in the streets, alleys or other public places of the City, the Company shall obtain a permit for said work from the Public Works Director of the City, except in cases of emergency in which event, the Company shall obtain said permit as soon as practical after the work has begun.

112.03 CITY HELD HARMLESS. The Company agrees to hold the City harmless from any liability that may result from the Company’s exercising its rights under this chapter in using, occupying the streets, alleys and other public places of the City for the purpose of constructing, maintaining and operating a general telephone system with the City and this provision shall be binding upon the Company’s successors and assigns.

EDITOR’S NOTE

Ordinance No. 7-12-82.1 adopting a telephone franchise for the City was passed and adopted on July 12, 1982. Voters approved the franchise at an election held on August 24, 1982.

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CHAPTER 113
CABLE TELEVISION FRANCHISE AND
REGULATIONS

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113.01 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Affiliate" means an entity which owns or controls, is owned or controlled by or is under common ownership with the Grantee.
2. "Basic cable service" means the tier of service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.
3. "Gross revenues" means the monthly cable service revenues received by the Grantee from subscribers of the cable system on an annual basis; provided, however, such phrase does not include: (i) revenues received from national advertising carried on the cable system; (ii) any taxes on cable service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency and which are collected by the Grantee on behalf of such governmental unit or agency.
4. "Cable Act" means the Cable Communications Policy Act of 1984, as amended.
5. "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 communications service.

6. “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.
7. “FCC” means Federal Communications Commission or successor governmental entity thereto.
8. “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.
9. “Grantee” means Heritage Cablevision, Inc., d/b/a TCI OF CENTRAL IOWA, or the lawful successor, transferee or assignee thereof.
10. “Person” means an individual, partnership, association, joint stock company, trust corporation or governmental entity.
11. “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 of 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.
12. “Service area” means the present municipal boundaries of the City and includes any additions thereto by annexation or other legal means.

13. "Service tier" means a category of cable service or other services provided by Grantee and for which a separate charge is made by the Grantee.

14. "Subscriber" means a person or user of the cable system who lawfully receives cable services or other service therefrom with the Grantee's express permission.

15. "Video programming" means programming provided by or generally considered comparable to programming provided by a television broadcast station.

113.02 GRANT. The City hereby grants to the 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.

113.03 TERM. The franchise granted pursuant to the ordinance codified in this chapter shall be for an initial term of fifteen (15) years from the effective date of the franchise, July 1, 1994.

113.04 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.

113.05 CONDITIONS OF STREET OCCUPANCY. All transmissions and distribution structures, poles, lines and equipment installed or erected by the Grantee pursuant to the terms hereof shall be so located as to cause minimum interference with the proper use of public ways, and with the rights and reasonable convenience of property owners who own property which adjoins any of said public ways.

113.06 RESTORATION OF PUBLIC WAYS. If during the course of Grantee's construction, operation or maintenance of the cable system there

occurs a disturbance of any public way by the Grantee, the Grantee shall, at its own 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.

113.07 RELOCATION AT REQUEST OF CITY. Upon its receipt of reasonable advance notice, not to be less than five (5) 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 the 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 of abandonment of its property. If public funds are available to any company using such street, easement or right-of-way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee.

113.08 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 buildings, provided: (a) the expense of such temporary raising or lowering of the wires is paid by the person requesting the same, including, if required by the Grantee, making such payment in advance; and (b) the Grantee is given not less than ten (10) business days' advance notice to arrange for such temporary wire changes.

113.09 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees and other natural growth overhanging any of its cable system in the service area so as to prevent the branches of the trees from coming in contact with the Grantee's wires, cables and other equipment. The Grantee shall be permitted to charge persons who own or are responsible for such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities or the City for tree trimming. The Grantee shall reasonably compensate the City or property owner for any damages caused by such trimming or shall, in its sole 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 the Grantee. Such replacement shall satisfy any and all obligations the Grantee may have to the City or property owner pursuant to the terms of this section.

113.10 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) at Grantee's sole discretion, 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.

113.11 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.

113.12 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, the Grantee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities or any part thereof aerially or underground. Nothing contained in this section shall require the 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 this chapter, the 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.

113.13 REQUIRED EXTENSIONS OF SERVICE. The 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 the Grantee receives a request for service from at least fifteen (15) 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 will not adversely affect the operation, financial condition or market development of the cable system, or as provided for under Section 113.14 of this chapter.

113.14 SUBSCRIBER CHARGES FOR EXTENSIONS OF SERVICE. No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate the cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscribers or a density of less than fifteen (15) 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 the Grantee and subscribers in the area in which cable service may be expanded, the 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 fifteen (15) subscribers. Potential subscribers will bear the remainder of the construction and other costs on a pro rata basis. The Grantee may require that the payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance.

113.15 SERVICE TO PUBLIC BUILDINGS. The Grantee shall provide without charge one outlet of basic service to the City's office building(s), fire station(s), police station(s) and public school building(s) 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, nor shall such outlets be located in common or public areas open to the public. 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 buildings or premises exceeds one hundred fifty (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 the 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.

113.16 RATES AND SERVICE IN DES MOINES SERVICE AREA.

The Grantee shall not provide cable service in Des Moines, Iowa, at a charge or rate less than to the service area. The cable service and standards provided the service area shall be comparable to that provided other service areas in Des Moines.

113.17 FRANCHISE FEE. The Grantee shall pay to the City a franchise fee equal to five percent (5%) of gross revenues (as defined in Section 1.1 of the franchise agreement) received by the Grantee from the operation of the cable system on an annual basis; provided, however, the Grantee may credit against any such payments: (a) any tax, fee or assessment of any kind imposed by the City or other governmental entity on a cable operator or subscriber, or both, solely because of his or her status as such; (b) any tax, fee or assessment of general applicability which is unduly discriminatory against cable operators or subscribers (including any such tax, fee or assessment imposed, both on utilities and cable operators and their services), and (c) any other special tax, assessment or fee such as a business, occupation and entertainment tax. For the purpose of this section, the 12-month period applicable under the franchise for the computation of the franchise fee shall be the calendar year, unless otherwise agreed to in writing by the City and the Grantee. The franchise fee payment shall be due and payable ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report from a representative of the Grantee showing the basis for the computation. In no event shall the franchise fee payments required to be paid by the Grantee exceed five percent (5%) of the gross revenues received by the Grantee in any 12-month period. The period of limitation for recovery of any franchise fee payable hereunder shall be five (5) 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 stopped from asserting any claims whatsoever against the Grantee relating to any such alleged deficiencies.

113.18 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. From time to time, and at any time, Grantee has the right to modify its rates and charges including but not limited to the implementation of additional charges and rates; provided, however, the Grantee shall give notice to the City of any such modifications or additional charges thirty (30) days prior to the effective date thereof. In the event that basic cable service rate increases are subject to approval of the City, the Grantee may, at its discretion and without consent of the City, increase rates relating to the provision of basic cable service by an amount which is not greater than five percent (5%) per year, provided, however, that Grantee shall have the right to take greater than 5% if Federal law permits.

113.19 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), the City agrees to notify the Grantee of its preliminary assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current franchise term. The 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 the 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.

113.20 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, any such acquisition

or transfer shall be at a fair market value, determined on the basis of the cable system valued as a going concern. The Grantee and the City agree that in the case of a lawful revocation of the franchise, at Grantee's request, which shall be made in its sole discretion, the Grantee shall be given a reasonable opportunity to effectuate a transfer of its cable system to a qualified third party. The City further agrees that during such a period of time it shall authorize the Grantee to continue to operate pursuant to the terms of its prior franchise; however, in no event shall such authorization exceed a period of time greater than six (6) months from the effective date of such revocation. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its cable system which is reasonably acceptable to the City, the Grantee and City may avail themselves of any rights they may have pursuant to Federal or State law, it being further agreed that the Grantee's continued operation of its cable system during the six-month period shall not be deemed to be a waiver or an extinguishment of any rights of either the City or the Grantee. Notwithstanding anything to the contrary set forth in this section, neither the City nor the Grantee shall be required to violate Federal or State law.

113.21 TRANSFER OF FRANCHISE. The Grantee's right, title or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an 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 the Grantee in the franchise or cable system in order to secure indebtedness.

113.22 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 the Grantee reasonable notice thereof, not to be less than two (2) business days, and providing a representative of the Grantee an opportunity to be present during such tests. In the event that such testing demonstrates that the 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 (2) times per year in the aggregate, and that the results thereof shall be made available to the Grantee upon the Grantee's request.

113.23 BOOKS AND RECORDS. The Grantee agrees that the City may review such of its books and records, during normal business hours and on a nondisruptive basis, as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be 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.

113.24 PERIODIC REVIEWS. On the fifth and tenth anniversaries of the effective date of the franchise, the Council may require a review for the specific purpose of determining the community need of an educational and governmental channel, subject to the following:

1. Any such review shall be open to the public and announced in the official City newspaper. The City shall be responsible for notifying local subscribers of the time and place of review sessions.
2. The topic to be discussed at any scheduled review session will include and will be limited solely to the issue of whether or not a legitimate community need exists to justify the implementation of an educational or governmental channel.
3. 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 as the City may need to reasonably perform the review.

113.25 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 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 except upon thirty (30) days' prior written notice to the City, which notice and cancellation of insurance coverage shall only be permitted in the event of termination of the franchise, provided the Grantee shall have the right to cancel and substitute.

113.26 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, including, but not limited to, reasonable attorney's fees and costs.

113.27 BONDS AND OTHER SURETY. Except as expressly provided herein, the Grantee shall not be required to obtain or maintain bonds or other surety as a condition of being awarded the franchise or continuing its existence. The City acknowledges that the legal, financial and technical qualifications of the Grantee are sufficient to afford compliance with the terms of the franchise and the enforcement thereof. The Grantee and City recognize that the costs associated with bonds and other surety may ultimately be borne by the subscribers in the form of increased rates for cable services. In order to minimize such costs, the City agrees to require bonds and other surety only in such amounts and during such times as there is a reasonably demonstrated need therefor. The City agrees that in no event, however, shall it require a bond or other related surety in an aggregate amount greater than \$10,000, conditioned upon the substantial performance of the material terms, covenants and conditions of the franchise. Initially, no bond or other surety will be required. In the event that one is required in the future, the City agrees to give the Grantee at least sixty (60) days' prior written notice thereof, stating the exact reason for the requirement. Such reason must demonstrate a change in the Grantee's legal, financial or technical qualifications which would materially prohibit or impair its ability to comply with the terms of the franchise or afford compliance therewith.

113.28 ENFORCEMENT AND TERMINATION. In the event that the City believes that the Grantee has not complied with the terms of the franchise, it shall notify the Grantee in writing of the exact nature of the alleged noncompliance. Grantee shall have thirty (30) days from receipt of the notice to: (a) 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 the default, such default cannot be cured within the thirty-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. In the event that the Grantee fails to respond to the notice as described herein or in the event that the alleged default is not remedied within sixty (60) days after the Grantee is notified of the alleged default, the City shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the Council, provided such time is not less than five (5) business days therefrom. The City shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard. Subject to applicable Federal and State law, in the event the City, after such meeting, determines that the Grantee is in default of any provision of the franchise, the City may:

1. Foreclose on all or any part of any security provided under the franchise, 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;
2. Commence an action at law for monetary damages or seek other equitable relief;
3. In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked; or
4. Seek specific performance of any provision which reasonably lends itself to such remedy as an alternative to damages.

The Grantee shall not be relieved of 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. 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 strikes, acts of God, power outages or other events reasonably beyond its ability to control.

113.29 UNAUTHORIZED RECEPTION. In addition to those criminal and civil remedies provided by State and Federal law, it is a misdemeanor for any person to create or make use of any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable system without the express consent of the Grantee. Further, without the express consent of the Grantee, it is a misdemeanor for any person to tamper with, remove or injure any property, equipment, or part of the cable system or any means of receiving cable service or other services provided thereto.

113.30 DOCUMENTS INCORPORATED. The following documents are 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:

1. Any enabling ordinance in existence as of the date hereof;
2. Any franchise agreement between the Grantee and the City reflecting the renewal of the franchise, if any.

113.31 PREEMPTION. If the FCC or any other Federal or State body or agency exercises 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. The City also reserves the right hereafter

to pursue any additional mandated rights extended to franchisers pursuant to the Cable Television Consumer Protection and Competition Act of 1992 as amended, including but not limited to regulation of rates.

113.32 ACTIONS BY THE 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.

EDITOR'S NOTE

Ordinance No. 5-94#1 (134) adopting a cable television franchise for the City was passed and adopted on June 6, 1994.

[The next page is 801]

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 which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32 [2])

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center. *(Ord. 10-18-04#2(162) - Dec. 04 Supp.)*

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

11. Permit or allow any person under legal age to remain upon licensed premises unless less than fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of alcoholic beverages. This provision does not apply to holders of a class "C" beer permit only. *(Ord. 07-20-2015 #02 (412) – Dec. 15 Supp.)*

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

(Ord. 10-18-04#3(163) – Dec. 04 Supp.)

CHAPTER 121

CIGARETTE PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

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

(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; 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.

121.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13)

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 Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person

under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.
4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36 (6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I

of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day.....\$ 5.00
 - B. For one week\$ 15.00
 - C. For up to six (6) months\$ 30.00
 - D. For one year or major part thereof ..\$ 75.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Southeast Polk Community 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.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

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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 Above Ground 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 method other than upon a properly licensed motor vehicle.

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.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, 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 one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000 per person; \$100,000 per accident.
2. Property Damage - \$50,000 per accident.

123.06 PERMIT FEE. A permit fee of ten dollars (\$10.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twenty-four (24) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 ABOVE GROUND 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 124

LICENSING OF JUNK DEALERS

124.01 Purpose	124.08 Screening Requirements
124.02 Definitions	124.09 General Operating Requirements
124.03 License Required	124.10 Inspections
124.04 License Application	124.11 License Renewal
124.05 Processing of License Application	124.12 License Suspension or Revocation
124.06 License Fee	124.13 Appeals
124.07 License Issuance and Terms	

124.01 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of the City by providing for the licensing and inspection of junkyards and the elimination of the open storage of junk except in authorized places.

124.02 DEFINITIONS. Except where otherwise indicated by the context, the following definitions apply in the interpretation and enforcement of this chapter:

1. “Business premises” or “premises” means the area of a junkyard as described in a junk dealer’s license or application for license, as provided in this chapter.
2. “Inoperable motor vehicle” means any motor vehicle which lacks (a) current registration or (b) two or more wheels or other component parts the absence of which renders the vehicle totally unfit for legal use on the highways.
3. “Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts of automobiles; or iron, steel, or other old or scrap ferrous or nonferrous material, old bottles or other glass, bones, tinware, plastic, or discarded household goods, or hardware, and other waste or discarded material that might be prepared to be used again in some form, but “junk” shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of the person’s own business or materials or objects held and used by a manufacturer as an integral part of its own manufacturing processes.
4. “Junk dealer” means any person who buys, sells, transfers, delivers, or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler, and any person who by advertisement, sign, or otherwise holds himself/herself out as a junk dealer, or dealer in the articles described in subsection 124.02(3) of this

chapter, including a person engaged in the activity known as “auto salvage,” but “junk dealer” does not include businesses engaged in the towing, repairing, or storing of wrecked motor vehicles where sales of such wrecked motor vehicles are only incidental to the collection of repair and storage charges.

5. “Junkyard” means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occur one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, or any place where more than two inoperable motor vehicles, or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited.

124.03 LICENSE REQUIRED. It is unlawful for any person to act as a junk dealer in the City, whether personally, by agents or employees, singly, or in connection with some other business or enterprise, without first having obtained a license in accordance with the provisions of this chapter.

124.04 LICENSE APPLICATION. An applicant for a license under this chapter shall file with the Clerk a written application signed by the applicant, if an individual, by all partners, if a partnership, or by the president or chief officer of a corporation or other organization. The application shall include the following:

1. Name, residence address, and telephone number of each individual owner, partner, or, if a corporation or other organization, each officer and director.
2. Trade names used during the previous five years by the applicant and each person signing the application, and the locations of prior establishments.
3. The trade name and address of the business on behalf of which application is made and its telephone number.
4. Exact address or location of the place where the business is or is proposed to be carried on, and a sketch of the actual premises to be used in connection with the business, showing adjoining roads, property lines, buildings, and uses.

124.05 PROCESSING OF LICENSE APPLICATION.

1. Upon receipt of a completed application for license, the Clerk shall forward one copy to the Building Official.
2. Upon receipt of a copy of said application the Building Official shall cause an inspection to be made of the premises described in the application to determine whether or not the premises meet the requirements of the Building Code then in effect in the City, and whether or not the activities of the junk dealer are permitted by and are proposed to be conducted in compliance with all zoning ordinances then in effect and whether or not said premises meet all other requirements of this chapter, this Code of Ordinances and State law.
3. The Building Official, after examination of the premises, shall submit an inspection report to the Clerk indicating whether or not the premises inspected are approved. If the premises are disapproved, the Building Official shall set forth in the report the reasons for disapproval. If the premises are disapproved and the unlawful conditions reported can be corrected, the Building Official shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the application shall then be postponed until receipt of a supplementary report from the Building Official after the specified date.

124.06 LICENSE FEE.

1. The application for a junk dealer's license shall be accompanied by an annual license fee of one hundred dollars (\$100.00), to be paid to the Clerk.
2. All licenses issued hereunder shall be effective from the date of issuance to and including the thirtieth day of June next succeeding the date of issuance. The license fee set forth above shall be prorated on a quarterly basis from the date of issuance to the time of expiration.
3. If an application for license or renewal of license is denied, the license fee shall be refunded to the applicant.

124.07 LICENSE ISSUANCE AND TERMS.

1. After approval of said application by the Building Official and receipt of the required license fee, the Clerk shall issue to the applicant a junk dealer's license and the Clerk shall also notify the Police Chief, Fire Chief and Building Official of the issuance of the license, the person to whom the same was issued, the effective dates thereof, and the address of the licensed premises.

2. All licenses issued hereunder shall be numbered serially in the order issued, and they shall set forth the following information:
 - A. The name of the licensee;
 - B. The street address and an accurate description of the business premises or proposed business premises where junk dealer's activities will be conducted;
 - C. The fee paid;
 - D. The expiration date.
3. The licensee shall post the license in a conspicuous place on the licensed premises.
4. No license issued hereunder shall be transferable, and a separate license shall be required for each business premises.

124.08 SCREENING REQUIREMENTS.

1. Except in those instances described in subsection 124.08(2) below, a junkyard as defined in this chapter must be surrounded by a solid opaque fence or wall, of uniform design and color, and not less than six feet high, which substantially screens the area in which junk is stored or deposited. The fence must be kept in good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the junkyard is unattended. A portion of any gate, not to exceed ten feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises. No junk shall be permitted to be stored or deposited outside of the fence, nor may junk be stacked higher than the fence within thirty feet of the fence. The Building Official shall inspect the fences and gates of all junkyards on an annual basis.
2. Variations from the requirements of this section may be granted as follows:
 - A. If the perimeter of the junkyard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which renders thereby the opacity requirements hereof ineffective, the Building Official may, upon application, allow the substitution of a suitable fence in place of the solid opaque fence required herein.
 - B. If two or more junkyards which otherwise meet the standards of this chapter abut each other and are located on lots adjoining each other, the fencing requirement of this chapter shall

be waived by the Building Official for such common boundary so long as the common boundary continues to exist.

C. If the junkyard that is the subject of the application abuts against an opaque fence which meets the fencing requirements, or an opaque structure which is not less than six feet high, the fencing requirement of this section shall be waived by the Building Official for such common boundary.

124.09 GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to all junk dealers in the City limits:

1. The junkyard, and all things kept therein, shall be maintained in a sanitary condition.
2. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
3. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
4. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
5. Junk shall be stored and arranged so as to permit easy access to all such junk for fire-fighting purposes.
6. No combustible material of any kind not necessary to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
7. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
8. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on a Sunday, any legal holiday, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
9. No automobile or part thereof shall be burned for wrecking or salvage purposes in or on premises occupied as a junkyard unless the same is burned in a manner that has been approved by the Fire Chief; and all motor vehicle gasoline and fuel tanks shall be separated and removed from motor vehicles intended for salvage purposes prior to cutting, stacking, or burning such vehicles.

10. Each junk dealer shall keep complete, accurate, and legible records of all purchases in the English language. The records shall be kept in a permanent type register that shall be kept on the premises. The records shall be available for inspection by any sheriff, deputy sheriff, police officer, or authorized agent of the City for a period of at least six months. The records shall include:

- A. The name and residence of the person from whom the junk was received or purchased.
- B. Reasonably accurate inventory and description of each article.
- C. The value or amount paid for each article.

11. No junk dealer shall purchase or receive any personal property from any minor without first receiving the consent in writing, of the parent or guardian. Such written consent shall be included in the permanent records as defined in Section 124.09(10).

12. Upon written order of the Police Chief or the designated representative, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Police Department. The holding period shall not exceed forty-five (45) days.

13. No junk dealer shall conceal, secrete, or destroy for the purpose of concealing, any article purchased or received by the dealer for the purposes of preventing identification thereof by any officer or any person claiming the same. No junk dealer shall sell, melt up, break up, or otherwise dispose of any article the dealer has reason to believe has been stolen, or which is adversely claimed by any person, or which the dealer has been notified not to sell or otherwise dispose of by any sheriff, deputy sheriff, or police officer, without first obtaining a permit in writing from the Police Chief.

124.10 INSPECTIONS. The Fire Chief and Building Official, during the period a junk dealer's license is in effect, may inspect all premises licensed hereunder at such intervals as they shall deem reasonable to determine whether or not the premises are being operated and maintained in compliance with all applicable regulations, ordinances, and laws. No person shall prevent, hinder, or obstruct or attempt to prevent, hinder, or obstruct the Building Official or other authorized persons in the performance of their duties set forth in this chapter.

124.11 LICENSE RENEWAL.

1. Licenses may be renewed in the same manner and under the same conditions as originally issued hereunder. Applications for renewal of junk dealer's licenses shall be submitted to the Clerk at least thirty days prior to the expiration of the license then in effect. Applications for renewal of junk dealers' licenses shall be processed in accordance with the provisions of Section 124.05 of this chapter.
2. When renewal of a license is denied, the junk dealer previously licensed under the provisions of this chapter shall have a period of six months immediately after such denial in which to conclude the business and dispose of the junk during which time the junk dealer shall be required to comply with all the terms and conditions of the ordinances of the City, except the licensing requirements of this chapter. If litigation is pending contesting the denial or revocation of a license, the Clerk may grant an extension of time during which the junk dealer may operate pending the final outcome of such litigation.

124.12 LICENSE SUSPENSION OR REVOCATION. The Clerk may suspend or revoke any license issued hereunder for any of the following reasons:

1. The licensee, any agent, or employee has been convicted of a violation of any of the provisions of this chapter.
2. The Fire Chief, the Building Official or Police Chief has found that the licensee has failed to comply with one or more of the provisions of this chapter or the licensed premises fail to comply with one or more of the provisions of this chapter or of some other regulation, ordinance, or statute, and the licensee has failed to correct such condition within the reasonable time specified by the Building Official in accordance with the report the Building Official has submitted under Section 124.05(3) of this chapter.

124.13 APPEALS. Any applicant who has been denied a license or renewal under this chapter or any licensee under this chapter whose license has been suspended or revoked may appeal to the Council by filing with the Clerk, within seven days after the aggrieved party receives notice of the adverse administrative decision, a written notice of appeal setting forth the grounds upon which the appeal is based. The Council shall, within fifteen (15) days after the filing of said notice of appeal, fix a time and place of hearing on the appeal. The hearing shall be commenced within thirty days of the filing of the appeal. If the Council finds from the evidence presented at the hearing that the appellant has been denied a license without just cause, or that the appellant's license has been suspended or revoked without just cause, it may reverse or modify the administrative decision.

CHAPTER 125

MASSAGE PARLORS AND MASSAGE TECHNICIANS

125.01 Purpose	125.07 Massage Technician Permit
125.02 Definitions	125.08 Suspension or Revocation of Technician Permit
125.03 Permit and Compliance Required	125.09 Home Massage Treatments
125.04 Exemptions	125.10 Health Standards
125.05 Permits for Massage Business	125.11 Limitations on Massage
125.06 Suspension or Revocation of Permit	125.12 Unlawful Acts

125.01 PURPOSE. The purpose of this chapter is to stop prostitution and the spread of venereal and other communicable diseases and provide that activities of masseuses and masseurs should be regulated and certain of their activities curtailed and that massage businesses should likewise be regulated, in order to provide for the safety, preserve the health and improve the morals, order and convenience of the City and the inhabitants thereof.

125.02 DEFINITIONS. For the purposes of this chapter, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

1. “Applicant” means any person defined in Section 125.05 applying for a permit to operate or conduct a massage business and in addition thereto shall include all partners in a partnership and all stockholders of a corporation where the controlling interest of the corporation is held by five (5) or less persons of legal entities.
2. “Physician” means a person duly licensed to practice medicine and surgery, osteopathy and surgery or osteopathy under the laws of the State.
3. “Massage establishment” means any place of business wherein any of the treatments, techniques, or methods of treatment referred to in subsection 4 are administered, practiced, used, given or applied.
4. “Massage” or “massage service” means any method of treating the external parts of the body, consisting of rubbing, stroking, kneading, tapping, or vibrating; such treatments being performed by the hand or any other body parts, or by any mechanical or electrical instrument.
5. “Massage technician” means any person who engages in the business of performing massage services on or for other persons by use of any or all of the treatments, techniques or methods of treatment referred to in subsection 4.

6. “Person of good moral character” means any person who meets all of the following requirements:

A. Compliance with Law. Said person has such financial standing and good reputation as will satisfy the issuing authority that said person will comply with this chapter and all laws, ordinances, and regulations applicable to any operations of said person under this chapter.

B. Previous Permit. Said person has not held a permit under this chapter which has been revoked during the year last preceding the date of application.

C. Non-felon. Said person has not been convicted of a felony involving moral turpitude. However, if this conviction of a felony occurred more than five (5) years before the date of the application for a permit, and if said person’s rights of citizenship have been restored by the Governor, the City may determine that said person is a person of good moral character notwithstanding such conviction.

7. “Massage patron” means any person who receives, or pays to receive, a massage or massage services from a massage technician for value.

125.03 PERMIT AND COMPLIANCE REQUIRED. No person shall operate, own, conduct, carry on or permit to be operated, owned, conducted or carried on any massage establishment of any type or kind, including but not limited to, massage parlor, massage service business or any massage business or service offered in conjunction with or as part of any health club, health spa, resort or health resort, gymnasium, athletic club, or other business, without compliance with the provisions of this chapter.

125.04 EXEMPTIONS. The following persons and institutions are excluded from the operation of this chapter:

1. Persons Licensed by State. Persons licensed by the State under the provisions of Chapters 148, 148A, 148B, 148C, 149, 150, 150A, 151, 152, 152B, 152C, 157 or 158 of the Code of Iowa, when performing massage therapy or massage services as part of the profession or trade for which licensed;

2. Under Supervision of Licensed Persons. Persons performing massage therapy or massage services under the direct supervision of a person licensed as described in subsection 1 of this section.

3. Massage as Prescribed by a Physician. Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician.
4. Institutional Care. Nurses' aides, technicians, and attendants at any hospital or health care facility licensed pursuant to Chapters 135B, 135C or 145A of the Code of Iowa, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in subsection 1 of this section.
5. Athletic Coach or Trainer. An athletic coach or trainer in the course of employment as such coach or trainer as follows:
 - A. Educational Institution. In any accredited public or private secondary school, junior college, college or university, or
 - B. Professional Athletics. Employed by a professional or semi-professional athletic team or organization.

125.05 PERMITS FOR MESSAGE BUSINESS. The following shall apply to permits for massage businesses:

1. Premises Standards. No person, firm or corporation shall operate, own, conduct or carry on or permit to be operated, owned, conducted or carried on any massage business in the City unless the premises at which such business is located meet the minimum standards set forth in section 125.10 of this chapter and unless a permit to operate a massage establishment is obtained from the City in compliance with the provisions of this chapter.
2. Application Procedures. Any person, firm or corporation seeking a permit to operate a massage establishment shall make application to the Clerk or any authorized agent. Such application shall be accompanied with a fee of one hundred dollars (\$100.00) and shall not be refundable. The Clerk shall cause an investigation of such application to be made by the police department to determine if applicant is of good moral character. The Clerk shall also cause an investigation to be made by the fire department to determine that all applicable City and State laws and regulations relating to buildings, zoning, fire and health have been fully complied with and satisfied by the applicant.
3. Contents of Application. The application shall contain the following:
 - A. The full name, address and social security number of the applicant.

- B. The full name of the business and the address of the premises for which the application is being made.
 - C. The criminal record of the applicant, if any.
 - D. A statement that the applicant is of good moral character.
 - E. A statement that the contents of the application are true.
 - F. The type of business entity such as sole proprietorship, partnership or corporation and, in the case of a corporation, the names and addresses of all officers and directors of the corporation.
 - G. Proof that applicant is an adult.
 - H. All information required herein of any applicant shall also be provided for every person who, directly or indirectly, has any right to participate in the management or control of the business to be conducted at the premises of the proposed message establishment.
 - I. The name and address of the owner of the building where such message business will be located.
 - J. Certified copies of any lease or rental agreements governing the applicant's rights in said building.
 - K. The signature of the applicant or applicants, if the application is in the name of a corporation, the signature of each officer of the corporation.
4. Issuance of Permit. The building, fire, and police departments shall make written reports of their investigations and shall submit such reports to the Clerk within thirty (30) days of the date of the application. The Clerk shall also obtain the findings of the County Health Department investigation. The Clerk shall place the matter before the Council. If the Council finds that the applicant has fully complied with all requirements of this chapter and all applicable ordinances and codes regulating fire, buildings, health and zoning, and that the applicant is of good moral character, the Council shall authorize the issuance of a permit to conduct a message business at the location designated in the application. Said permit shall expire one year from the date of issuance. Said annual permit may be renewed upon re-inspection and payment by the permit holder of a renewal fee of fifty dollars (\$50.00).
5. Separate Permit for Each Place of Business. Each message business shall have a separate permit for each place of business, which shall be valid only for the business conducted at that location.

6. Permit to be Displayed. Each message business shall display its permit conspicuously in the lobby or waiting room area where such permit may be readily observed by all persons entering such premises.

7. Sale or Transfer. No permit issued under this chapter shall be transferable to another person, firm or corporation or transferable to another place of business. The purchaser or purchasers of any message business or of the majority of the stock of any corporation operating a message business shall obtain a new permit before operating such business at the location for which the permit has been issued.

125.06 SUSPENSION OR REVOCATION OF PERMIT. The following shall apply to the suspension or revocation of permits:

1. Grounds. The message establishment permit of any such permittee may be suspended or revoked for violation of the provisions of this chapter, or for failure to comply with applicable fire regulations, building regulations, or health ordinance, or for permitting message technicians, who are either employed by the permittee or who are allowed by the permittee to perform the services or work of a message technician upon the premises of the permittee, to violate the provisions of this chapter.

125.07 MESSAGE TECHNICIAN PERMIT. The following shall apply to obtaining a permit by and for a message technician:

1. Permit Required. No person shall perform the services or work of a message technician at a message establishment without first securing a message technician permit from the Clerk or any authorized agent.

2. Application Procedures. Any person seeking a message technician permit shall make application to the Clerk or any authorized agent. Such application shall be accompanied with a fee of five dollars (\$5.00) and shall not be refundable. The Clerk shall cause an investigation of such applicant by the police department to determine if such person is of good moral character.

3. Application Contents. The application shall contain the following information:

- A. The full name, address, age and social security number of the applicant.
- B. The criminal record of the applicant, if any.
- C. A statement that the applicant is of good moral character.
- D. Proof that the applicant is an adult.

- E. A list of all training, certificates, or degrees in massage that the applicant has received. The length of time the applicant has performed massage service and the name and addresses of all massage establishments where applicant has been employed or worked in the last ten (10) years.
 - F. A statement that the contents of the application are true.
 - G. A certificate issued by a licensed physician stating that the applicant is free from communicable diseases and venereal diseases such as syphilis and gonorrhea, executed within one week preceding the date of the application.
4. Issuance of the Permit. The police department shall make a written report of its investigation to the Clerk within thirty (30) days of the date of the application. The Clerk may, upon presentation of the certificate described in subsection 3 of this section, issue a temporary massage technician permit to the applicant if the application is otherwise proper and pending receipt of the written police report. If the application, police report and the certificate indicate compliance with this chapter, the Clerk shall issue a permanent massage technician permit to the applicant. The permit shall expire one year from the date of issuance.
5. Permit to be Kept at Place of Employment. All massage technicians having permits issued pursuant to this chapter, shall keep said permits at their place of employment as massage technicians.

125.08 SUSPENSION OR REVOCATION OF TECHNICIAN PERMIT.

The following shall apply to the suspension or revocation of permits:

1. Grounds for Suspension. The massage technician permit of each massage technician may be suspended or revoked for any violation of this chapter.
2. Suspension Procedures. The Clerk may, upon receipt of information alleging that grounds exist to suspend the massage technician permit of any permit holder under this chapter, report the circumstances to the Council, which shall in such case cause a notice to be sent by ordinary mail to the permittee which notice shall state that a suspension hearing has been set before the Council, the grounds for the suspension, the date and time of the hearing and the place where the hearing will be conducted. Upon said hearing, if the Council shall determine that such grounds do exist, it may suspend or revoke the permit. In the event such permit is revoked, no massage technician permit shall be issued to that permittee for a period of one year.

125.09 HOME MESSAGE TREATMENTS. No massage technician shall administer any massage services at a location that does not conform to or comply with the standards set forth in section 125.10 of this chapter, except that massages may be administered in patron's home by any massage technician having a permit issued in accordance with this chapter provided massages are prescribed in writing by a physician duly licensed to practice medicine in the State and such physician certifies that the patron is unable for medical reasons to obtain such in a massage establishment.

125.10 HEALTH STANDARDS. No massage establishment shall be established, maintained or operated in the City that does not conform to or comply with the following standards:

1. Lighting. Each room or enclosure where massage services are performed on patrons shall be provided with a minimum of four (4) foot candles as measured four (4) feet above the floor.
2. Sterilizing Equipment. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be disinfected after each use.
3. Water. Hot and cold running water shall be provided at all times.
4. Cabinets and Storage Facilities. Closed cabinets shall be provided and used for the storage of all equipment, supplies and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets, which containers or cabinets shall be kept separate from clean storage cabinets.
5. Clean Linen. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.
6. Surfaces. All massage tables, bathtubs, shower stalls, sauna baths, steam or bath areas and all floors shall have surfaces which may be readily cleaned.
7. Containers for Oils and Preparations. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean containers or cabinets.
8. Locker Facilities. Adequate bathing, dressing, locker and toilet facilities shall be provided for all patrons served at any given time. All patron lockers shall be lockable. In the event male or female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided.

9. Maintenance of Facilities. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.
10. Technician Cleanliness. Each massage technician shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage to each patron.
11. Service Sink and Janitorial Facilities. The premises shall be equipped with a service sink for custodial services which sink shall be located in a janitorial room or custodial room separate from massage service rooms.
12. Food Consumption. No person shall consume food or beverages in massage work areas.
13. Animals. Animals, except for seeing-eye dogs, shall not be permitted in massage establishments.
14. Building Regulations. All massage establishments shall continuously comply with all applicable building, fire or health ordinances and regulations.

125.11 LIMITATIONS ON MESSAGE. No massage technician shall administer a massage:

1. Health of Technician. If said massage technician believes, knows, or should know that he or she is not free of any contagious or communicable disease or infection.
2. Skin Diseases. To any massage patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; provided, however, that a physician duly licensed to practice in the State may certify that such person may be safely massaged prescribing the condition therefor.
3. Health of Customer. To any person who is not free of communicable disease or infection or whom the massage technician believes or has reason to believe is not free of communicable disease or infection.

125.12 UNLAWFUL ACTS. The following acts shall be unlawful:

1. Patron's Sexual Actions. No massage patron receiving a massage shall caress or fondle the massage technician administering the massage.

2. Technician's Sexual Actions. No massage technician shall masturbate or fondle the genital area of a massage patron.
3. Clothing Requirement. No massage technician shall administer a massage to a massage patron unless such technician's sexual and genital body parts are completely covered by opaque clothing.
4. Administering to Different Sexes. No massages shall be administered to persons of different sexes in the same room or enclosure at the same time.
5. Massages in Permitted Establishments Only. No massage technician shall administer any massage services, and no massage patron shall receive a massage from a massage technician, at any place other than a massage establishment covered by a permit issued in accordance with this chapter, except in accordance with section 125.09 of this chapter.



CHAPTER 126

ADULT ENTERTAINMENT FACILITIES

126.01 Purpose

126.02 Definitions

126.03 Location of Adult Entertainment Facilities

126.04 Identification of Newsracks

126.05 Impounding Adult Newsracks

126.06 Minimal Distance Violations

126.07 Permitted Areas

126.01 PURPOSE. It is recognized that adult entertainment facilities have certain objectionable side effects which render these adult facilities incompatible with residential and family-oriented uses, when the adult facilities are located directly adjacent to such uses. This chapter seeks to ensure that residential and family-oriented uses and adult entertainment facilities will be located in separate and compatible locations.

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

1. “Adult entertainment facilities” includes but is not limited to the following:
 - A. “Adult bookstore” means an establishment having, as the primary portion of its stock in trade, books, magazines and other periodicals which are substantially devoted to the depiction of specified sexual activities and specified anatomical areas.
 - B. “Adult business” means any business or establishment where a specified sexual activity or specified anatomical area is displayed.
 - C. “Adult motel” means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - D. “Adult movie theater” means any theater, arcade or similar establishment where an enclosed building or open air facility is used for presenting material in the form of motion picture film, video tape or other similar means which is substantially devoted to the depiction of specified sexual activities and specified anatomical areas, for observation by persons therein.

- E. “Adult newsrack” means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities and specified anatomical areas.
- F. “Adult nightclub” means any club, cabaret, nightclub, bar, restaurant or similar establishment where an enclosed building or open air facility is used for live performances which are characterized by the exposure of specified sexual activities and specified anatomical areas, for observation by persons therein.
2. “Specified anatomical area” means less than completely and opaquely covered human genitalia, mature human buttocks; and a mature human female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state — even if completely and opaquely covered.
3. “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions or descriptions of:
- A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy;
 - C. Fondling or other erotic touching of human genitalia, pubic region, buttocks or female breast; and
 - D. Minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.

126.03 LOCATION OF ADULT ENTERTAINMENT FACILITIES.

1. Prohibited Locations. No person, whether as principal or agent, clerk or employee, either alone or for any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any adult bookstore, adult movie theater, adult nightclub, adult motel, adult business or adult newsrack in the following locations:
- A. In any residential area of the City, including upon any sidewalk abutting upon such residential area;
 - B. Within 1,000 feet of any residentially zoned or used property, or any property designated on the City’s Comprehensive Plan as residentially oriented.
 - C. Within 1,000 feet of any parcel of real property upon which is located any of the following facilities:

- (1) An elementary school, junior high school or senior high school;
- (2) A church which conducts religious programs;
- (3) Park or recreational facilities operated and improved by the City, County, County Conservation Board or State;
- (4) Federal, State, County, City or special district governmental offices;
- (5) Supermarket or convenience market primarily engaged in the sale of food;
- (6) Restaurant, fast-food or food establishment catering to family trade.

D. Within 2,000 feet of any other adult entertainment facility, as defined herein. For the purpose of this section, “adult newsrack” means a single coin-operated device and not a machine with a double or triple dispensing capacity.

2. Measurement of Distance. The distance between any two adult entertainment facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment facilities and any religious institution, school or public park, government office, supermarket, restaurant or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment facilities to the closest property line of the religious institution, school, public park, government office, supermarket, restaurant or property designated for residential use or used for residential purposes.

3. Signs. All on-site signage shall conform to Chapter 159 of this Code of Ordinances.

4. Viewing Area.

A. It is unlawful to maintain, operate or manage or permit to be maintained, operated or managed any adult theater or arcade in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall or other enclosure. For purposes of this section, “viewing area” means the area where the patron or customer would ordinarily be positioned while watching the performance, picture, show or film.

- B. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.
- C. It is unlawful to create, maintain or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing areas.
- D. The opening to the viewing area shall be from the main aisle.

126.04 IDENTIFICATION OF NEWSRACKS. The owners of adult newsracks shall have their names, addresses and telephone numbers clearly visible on each newsrack located within the City. If the identification is not clearly visible, that shall be grounds for immediate impoundment of the newsrack by the City.

126.05 IMPOUNDING OF ADULT NEWSRACKS.

1. Nonconforming Uses. The provisions of this Code of Ordinances dealing with nonconforming uses are not applicable to the location of adult newsracks existing on the effective date of the ordinance codified in this chapter, but thereafter the location of adult newsracks shall be subject to the nonconforming uses provisions of this Code of Ordinances.
2. Impoundment. An adult newsrack found in violation of this chapter may be impounded by any police officer or enforcement officer of the City after the following actions have occurred:
 - A. A notice of violation has been affixed to the adult newsrack stating the section of this chapter which has been violated and stating that the adult newsrack will be impounded if the violation is not abated within seven (7) days;
 - B. A notice of violation has been sent by certified mail, return receipt requested, to the owner of the adult newsrack as identified on the newsrack, if readable, stating the section of this chapter which has been violated and stating that the adult newsrack will be impounded if the violation is not abated within seven (7) days;
 - C. The violation has not been abated within seven (7) days after the posting of the notice of violation or the mailing of the certified letter, whichever occurs later;
 - D. The Police Department or other enforcement officer has presented to any magistrate affidavits or other evidence sufficient to show a prima facie violation of this chapter;

E. A magistrate has issued a written order permitting the impounding of the adult newsrack pursuant to this chapter.

3. Filing of Complaint. Whenever an adult newsrack is impounded, a complaint for violation of Section 126.03 must be filed within fourteen (14) days of the impounding. If a final appealable decision in such action is not rendered within sixty (60) days after the date of filing this action the complaint shall be dismissed; provided, however, no complaint shall be dismissed because a final appealable decision was not rendered within sixty (60) days of the filing of the action if the defendant named therein is responsible for extending the judicial determination beyond the allowable time limit.

4. Redemption After Impoundment. The person who provides sufficient proof of ownership of such adult newsrack may have such newsrack, together with all moneys, if any, impounded, returned immediately after the filing of the complaint for violation of Section 126.03 upon application to the Police Department or other enforcement officer. The person who provides sufficient proof of ownership of such adult newsrack may have the contents of such newsrack returned upon the date that a final appealable decision in such action is rendered or upon the date the action is dismissed, upon application to the Police Department or the enforcement officer.

126.06 MINIMAL DISTANCE VIOLATIONS. It is recognized that adult newsracks may be jostled or inadvertently moved minor distances by third persons with a resulting violation of the provisions of Section 126.03. Notwithstanding any other provision of this chapter, such minimal distance violation, not exceeding five (5) feet, shall not constitute a violation of this chapter, and the City's Police Department or other enforcement officer shall notify the owner of the adult newsrack by certified, return receipt requested, mail of the existence of the minimal distance requirements. Notwithstanding the provisions of this section, all adult newsracks shall comply with the encroachment permit provisions of this Code of Ordinances.

126.07 PERMITTED AREAS. Adult entertainment facilities in the City are permitted in accordance with the provisions of the Zoning Code.

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CHAPTER 127

PAWNBROKERS

127.01 Definitions	127.09 Renewals
127.02 License Required	127.10 Denial, Suspension or Revocation of License
127.03 License - Criteria Required	127.11 Records
127.04 License Issuance	127.12 Records - Failure to Maintain
127.05 License Fee	127.13 Identification Tags
127.06 Separate License for Each Place of Business	127.14 Prohibited Acts
127.07 Display of License	127.15 Search for Stolen Property
127.08 Sale or Transfer of License	

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

1. "Pawnbroker" means every person who makes loans or advancements upon pawn, pledge or deposit of personal property, or who receives actual possession of personal property as security for loans, with or without a mortgage, or bill of sale thereon, or who by advertisement, sign or otherwise holds himself or herself out as a pawnbroker.
2. "Police Reports."
 - A. "Positive" means a report or review compiled by the Police Chief which does not disclose a criminal record of a felony, or any conviction under this chapter two or more times, in a calendar year, or a conviction under Chapter 714 of the Code of Iowa.
 - B. "Negative" means a report or review compiled by the Police Chief which discloses a criminal record of a felony, or any conviction under this chapter two or more times in a calendar year or a conviction under Chapter 714 of the Code of Iowa.

127.02 LICENSE REQUIRED. No person shall engage in the pawn business without first obtaining a pawnbroker license. All applicants for such licenses shall apply in writing to the Clerk. All license applications shall contain the following information:

1. The full name, residential address, business address, date of birth and social security number of the applicant, and where the applicant is a corporation or partnership, of the officers or partners;
2. The name and address of the owner of the business premises;
3. The business, occupation or employment of the applicant, including location thereof, for the two years immediately preceding the date of application; and

4. The arrest record of the applicant and whether the applicant has ever been convicted of any crime, except simple misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction.

127.03 LICENSE - CRITERIA CONSIDERED. Upon receipt of a pawnbroker license application, the Clerk shall forward a copy of the application to the Police Chief who shall review the application. The applicant shall furnish such evidence as may reasonably be required in support of the statements set forth in the application. The Police Chief shall report to the Clerk within 30 days of receipt of the application considering but not limited to the following criteria:

1. Whether the applicant or the applicant's agents or employees charged with receiving or distributing property have been convicted of a felony. However, if the conviction of a felony occurred more than five years before the application for a pawnbroker license, and if such person's rights of citizenship have been restored by the governor, such conviction shall not be a bar to obtaining a pawnbroker license;
2. Whether the applicant has truthfully reported all relevant facts within the pawnbroker application; and
3. The applicant has such financial standing and good reputation to indicate that he or she will comply with all the laws of the State of Iowa and the City.

127.04 LICENSE ISSUANCE.

1. Upon receipt of a positive police report and the appropriate fees, the Clerk shall approve the application if the applicant has fully complied with all of the requirements of this chapter and the Clerk shall thereupon issue a pawnbroker license to the applicant and forward a copy of such to the Police Chief. The license shall expire one year following issuance. The license shall state the name and place of residence of the person licensed, the business to be transacted and the place where it is to be carried on, and the date of issuance and expiration of the license.
2. In the event that the Clerk determines that the applicant for a new or renewal license has not fully complied with all of the requirements of this chapter, or that the police department returns a negative report, or that the applicant has falsified the application, than the Clerk shall, after consultation with the legal department, advise the Council of the basis

for questioning the applicant's qualifications, and the procedures for notice and hearing as set forth in section 127.10 of this chapter shall apply.

127.05 LICENSE FEE. An applicant for a pawnbroker license shall submit a fee of \$200.00 to the Clerk at the time of filing the application. In the event the application is denied, \$50.00 of the total fee shall be retained to cover administrative costs.

127.06 SEPARATE LICENSE FOR EACH PLACE OF BUSINESS. Any person conducting several or separate pawnbroker businesses shall pay the license fee and procure a license for each place and any violations in one licensed premises shall be deemed violations in all premises licensed by that pawnbroker.

127.07 DISPLAY OF LICENSE. Every licensed pawnbroker shall display the license conspicuously in the business so that it may be readily observed by all persons entering the premises.

127.08 SALE OR TRANSFER OF LICENSE. No pawnbroker licenses shall be sold or transferred. The purchaser or purchasers of any pawnbroker business or of the majority of the stock of any corporation operating a pawnbroker business shall make application for and obtain a new license before operating such business at the location for which the license has been issued.

127.09 RENEWALS. Every licensed pawnbroker shall apply for a license annually by application as if for an original license. There shall be no automatic renewal. Such application shall be filed and the fee paid not less than 45 days prior to the expiration of the current license.

127.10 DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

1. A pawnbroker license may be denied, suspended or revoked for any violation of this chapter, including but not limited to the failure to comply with new or renewal application procedures, a negative police report, or falsification of a new or renewal application, or for the failure to maintain records in conformity with the requirements enumerated under this chapter.

2. The Clerk shall upon receipt of information alleging that grounds exist to deny, suspend or revoke the pawnbroker license of any applicant or licensee under this chapter, and after consultation with the legal department, report the circumstances to the Council, which in such case shall cause a notice to be sent by ordinary mail to the applicant or licensee which notice shall state that a denial, suspension, or revocation

hearing has been set before the Council, the grounds for the proposed denial, suspension or revocation, the date and time of the hearing and the place where the hearing will be conducted. Upon such hearing, if the Council shall determine that one or more such grounds do exist, it may deny an application or suspend or revoke an existing license. A suspension shall constitute a minimum period of 14 calendar days to a maximum period of 30 calendar days during which period the licensee may not conduct any business except for redemptions and shall conspicuously post a sign stating the terms of the suspension at the entrance of the licensed premises. Such a sign shall be supplied by and posted by the Police Chief. In the event such license is revoked, no pawnbroker license shall be issued to that person for a period of one year.

127.11 RECORDS. The police department shall furnish pawn log sheets to every licensee who shall accurately and legibly enter in ink in the English language the following information at the time of purchase or receipt of any property:

1. The date and hour of the transaction;
2. The amount paid, advanced or loaned for the article;
3. A detailed and accurate description of the article;
4. When applicable, the model number and/or serial number; and
5. The name and address of the person from whom the property is purchased or received, date of birth, driver's license number, State of Iowa identification number or social security number, sex, age, height, race and type of photo identification presented.

It shall not be deemed compliance with this section if the licensee or the licensee's agent or employee lists his or her own name as the person selling or transferring the article. When the pawn log sheets are complete, or upon demand from the Police Chief, the licensee shall surrender the original sheets to the Police Chief who shall provide a copy of the sheets to the licensee; the originals to remain the property of the City. The licensee shall also maintain a record of the name and residential address of any person redeeming an article of property, the date of such transaction and description of the article redeemed. In the event property is disposed of other than by redemption, the licensee shall record a description of the property, how disposed of and the name and address to whom the article was transferred. Such redemption or sales records shall be maintained by the licensee for one year from the date of transaction and shall be at all times open to examination and recordation by the Police Chief.

127.12 RECORDS - FAILURE TO MAINTAIN. No licensee, his or her agents, or employees shall fail to maintain or surrender or falsify, delete, alter, destroy or otherwise destroy any records required by this chapter.

127.13 IDENTIFICATION TAGS. The licensee, his or her agents, or employees shall also legibly record the date and hour the property was purchased or received on the property or such information shall be securely affixed to the property. Such information must conform to the information recorded pursuant to this chapter. However, those licensed pawnbrokers in possession of property purchased or received prior to October 7, 1996 and for which the date and hour of the transaction is not known, shall submit to the Police Chief a complete and detailed description of the property on an inventory sheet as provided by the Police Chief and the date of such inventory shall be securely affixed to the property.

127.14 PROHIBITED ACTS. No licensee, his or her agents, or employees purchasing or receiving any article of property shall:

1. Receive any property without first viewing a form of identification containing a photograph of the person identified;
2. Melt, alter, destroy, sell, redeem, remove from the licensed premises or otherwise dispose of such article, within 15 days after the receipt and report of any property is made as required by this chapter, except upon written permission from the Police Chief;
3. Purchase or receive any property from any person under the age of eighteen without his or her parent or guardian being present at the time of the transaction and without receiving their written consent, a copy of which must be submitted along with the records required by this chapter;
4. Purchase or receive any property or surrender any property from 6:00 p.m. to 8:00 a.m. Monday through Saturday, and 6:00 p.m. Saturday through 8:00 a.m. Monday;
5. Conceal, secrete, or destroy for the purpose of concealing, any article purchased or received for the purpose of preventing identification;
6. Deface, alter or remove any serial number or identifying marks from an article in his or her possession;
7. Take possession of defaced or altered property as described in subsection 6. However, those licensed pawnbrokers in possession of such property as of October 7, 1996, shall have sixty days to dispose of such property.

127.15 SEARCH FOR STOLEN PROPERTY. Whenever the Police Chief has reason to believe that any licensee, his or her agents, or employees has possession of any stolen property on the licensed premises, the Police Chief shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property. No licensee, his or her agents, or employees shall refuse, resist or attempt to prevent the Police Chief, with or without warrant, from examining the licensed premises for the purpose of discovering stolen property or any violation of this chapter.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.08 Burning Prohibited
135.02 Obstructing or Defacing	135.09 Excavations
135.03 Placing Debris On	135.10 Maintenance of Parking or Terrace
135.04 Playing In	135.11 Failure to Maintain Parking or Terrace
135.05 Traveling on Barricaded Street or Alley	135.12 Dumping of Snow
135.06 Use for Business Purposes	135.13 Underground Irrigation Systems in Parking
135.07 Washing Vehicles	

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 321.369)

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

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

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

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of

storage, exhibition, sale or offering same for sale, without permission of the Council.

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

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

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

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain 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 *The Manual of Uniform Traffic Control Devices for Streets and Highways* and OSHA standards 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 permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City

or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of five thousand dollars (\$5,000.00) may be filed with the City.

5. 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:

A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.

B. Property Damage - \$50,000.00 per accident.

6. 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 City, at the expense of the permit holder/property owner.

7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Permit Fee. A permit fee of ten dollars (\$10.00) shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

11. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

135.10 MAINTENANCE OF PARKING OR TERRACE.

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

1. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter. Specifically, but not by way of the proceeding, the property owner shall maintain all grass areas or approved vegetative ground cover in the public right-of-way to a height or length not to exceed six inches (6”), except as otherwise specifically allowed in this section.

2. The public parking area shall be planted entirely with: a) turf grass; b) approved vegetative ground cover; c) permitted plantings, as planted and maintained at a height not to exceed forty-two inches (42”) in an area located within thirty-six inches (36”) of a single mail box that is used for U.S. mail delivery; or d) approved landscape materials or permitted plantings as authorized by the Public Works Superintendent. Notwithstanding the foregoing, the public parking must be easily traversable by individuals and any materials or plantings placed in the public parking may not: a) interfere with the ability of individuals to freely enter or exit their vehicles from or onto the public parking; b) interfere with the ability of motorists to see vehicles or pedestrians on the public right-of-way, including the public sidewalk or trail; or c) interfere with the use, maintenance of utilities or drainage of the right-of-way, all as determined by the Public Works Superintendent or his or her designee.

3. The term “vegetative ground cover” means a ground cover that does not grow higher than six inches (6”) and is of a species approved by the Public Works Superintendent. The term “permitted plantings” means nonwoody, thornless plantings. The term “approved landscape materials” means permeable landscape materials such as pebbles, wood chips or such other permeable materials as are approved from time to time by the Public Works Superintendent.

4. In the event the city or any public utility shall disturb the public right-of-way or street work, the city or public utility shall restore any turf grass area to a similar condition existing prior to the disturbance, by reseeded such turf grass area. The city or public utility shall have no duty to replace any plantings, bushes, vegetation in the public parking other than turf grass.

(Ord. 11-19-2012 #3 (360) – Dec. 12 Supp.)

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 UNDERGROUND IRRIGATION SYSTEMS IN PARKING. Abutting property owners may install and maintain underground lawn irrigation systems in the parking, providing that all related equipment, except necessary and direct connections from the water supply to the underground irrigation system, is located solely in an area within one foot (1') of the street side of the sidewalk, or between five (5) and six feet (6') of the property line in areas where sidewalks are not installed. Abutting property owners acting pursuant to these provisions do so at their own risk and without any right, title or interest in the parking or in the free use and enjoyment of the parking for the purpose allowed in this section. Abutting property owners acting pursuant to this section should take notice of the fact that installations in the parking will be subject to damage or destruction at any time that the city or a person with a utility easement deems it necessary to enter upon the parking for construction, maintenance or any other purpose. Removal of underground lawn irrigation systems may be required at any time by the city and replacement of system is the sole responsibility of the abutting property owner.

(Ord. 11-19-2012 #1 (358) – Dec. 12 Supp.)

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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 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires or Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 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. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to one-half ($\frac{1}{2}$) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.

- H. A change from the design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
3. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
 4. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 5. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
 6. “Portland cement” means any type of cement except bituminous cement.
 7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
 8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
 9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.

1. It is the responsibility of the abutting property owner to remove snow, ice and accumulations from the entire width and length of sidewalk located between the back of the public street curb, or in the absence of a curb the edge of the public street pavement, to the property owners actual property line and/or in an area on private property that is dedicated, as indicated on the plat of record, for the use of pedestrian traffic excluding bike paths within 24 hours following the cessation of the weather event by which they were deposited, as defined by the National Weather Service or other event by which they were deposited, provided, however that in extraordinary weather circumstances the Community Services Director or their designated representative may extend the period of time provided herein. In those situations the Community Services Director or their designated representative will deliver to representative news media a statement indicating the amount of additional time the property owners shall have to remove accumulations from sidewalks.

2. In instances where a property owner has a sidewalk adjacent to both the front and rear of the property and the rear sidewalk is shared by adjoining property owners, the owner with two sidewalks is only responsible for the removal of snow, ice and accumulations in the front area. The owner who has adjoining property, in this situation, would be responsible for removal of snow, ice and accumulations on the sidewalks in the rear area.

3. If both properties have both a front area and a rear area sidewalk, both adjoining property owners are mutually responsible for removal of snow, ice and accumulations on the sidewalk in the rear area.

4. When accumulations have formed upon any sidewalk so that it cannot be reasonably removed, such as ice and/or packed down snow, the abutting property owner shall keep and maintain such accumulations sprinkled with fine cinders, sand or deicing chemicals in such a manner as to provide traction and prevent the sidewalk from being dangerous to persons using the same for the entire width and length. This subsection is not to be construed as a substitute for the removal of accumulations and only applies when accumulations cannot be reasonably removed; however, all accumulations shall be removed as soon as practical.

5. The Community Services Director or his or her designated representative or any peace officer shall enforce the provisions of this section. If any snow, ice or accumulations are not removed as required above, including any extraordinary weather circumstances, within the time designated by the Community Services Director or a designated representative, the Community Services Director or his or her designated representative or any peace officer is authorized to issue a citation or may post notice to such owner by placing written notice on the main entrance to the principle structure, requiring the owner to remove snow, ice and accumulations within 12 hours and if such action is not completed within the time stated in the notice, the Community Services Director or his or her designated representative may cause the work to be done and assess the costs thereof as a special tax against the abutting property and collect the same according to law.

(Ord. 11-19-2012 #2 (359) – Dec. 12 Supp.)

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. In instances where a property owner has a sidewalk in both the front and rear yard and the rear sidewalk is shared by adjoining property owners, the resident

with two sidewalks is only responsible to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks in the front yard. The resident who has the adjoining property, in this situation, would be responsible for repairing, replacing or reconstructing, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks in the rear yard.

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa. The Council may waive required sidewalks on property that does not extend to or connect with any other sidewalks in the areas where development is not likely to occur. If development should occur, the provisions of Chapter 384 of the Iowa Code will be in effect upon completion.

(Ord. 11-00 #4(65) – Feb. 01 Supp.)

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Public Works Director establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.
11. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least forty-eight (48) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

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 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 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.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

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

136.16 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)

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

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

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

136.19 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.

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CHAPTER 137

DRIVEWAY REGULATIONS

137.01 Permit
137.02 Permit Fee
137.03 Concrete Pavement Required
137.04 Costs

137.05 Driveways on Unpaved Streets
137.06 Culvert Removal
137.07 Grades
137.08 Damaged Culverts

137.01 PERMIT. It is illegal for any person to break out or remove a corporate curb along any paved street, or to construct a private drive from an unpaved street, without first obtaining a permit from the Clerk or Building Department. No such permit shall have any force or effect unless approval shall be endorsed of the fact on said permit by the Building Inspector.

137.02 PERMIT FEE. Before any permit is issued, the person who makes the application shall pay ten dollars (\$10.00) to the Clerk.

137.03 CONCRETE PAVEMENT REQUIRED. In all cases where said permit has been granted, the concrete curb shall be ground in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements and the driveway shall be paved by concrete extending from the curb to the inside of the existing sidewalk line within thirty (30) days from the removal of the curb with not less than six (6) inches of concrete. If it is shown to the satisfaction of the Public Works Director that the existing sidewalk has substantially the same strength as six (6) inch concrete, said paving need only extend to the outside of the sidewalk line. All work is to be done in a workmanlike manner, inspected and approved by the Public Works Director. All driveway approaches shall be paved from the street to the sidewalk according to the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements. If there is no sidewalk, the approach shall extend to the property line. The approach shall be inspected by the City.

(Ord. 11-01 #3 (94) – Nov. 01 Supp.)

137.04 COSTS. If, after thirty (30) days after the concrete curb has been ground, the person so doing fails or refuses to pave the driveway, 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.

137.05 DRIVEWAYS ON UNPAVED STREETS. When a permit has been granted to construct a private driveway from an unpaved street, the person

receiving said permit shall perform the necessary grading and install a culvert, if required, constructed of either corrugated iron or concrete with a minimum diameter of fifteen (15) inches and a maximum length of twenty-four (24) feet, the permit holder to bear the cost of said culvert.

137.06 CULVERT REMOVAL. The Public Works Director is hereby empowered to order existing culverts replaced which do not meet the requirements of Section 137.05 when the Public Works Director deems the existing culvert will not satisfactorily carry away run-off water.

137.07 GRADES. All culverts erected or replaced shall conform to the established ditch grade, as determined by the engineer or Public Works Director.

137.08 DAMAGED CULVERTS. If the Public Works Director finds it necessary to replace damaged or unsatisfactory culverts, the property owner shall be charged with the costs of the same, and if not paid within ninety (90) days from the date of completion of said replacement, said cost shall be assessed as a special tax against the abutting property and collected according to law.

CHAPTER 138

VACATION AND DISPOSAL OF STREETS

138.01 Power to Vacate
138.02 Planning and Zoning Commission
138.03 Notice of Vacation Hearing

138.04 Findings Required
138.05 Disposal of Vacated Streets or Alleys
138.06 Disposal by Gift Limited

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

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

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

(Code of Iowa, Sec. 392.1)

138.03 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.

138.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

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

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

(Code of Iowa, Sec. 364.7)

138.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose.

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

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.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
74A1	June 17, 1976		
9-87.2	September 8, 1987		
4-93 #1 (118)	April 5, 1993		
4-93 #2 (119)	April 5, 1993		
8-01 #3 (88)	September 4, 2001		
8-15-05 #3 (186)	September 19, 2005		
7-18-05 #2(183)	February 20, 2006		
6-05-06 #1(216)	June 5, 2006		
02-18-2013 #01 (364)	February 18, 2013		
9-03-2013 #01 (381)	September 3, 2013		
11-17-2014 (399)	November 17, 2014		
05-18-2015 #1 (407)	July 20, 2015		
07-20-2015 #03 (413)	July 20, 2015		
12-21-2015 #01 (418)	December 21, 2015		
12-21-2015 #2 (419)	December 21, 2015		
02-15-2016 #01 (421)	February 15, 2016		
05-02-2016 #01 (428)	May 2, 2016		
05-02-2016 #02 (429)	May 2, 2016		
05-02-2016 #03 (430)	May 2, 2016		
05-16-2016 #01 (431)	May 16, 2016		

CHAPTER 139
STREET GRADES

139.01 Established Grades

139.02 Record Maintained

139.01 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.

139.02 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	ORDINANCE NO.	ADOPTED
73.5	March 2, 1965		
73.5(A)	June 7, 1966		
73.53	March 12, 1969		
73-7-30	July 30, 1973		
10-22-79-2	October 22, 1979		
10-1-84-1	October 1, 1984		
2-88 #1 (18)	February 15, 1988		
9-88 #1 (34)	September 6, 1988		
10-88 #1 (38)	October 3, 1988		
5-93 #1 (120)	May 3, 1993		
4-96 #1 (170)	April 15, 1996		

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CHAPTER 140

NAMING OF STREETS

140.01 Naming New Streets
140.02 Changing Name of Street
140.03 Recording Street Names

140.04 Official Street Name Map
140.05 Revision of Street Name Map

140.01 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.

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

140.03 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)

140.04 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 140.04 of the Code of Ordinances of Altoona, Iowa."

140.05 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.

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CHAPTER 141

RIGHT-OF-WAY MANAGEMENT

141.01 Purpose

141.02 Administration

141.03 Right-of-way Permits

141.04 Franchise or License for Private or Commercial
Use

141.05 Appeals

141.01 PURPOSE. The City's street and alley rights-of-way are owned or held by the City primarily for the purpose of pedestrian and vehicular passage and for the City's provision of essential public safety services, including police, fire, and emergency medical response services; and public health services, including sanitary sewer, water, and storm drainage services. The City recognizes that it holds the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The City has invested millions of dollars in public funds to acquire, build, and maintain the right-of-way. Some organizations, by placing their equipment in the right-of-way and charging the citizens of the City for goods and services are using for private gain this property held by the City for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property. This chapter provides for the recovery of out-of-pocket and projected costs from persons using the public rights-of-way. Finally, this chapter provides for uniform procedures and standards for the franchising and licensing of rights-of-way for private or commercial use.

141.02 ADMINISTRATION. The City Engineer shall be the principal City official responsible for the administration of the rights-of-way; of right-of-way permits; of the franchising and licensing of the use of rights-of-way; and of all sections of this Code and related City ordinances. The City Engineer may delegate any or all of his or her duties under this chapter.

141.03 RIGHT-OF-WAY PERMITS.

1. When working in public rights-of-way, permittees under this section shall not unreasonably interfere with the safety, health, and convenience of the public in the public's use thereof for ordinary travel, nor shall they interfere with public safety or public health services provided by the City to its residents by means of the public rights-of-way.
2. Permittees shall acquire no right or interest in the right-of-way allowing the continued use of the right-of-way for such purpose.
3. Permits Required.
 - A. Excavation Permit. An excavation permit shall be required for every person who excavates in the right-of-way.

- B. Obstruction Permit. An obstruction permit shall be required for every person who undertakes activities in the right-of-way which will result in the obstruction of vehicular or pedestrian traffic.
- C. Irrigation System Permit. Underground irrigation systems are allowed in right-of-way with the understanding that it is at the abutting property owner's risk and any repair of the irrigation system caused by maintenance of utilities will be the responsibility of and at the abutting property owner's expense.
4. No person may excavate or obstruct the right-of-way beyond the date specified in the permit unless they have been issued a new permit.
5. Permit Applications. Before any permit required by this chapter shall be issued, an application shall be made to the City Engineer. A permit application will be accepted only if all of the following conditions have been met and the permit applicant has:
- A. Fulfilled all obligations related to prior permits, including but not limited to the restoration of the right-of-way, and payment to the City of all money due for the following:
- (1) Prior obstruction or excavation permits;
 - (2) Any loss, damage, or expense suffered by the City as a result of the applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City in connection therewith;
 - (3) Restoration of the right-of-way by the City or the City's contractor;
 - (4) System management fees; and
 - (5) Fines assessed to the applicant.
- B. Submitted a completed permit application form, which includes (i) all required attachments, and (ii) scaled drawings showing the location and area of the proposed project and the location of all existing and proposed equipment, and which states or identifies the following:
- (1) The place, extent and purpose of the contemplated work including the identity of and location in the right-of-way at which any excavation is to be made.
 - (2) The time when the work is to be commenced and the time it is to be completed.
 - (3) For whom and in connection with what abutting property, if any, the work is to be performed.
 - (4) To what street main, if any, the sewer, water, or gas connection is to be made or to what electric or telephone line, if any, the electric or telephone connection is to be made.

- (5) The name and contact information of the person or contractor who will do the work, and the person who will be in charge.
6. Plans and Specifications. Plans and specifications shall be filed with an application for a permit to make an excavation involving the construction or installation of equipment within the right-of-way. Plans and specifications shall be in sufficient detail to identify the exact type of equipment to be constructed or installed in the right-of-way, and the horizontal and vertical location of such equipment within the right-of-way, with respect to right-of-way/property lines and established monuments. Detailed plans and specifications shall not be required for individual excavations, such as individual water, sewer, gas, electric, or telephone connections to a building. A simple sketch on the application form provided by the City, including the dimensions of the proposed excavation in reference to permanent landmarks, shall be provided for individual excavations.
7. Insurance Certificate. Applications for obstruction and excavation permits shall be accompanied by an insurance certificate or to have one on file with the department as required by this chapter. Applications for excavation permits, and obstruction permits shall be accompanied by a surety or performance and maintenance bond, unless such bond has been previously filed with the department and is still in effect.
8. Indemnification. All applications for a permit under this chapter shall contain a stipulation that the applicant shall indemnify and hold harmless the City from any and all costs, expenses or liability for damages or injuries to persons or property or liability of any kind whatsoever arising from or growing out of any excavation or trench or surface restoration for which the permit is issued.
9. Administrative Penalties. The City Engineer is authorized to impose administrative penalties upon persons who commit the following violations of this chapter:
 - A. Failure to obtain permit;
 - B. Failure to provide required notification of emergency trenching or excavations;
 - C. Failure to provide required traffic control devices;
 - D. Failure to restore as required;
 - E. Failure to properly secure steel plates;
 - F. Failure to provide required notification for inspection by plumbing inspector;
 - G. Failure of restoration within the maintenance period;
 - H. Failure to restore street cuts within the period provided in the permit;

- I. Failure to comply with permit conditions;
- J. Failure to comply with orders issued by the City Engineer or the City Engineer's designee;
- K. Failure to complete work within the time provided in the permit, or within a time extension of the permit granted by the City Engineer or the City Engineer's designee;
- L. Failure to provide factually accurate, truthful or complete information in making application for a permit; or
- M. Working, storing equipment or materials, or parking vehicles outside the permit area.

The administrative penalty for each violation shall be as provided in the schedule of administrative penalties adopted by the City Council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the City Engineer to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice.

10. Permit Fees.

A. Schedule of Fees. To recover the costs incurred by the department in managing the right-of-way a schedule of fees shall be developed. The permit fees to be paid in each instance shall be determined by the City Engineer, shall be updated as needed prior to each construction season, and shall be approved by the City Council by resolution.

B. Fees Accumulated in Separate Fund. All fees collected under this chapter shall be accumulated in a separate fund.

C. Fees Doubled During Probation. All permit fees shall be doubled during a probationary period.

D. Refund after Revocation of Permit. Permit fees which were paid in connection with a permit which the City Engineer has revoked for a breach are not refundable.

11. Refusal to Issue Permit. The City Engineer may refuse to issue the permits provided for in this chapter to any former permit holder who has intentionally violated the sections of this Code relating to excavations in or obstruction of any public right-of-way or who has failed to conform to the requirements of any previously issued permit or who has violated the orders or instructions of City officials issued pursuant to this chapter.

12. On-site Exhibit of Permit; Contractor Identification Signage.

A. One copy of the permit required by this chapter shall be kept and exhibited at every work site for which an excavation permit has been issued for a period of five days or more.

B. Persons performing work pursuant to an excavation permit shall display their name and telephone number on all motor vehicles and equipment, including tractors, trailers, and wheeled equipment capable of being driven or towed on the street. This shall not apply to personal or privately owned vehicles used solely to transport workers to a job site or to rental vehicles or equipment utilized in performing the work if the name and telephone number of the rental company appears on the vehicles or equipment. This information shall be exhibited in at least two locations on the vehicle and shall be either a temporary magnetic or permanent decal or painted lettering of a type and size, and with a contrasting color, rendering it legible from a distance of not less than 50 feet.

13. Restoration Required. The work to be done under an excavation permit issued pursuant to this chapter and the restoration of the right-of-way as required in this section must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore or pay for the restoration of the general area of the work, and the surrounding areas, including the paving, its foundations and any special features, to its proper and required condition in accordance with the City's utility accommodation and street restoration specifications, unless the City Engineer deems other or additional specifications must be utilized in order to secure proper restoration. Further, the permittee shall inspect the area of the work and use reasonable care to maintain the same condition for 48 months thereafter. If special features in the right-of-way at a proposed excavation site, including but not limited to special sidewalk surfaces, heated sidewalks, underground vaults, areaways, and landscaping, cannot be preserved or protected, the City must be notified prior to the applicant beginning work.

14. Performance and Maintenance Bond.

A. An applicant for an excavation permit shall, at the time of application for an excavation permit, post a performance bond in an amount determined by the City Engineer to be sufficient to cover the cost of restoring the right-of-way to its proper and required condition pursuant to the City's utility accommodation and street restoration specifications and in accordance with the current restoration cost schedule established by resolution of the City Council. If at the conclusion of the 48-month period after completion of the restoration of the right-of-way, the department determines that the right-of-way has been properly restored, the surety on the performance bond shall be released.

B. Bond Condition. The bond shall be conditioned upon:

- (1) The faithful performance of the right-of-way restoration work required under this chapter, or payment of the restoration costs incurred by the City; and

- (2) The faithful performance of the terms of the permit, the provisions of this chapter, and any other requirements provided by law.

If the applicant fails or neglects to properly restore the right-of-way to its proper condition within the time for completion set forth in the permit, or within a reasonable time after notice by the City Engineer of such failure or neglect, or fails to pay the restoration costs incurred by the City or fails or neglects to properly maintain the right-of-way to its proper condition within a reasonable time after notice by the City Engineer of such failure or neglect, or fails to pay the maintenance costs incurred by the City, the right-of-way shall be restored or maintained by the City and the costs thereof, as certified by the City Engineer, shall be promptly paid by the applicant or bonding company as the case may be.

C. Bond for Obstruction Permit. If the City Engineer determines in his or her sole discretion that an obstruction permit applicant's proposed use of the right-of-way poses a risk of damage to the right-of-way, the City Engineer may require such applicant to post a surety bond before the obstruction permit is issued. Such bond, if required, shall be placed on file with and approved by the City Engineer; shall be in the minimum amount of \$5,000.00 or such other amount determined by the City Engineer to be sufficient to cover the anticipated cost of damage to the right-of-way; and shall be conditioned to ensure removal of the obstruction and restoration of the right-of-way and all public improvements thereon by or before the expiration date of such obstruction permit or such extended time as may be granted by the City Engineer.

15. Permittee's Other Obligations.

A. Except in an emergency and with the approval of the City Engineer, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.

B. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with.

C. Work under a permit shall be conducted within the permit area, and work vehicles, equipment and materials shall be stored within the permit area. The loading or unloading of trucks adjacent to a permit area is prohibited unless specifically authorized by the permit.

D. Contractor shall notify property owner(s) abutting the right-of-way in the area designated in the permit at least 24-hours in advance of the start of the work notifying them of the projected start date, type of

work, who the work is for, and the contractor business name and phone number.

16. Denial of Permit.
 - A. Mandatory Denial. Except in an emergency, no right-of-way permit will be issued:
 - (1) To any person who is not in full compliance with the requirements of this chapter;
 - (2) To any person who has outstanding debt owed to the City;
 - (3) To any person as to whom there exists grounds for the revocation of a permit; and
 - (4) If the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event.
 - B. Permissive Denial. The City Engineer may deny a permit in order to protect the public health, safety and welfare; to prevent interference with the safety and convenience of ordinary travel over the right-of-way; or when necessary to protect the right-of-way and its users.
 - C. No person shall leave or keep open any excavation or vault on, in or under any right-of-way. All excavations and vaults shall be protected in accordance with the City's utility accommodation and street restoration specifications.
17. Inspection.
 - A. When the work under any permit issued pursuant to this chapter is completed, the permittee shall notify the City Engineer.
 - B. The permittee shall make the work site available to the department inspector and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.
 - C. At the time of inspection, the department inspector may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.
18. Work Done Without Permit.
 - A. Emergency Situations. Each registrant under this chapter shall immediately notify the City Engineer of any event regarding its equipment which it considers to be an emergency. The registrant may proceed to take whatever actions are necessary in order to respond to the emergency. Within two business days after the occurrence of the emergency, the registrant shall apply for the necessary right-of-way

permits, and pay the fees associated therewith. If a storm, flood, or other citywide emergency event causes system-wide damages to the equipment of a utility service company, requiring emergency repairs without obtaining the necessary right-of-way permits, the City Council may, upon request by the company sustaining such damage, waive or modify the requirement that permits be obtained after the making of emergency repairs in response to such event. If the City Engineer becomes aware of an emergency regarding a registrant's equipment, the department may attempt to contact the local representative of each registrant affected or potentially affected by the emergency. In any event, the department may take whatever action it deems necessary in order to respond to the emergency, the cost of which shall be borne by the registrant whose equipment occasioned the emergency.

B. Nonemergency Situations. Except in an emergency, any person who obstructs or excavates a right-of-way without a permit must subsequently obtain a permit, pay double the normal fee for such permit, pay double all the other fees required by this Code, deposit with the department the fees necessary to correct any damage to the right-of-way.

19. Revocation.

A. Permittees hold right-of-way permits as a privilege and not as a right. The City reserves the right, as provided in this section, to revoke any right-of-way permit, without fee refund, for a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation or any condition of the permit. A substantial breach by the permittee shall include but shall not be limited to the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to maintain the required bonds and/or insurance;
- (5) The failure to complete the work in a timely manner; or
- (6) The failure to correct a condition indicated as directed by the inspector.

B. If the City Engineer determines that the permittee has committed a substantial breach of a term of condition of any statute, ordinance, rule, regulation or any condition of the permit, the City Engineer shall make a written demand upon the permittee to remedy

such violation. The demand shall state that continued violations may be cause for revocation of the permit. Further, a substantial breach, as stated in this subsection, will allow the City Engineer, at his or her discretion, to place additional or revised conditions on the permit.

C. Within 24 hours of receiving notification of the breach, the permittee shall contact the City Engineer with a plan, acceptable to the City Engineer, for its correction. The permittee's failure to so contact the City Engineer or the permittee's failure to submit an acceptable plan or the permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the permit. Further, the permittee's failure to so contact the City Engineer or the permittee's failure to submit an acceptable plan or permittee's failure to implement the approved plan shall automatically place the permittee on probation for one full year. From time to time, the City Engineer may establish a list of permit conditions which, if breached, will automatically place the permittee on probation for one full year, such as but not limited to working out of the allotted time period or working on right-of-way grossly outside of the permit.

D. If a permittee, while on probation, commits a breach as outlined in this section, the permittee's permit will automatically be revoked, and the permittee will not be allowed further permits for one full year, except for emergency repairs.

E. If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees, incurred in connection with such revocation.

20. Traffic Control Devices, Lighting and Plating.

A. The public shall be protected at all excavations or trenches or open vaults in the right-of-way by the placement of proper traffic control devices, lighting and plating as specified in the state manual on uniform traffic control devices and applicable provisions of SUDAS.

B. Every person making such an excavation or trench shall maintain any and all protection required under subsection (A) of this section until the trench or excavation has been refilled and the street, pavement, sidewalk or curb has been restored to its proper condition as provided in the City's utility accommodation and street restoration specifications.

141.04 FRANCHISE OR LICENSE FOR PRIVATE OR COMMERCIAL USE.

1. Franchise or License Required.

A. Except as otherwise provided in this chapter, no person shall occupy or use public right-of-way on a citywide basis for the purpose

of providing utility services to private customers without first obtaining a franchise from the City as provided and required by I.C. §364.2, unless such utility service is provided by a governmental entity having jurisdiction and authority to provide such service within the City.

B. Except as otherwise provided in this chapter, no person shall occupy or use any portion of the right-of-way for the purpose of operating or conducting a private business, on other than a temporary basis as provided in an obstruction permit or excavation permit, without first obtaining a license from the City.

C. The City shall not grant, issue, or enter into any franchise or license that grants or allows exclusive use or occupancy of the right-of-way. Any person seeking a franchise or license for use of City right-of-way shall make application for a franchise or license with the City Engineer.

D. An application for a franchise or license for occupancy or use of a right-of-way shall be filed with the City Engineer on a form provided by the City and shall include all registration information required to be submitted.

2. Grant of Franchise; Persons Eligible.

A. Under this section, franchises will be granted in accordance with the procedures provided therefor in I.C. Ch. 364. The terms and conditions of a franchise shall be subject to negotiation between the franchise applicant and the City and shall be incorporated into the form of an ordinance. A franchise shall not be considered to have been granted by the City unless and until the form and provisions of the franchise ordinance have been approved and adopted by the City Council, the grant of the franchise has been approved by the City electorate at an election, and the franchise has been duly recorded, all as required by I.C. Ch. 364. The proposal to grant a franchise shall not be submitted at an election until the City Council has duly passed and approved the ordinance containing the proposed franchise.

B. A franchise will be granted only when the following conditions are met:

(1) The franchise applicant provides or proposes to provide a utility service to all of the City residents or to all of the residents within a given area of the City; or

(2) The franchise applicant provides or proposes to provide utility service within the City or within a given part thereof and is by law required to provide universal service within its service area; and

(3) The franchise applicant proposes that it be authorized to utilize any and all street and alley rights-of-way within the City

or within a given part thereof for the purpose of providing such service; or

(4) The City Council determines that the franchise applicant will ultimately require authorization to utilize any and all street and alley rights-of-way within the City or within a given part thereof for the purpose of providing such service; and

(5) The franchise applicant has obtained a certificate of public convenience and necessity from the state utilities board for the provision of that service, if required, and has met all other legal requirements to provide the utility service.

C. Persons providing utility services, except local exchange telephone services, on the effective date of the ordinance from which this subsection derives:

(1) Which are not franchised by the City; and

(2) Which possess a certificate of public convenience and necessity from the Iowa utilities board for the provision of that service, if required; or

(3) Which provide utility service to all or a substantial proportion of the residents of the City, or to all or a substantial proportion of the residents of a given part of the City; and

(4) Which utilize all or a substantial proportion of the street and/or alley rights-of-way within the City, or within a given part of the City, for the purpose of providing such service;

shall be required to obtain a franchise for the continued provision of that utility service and for the continued use and occupancy of City street rights-of-way for that purpose.

3. Persons Eligible for Issuance of License.

A. The following persons shall not be eligible for the grant of a franchise, but shall instead be eligible for the issuance of a license for the use of the right-of-way at the discretion of the City Engineer:

(1) A person who, on the effective date of the ordinance from which this section derives, provides or proposes to provide utility services to all residents within the City or to all residents within a given part thereof but who intends to utilize for that purpose only certain street or alley rights-of-way constituting only a small portion of the street or alley rights-of-way within the City or within that part of the City; or

(2) A person who the City determines can provide such service by utilizing only certain street or alley rights-of-way constituting only a small portion of the street or alley rights-of-way within the City or within a given part of the City.

(3) The owner of two or more properties which abut a street or alley right-of-way on either side thereof and which properties are zoned for multifamily, commercial, or industrial use, who desires to use such street and/or alley right-of-way to provide a private service connection between two or more buildings or facilities located on such properties.

(4) The owner of two or more properties within the boundaries of the City, which properties are used collectively as a campus for residential, business, and/or educational purposes, who desires to use the streets and/or alleys connecting said properties to provide a private service connection not to exceed a four-block radius or 10,000 equivalent linear feet between two or more buildings or facilities located on such properties.

(5) A person who provides or proposes to provide wholesale services and/or support to its customers or clients who use the person's equipment and facilities within the City right-of-way. Upon request by such person for license, or for license renewal or license amendment increasing the equivalent linear footage of the person's equipment within the right-of-way existing on the effective date of the ordinance from which this section derives by ten percent or greater, the City Engineer shall review the then-anticipated cost of relocation and removal of the person's proposed equipment and restoration of the City right-of-way due to said relocation or removal, and prior to issuing such license, or renewal or amendment, the City Engineer may, in his or her sole discretion, require such person to make payment to the City of an upfront deposit payment or to post a performance and maintenance bond in the amount. Nothing set forth herein relieves such person of its obligation to additionally pay applicable fees, or to remove and/or relocate its equipment following its license term and/or renewal(s) thereof following City Engineer order, or to otherwise comply with all provisions of this code applicable to such person's use of the City right-of-way.

(6) A person who provides or proposes to provide a private service connection that does not cross a street or alley right-of-way between two or more buildings or facilities on either side thereof in accordance with subsection (A)(3) of this section, or that exceeds a four-block radius or 10,000 equivalent linear feet, and who, in the discretion of the City Engineer, fulfills all of the following criteria:

- a. Owns a minimum of one property used for non-residential purposes within the boundaries of the City, as determined by the records of the county assessor and/or auditor within which county the property is located, for

- the duration of the initial license term and renewal(s) thereof; and
- b. Provides a broad based public benefit to the City and its residents in the form of economic activity, and/or job creation, and/or the promotion of the health, safety or welfare of the City's residents; and
 - c. Does or will own the proposed equipment within the right-of-way, and whose proposed use of the right-of-way has a minimal current impact and minimal anticipated future impact on such right-of-way, and of the use thereof by the City or other parties allowed by the City pursuant to this chapter.
- B. Appeals of the City Engineer's decisions regarding eligibility for the issuance of a license for the use of the right-of-way may be made pursuant to this Code.
4. Authority to Issue License; Form of License and Term.
- A. Licenses required by this section shall be issued by the City Engineer. The City Engineer shall review each application and shall issue each license which he or she determines to be in compliance with the requirements of this section and any other applicable legal requirements. In issuing a license, the City Engineer may require a change in the proposed location of the licensee's equipment where necessary to avoid interference with other equipment placed within the public right-of-way.
 - B. Licenses issued pursuant to this section shall be in writing, shall be executed by the licensee, and shall not take effect until approved by the City Attorney. The form of licenses to be issued pursuant to this section shall be uniform, but shall be subject to periodic review and modification.
5. Limit on Term of Franchises; Limit on Initial or Renewal Term of Licenses.
- A. No franchise for use of the public right-of-way shall be granted for a term in excess of 25 years.
 - B. No license for use of the public right-of-way issued by the City Engineer shall be issued or renewed for a term in excess of five years.
6. Compensation Required; Franchise and License Fees.
- A. All new franchises granted by the City shall allow for the collection of an annual franchise fee.
 - B. A license fee shall, to the extent allowed by the constitution and laws of the state, be assessed on all new licenses for use or occupancy of the right-of-way upon and after the City Council's approval by

resolution of a schedule of license fees for use of City rights-of-way. The schedule of fees for use of City rights-of-way shall reflect the diminution in the functional utility of the right-of-way for use by the City and shall be based upon such factors as the value or rental value of private property abutting the right-of-way to be used and the licensee's avoided cost in using the City right-of-way as opposed to establishing a private right-of-way for the licensed use upon abutting private property. The schedule of fees for use of City rights-of-way shall establish such fees in terms of per-linear-foot charges for the right-of-way used, and assuming a use width of not more than ten feet, with the schedule reflecting the per-foot value of such right-of-way in identified segments of the City.

C. In addition to being required to pay franchise or license fees, franchisees and licensees may, to the extent allowed by I.C. §480A.1 et seq., be required to provide in-kind services as compensation for such use, including but not limited to:

- (1) The installation by the franchisee or licensee of City equipment in the trenches excavated by or in the duct banks constructed by the franchisee or licensee; and/or
- (2) Access to such trenches or ducts so that the City can install its equipment therein.

Franchisees and licensees who provide such services as utility services, as defined in this chapter, may, to the extent allowed by I.C. §480A.1 et seq., also be required to provide access at no cost to the services provided by the franchisee or licensee at a location to be designated by the City, or the equivalent value of the service to be provided at such location.

D. Franchise and license fees shall be paid at the City Clerk's office. The acceptance of any such fee payment by the City shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the City may have for additional sums due and payable.

E. The licensee or lessee shall pay interest at the rate of ten percent per year on any overdue license fee calculated from the due date of the fee.

F. Nothing in this section shall be construed to limit the liability of a franchisee or licensee for all applicable federal, state and local taxes.

G. Nothing in this section shall be construed to prevent the City Council from exercising the right of the City to change the amount of any of the fees required by this section.

7. Application for Issuance of a License. A person desiring to obtain a license as required in this section shall make application for a license for such

use and occupancy as provided in this chapter, and shall pay an application fee for initial issuance of the license. The application fee for initial issuance of a license and any future changes thereto shall be effective upon its inclusion in a schedule of fees adopted by the City Council by resolution. The application for initial issuance of a license shall be filed with the City Engineer not less than 60 days prior to the proposed effective date of the license and shall be filed upon a form provided by the City for that purpose. The application shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant.
 - B. The name, address and telephone number of a responsible person whom the City may notify or contact at any time or in case of emergency concerning the equipment or utility system.
 - C. A statement of the purpose for the equipment or system proposed for installation in the public right-of-way, the type of service it will provide, and the intended customers which it will serve.
 - D. Any additional information which the City Engineer in his or her discretion may require.
8. Issuance and Renewal of Licenses; License Revocation and Cancellation.

A. Prior to the initial issuance of a license for use or occupancy of public right-of-way, the City Engineer shall conduct a review of the licensee's background to determine the licensee's ability to meet the requirements stated in this section. If on the basis of such review the City Engineer determines that it would not be appropriate to issue the license, the City Engineer shall give notice of intent not to issue the license as provided in this section.

B. To obtain renewal of a license, the licensee shall file an application with the City Engineer on the form provided by the City and pay an application fee for renewal of the license. The application fee and any future changes thereto shall be effective upon its inclusion in a schedule of fees adopted by the City Council by resolution. The renewal application shall be filed with the City Engineer not less than 180 days prior to the expiration of the existing license or any renewal term of the license. Upon receipt of the application, the City Engineer shall conduct a review of the licensee and the licensee's prior use of the public right-of-way to determine the licensee's continued compliance with the requirements. If on the basis of such review the City Engineer determines that the licensee and the licensee's prior use of the public right-of-way comply with all requirements stated in this section, the City Engineer may renew the license for an additional term of up to five years. If on the basis of such review the City Engineer determines that the licensee and the licensee's use of public right-of-way do not comply with one or more of the requirements stated in this section, the

City Engineer shall give notice of intent not to renew the license as provided in this section. If a licensee holds multiple licenses for use or occupancy of various rights-of-way within the City for the same or similar purpose, the licensee shall be required to renew all such licenses under a single license at such time as the earliest issued license expires.

C. In determining the length of the term of a license, the City Engineer shall take into consideration the likelihood that the City will require the use of the licensed right-of-way for municipal purposes or that such use of the licensed right-of-way will unduly burden the City or the public in its use of the licensed right-of-way during the proposed term of the license. A license shall not be issued or renewed if the City Engineer determines that any of the following conditions exist in the right-of-way proposed for licensing:

- (1) There is insufficient space in the right-of-way to accommodate the proposed use, given the other existing uses thereof;
- (2) The proposed private utility service connection would interfere with or conflict with existing or planned City equipment or utility equipment located or to be located in the right-of-way;
- (3) Such use is incompatible with adjacent public or private uses of that right-of-way;
- (4) Such use would involve an unacceptably high frequency of repair or maintenance to the private utility service equipment thereby requiring excessive excavation in or obstruction of the right-of-way; or
- (5) The construction or installation of such private utility service equipment would interfere with a public improvement undertaken or to be undertaken by the City or with an economic development project in which the City has an interest or investment.

D. If during the term of any license the City Engineer determines that the license should be revoked due to the licensee's failure to comply with any of the requirements stated in this section, the City Engineer shall give notice of intent to revoke such license.

E. The following shall constitute grounds for refusal to issue or renew a license, or for revocation of a license for use or occupancy of public right-of-way. The licensee's failure to observe or comply with any of the following:

- (1) The licensee's use or prior use of public right-of-way has been conducted in full and timely compliance with all laws and regulations applicable thereto, and the licensee has complied fully and in a timely manner with the requirements of any

previously issued license, and with the orders or instructions of city officials issued pursuant to this chapter; or

(2) The licensee is current in the payment of license fees, if applicable, and the licensee has made such payments fully and when due.

(3) The licensee has made a misleading statement or a material misrepresentation in connection with an application for initial issuance or renewal of a license, in connection with its use of public right-of-way.

F. The City Engineer shall give notice of intent to cancel such license as provided in this section if during the term of any license the City Engineer determines that:

(1) The licensee's continued use of the public right-of-way will unduly burden the City or the public in its use of that property;

(2) The public right-of-way for which the license was issued will be required for municipal purposes during the term of the license;

(3) The licensee's equipment at a particular location will interfere with:

a. A present or future City use of the right-of-way;

b. A public improvement undertaken or to be undertaken by the City;

c. An economic development project in which the City has an interest or investment; or

d. The public's safety or convenience in using the right-of-way for ordinary travel.

(4) The public health, safety and welfare requires it; or

(5) The continued existence of the license is not in the City's best interests.

G. Notice of intent not to issue a license for use of the public right-of-way shall be given to the applicant, either by certified mail, return receipt requested, or by actual service or delivery thereof, which notice shall be given not more than 30 days after submission of the application. Notice of intent not to renew a license for use of the public right-of-way shall be given to the licensee, either by certified mail, return receipt requested, or by actual service or delivery thereof, which notice shall be given not more than 90 days after submission of the application. Notice of intent to revoke or cancel a license shall also be given to the licensee. The notice shall set forth the grounds for refusal to issue or renew or for revocation or cancellation and shall inform the

applicant or licensee of the right to an appeal hearing upon request. At the hearing, the applicant or licensee shall have the burden of establishing that the grounds asserted in the notice do not exist.

H. Upon the effective date of revocation or cancellation as provided in the City Engineer's notice thereof, or upon the effective date specified in the City Engineer's written decision upon the licensee's appeal, the licensee shall be required to cease its use and occupancy of the right-of-way or to remove or relocate its equipment therefrom, as provided in the notice or decision. Equipment not removed or relocated from the right-of-way as required in such notice or order shall be considered a nuisance and may be removed, relocated, or taken possession of by the City, at the licensee's expense. Except in emergency circumstances, the requirement to relocate, remove, or cease use of equipment shall be suspended during the pendency of any appeal taken by a licensee.

I. If a license is refused or cancelled upon the basis that the City property licensed or proposed for licensing is or will be required for municipal purposes, the applicant or licensee shall not be entitled to appeal. However, in that event, the licensee shall be entitled to a partial refund of the annual fee already paid, such refund to be computed on the basis of 1/12 of the required annual fee multiplied by the number of unexpired whole months of the year remaining in the license term. In all other cases where a license is not issued or renewed or is revoked, no refund of any portion of the required annual fee shall be paid to the licensee.

J. Notwithstanding the notice and hearing requirements of this section, the City Engineer may in emergency circumstances order the immediate relocation or removal of equipment from the right-of-way and may, upon the licensee's failure to comply with such order, immediately remove, relocate, or take possession of such equipment at the licensee's expense.

9. Failure to Secure, Renew or Comply.

A. Any person who fails to secure a franchise or license required under this section or any franchisee or licensee who fails to comply with the requirements of this section shall, upon notification of such violation by the City Engineer, immediately act either to abate the violation or to cease its use and occupancy of the right-of-way and remove its equipment or system from the right-of-way.

B. The City reserves the right either to remove or to disconnect and render inoperative any equipment or system in the right-of-way under franchise or license which is used or maintained contrary to this chapter; provided, however, that the City will give written notice of its intent to take such action, including the date upon which such action

will be taken, to the affected franchisee or licensee not less than seven days prior to taking such action.

10. Amendment to License. If a licensee with a current license issued pursuant to this section proposes to expand, reduce, relocate or modify any portion of its equipment or system within public right-of-way, the licensee shall file an application for an amendment to the current license with the City Engineer, shall pay the administrative application fee and pay a deposit or post a bond if required. An application for an amendment to a current license shall include relevant new information of the type required in connection with the initial application for a license. If approved, the amended license shall be issued by the City Engineer in the same manner as the original license.

11. Duties of Licensee.

A. No license required under this section or amendment to such license shall be issued for any equipment or system until the required fees have been paid and until a complete application has been filed with and approved by the City Engineer.

B. The licensee's equipment or system shall be installed or constructed in accordance with applicable industry standards, the City's utility accommodation and street restoration specifications, and the terms and conditions imposed by the City.

C. If it becomes necessary to excavate or obstruct any public right-of-way in connection with the installation, construction, reconstruction, repair, operation, disconnection or removal of a licensee's equipment or system, the licensee shall first obtain a permit from the City.

D. The licensee shall maintain its equipment and all parts of its system in good condition, order and repair.

E. The licensee shall be responsible for repairing or reimbursing other licensed or franchised utilities or other persons or entities lawfully using the right-of-way for any damage to their property caused by negligence of the licensee or its agents, employees or contractors in connection with the installation, construction, reconstruction, repair, operation, disconnection or removal of the licensee's equipment or system.

F. No license required under this section shall be issued to authorize placement of a utility system in any space which is required for public use.

12. Relocation or Removal of Equipment; Payment of City Costs Due to Improper Location of Equipment.

A. Under this chapter, the City Engineer shall order the removal or relocation of equipment, as he or she deems appropriate, if the City Engineer determines at any time that:

- (1) A registrant's or permittee's continued use of the public right-of-way will unduly burden the City or the public in its use of that property;
- (2) The public right-of-way which the registrant or permittee is using or occupying will be required for municipal purposes;
- (3) The registrant's or permittee's equipment at a particular location will interfere with:
 - a. A present or future City use of the right-of-way;
 - b. A public improvement undertaken or to be undertaken by the City;
 - c. An economic development project in which the City has an interest or investment; or
 - d. The public's safety or convenience in using the right-of-way for ordinary travel; or
- (4) The public health, safety and welfare requires it.

B. Franchisees and licensees under this chapter shall promptly and at their own expense, with due regard for seasonal working conditions, permanently remove their equipment or relocate their equipment within the right-of-way, whenever the City Engineer orders such removal or relocation, and shall at their sole expense restore the right-of-way to its proper and required condition.

13. Damage to Other Equipment.

A. When any City department performs work in the right-of-way and finds it necessary to maintain, support, or move a permittee's, franchisee's, or licensee's equipment in order to protect it, the costs associated therewith will be billed to that person and must be paid within 30 days from the date of billing. In such event, the City Engineer or City department performing such work shall notify the affected registrant, permittee, franchisee, licensee, or lessee, informing such person of the action it intends to take with respect to such equipment and affording such person the opportunity to review and comment on the action proposed to be taken. If circumstances permit it, the City Engineer or City department performing the work may allow the affected registrant, permittee, franchisee, or licensee to take the action necessary to maintain, support, or move its equipment.

B. Each registrant, permittee, franchisee, or licensee shall be responsible for the cost of repairing any equipment in the right-of-way which it or its equipment damages. Each registrant, permittee, franchisee, or licensee shall be responsible for the cost of repairing any damage to the equipment of another registrant, permittee, franchisee, or

licensee occurring during the City's response to an emergency occasioned by that registrant's equipment.

14. Abandoned and Unused Equipment.

A. Under this chapter, a franchisee or licensee who has determined to discontinue its operations in the City, in whole or in part, or who has discontinued use of part or all of its equipment in the right-of-way, must either:

(1) Provide information satisfactory to the City Engineer that its obligations for its equipment in the right-of-way have been lawfully assumed by another franchisee or licensee; or

(2) Submit to the City Engineer a proposal and instruments for transferring ownership of its equipment to the City. If a franchisee or licensee proceeds under this subsection, the City may, at its option:

a. Assume ownership of and responsibility for the equipment; or

b. Refuse transfer of ownership to the City and require the registrant, at its own expense, to remove the equipment.

B. A registrant, franchisee, or licensee who fails to comply with this section and whose equipment remains unused for a period of two years shall be deemed to have abandoned such equipment and the equipment shall be deemed to be abandoned. Abandoned equipment is deemed to be a nuisance. The City may, with respect to abandoned equipment which is deemed a nuisance, exercise any remedies or rights it has at law or in equity, including but not limited to:

(1) Bringing an action for nuisance abatement in which the City may seek the abatement of the nuisance and/or authority to take possession of the equipment; or

(2) Requiring removal of the equipment by the registrant, franchisee, or licensee.

C. Any franchisee or licensee who has unused equipment in any right-of-way shall remove it from the right-of-way during the next scheduled excavation, unless this requirement is waived by the City Engineer.

D. A franchisee or licensee who abandons or ceases use of its equipment as provided in this section and whose proposal to transfer such equipment to the City is accepted by the City shall, nonetheless, be allowed to remove wires or cables from underground conduits and to remove movable equipment from underground vaults or handholes if the City Engineer determines that such removal can be accomplished without damaging such conduits or vaults, and provided such removal

can be accomplished without extensive excavation or long-term obstruction of the right-of-way. Such removal shall be accomplished pursuant to appropriate right-of-way permits, which may include conditions regarding the manner of removal and schedule for removal.

15. **Reservation of Regulatory and Police Powers.** The City by issuing of a right-of-way permit, franchise, or a license under this chapter does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights which it has or which may be vested in the City under the state constitution, state law, and the City Charter to regulate the use of the right-of-way by such persons. All such persons by acceptance of a right-of-way permit, franchise, or license are deemed and shall be held to agree that all lawful powers and rights, regulatory power, or police power, or otherwise as are or may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. All such persons are further deemed to acknowledge that their rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and are deemed to have agreed to comply with all applicable general laws and ordinances enacted by the City pursuant to such powers.

16. **Existing Franchises.** If a conflict of language occurs between the provisions of this chapter and an existing franchise agreement the conflict shall be resolved by honoring the terms of the franchise until it expires.

17. **Construction of Chapter.** Nothing in this chapter shall be construed as an acquiescence in or ratification of the occupancy or use of any public right-of-way in the City by any person occupying the right-of-way without legal right, nor shall this chapter be construed as conferring the right to occupy or use any public right-of-way within the City upon any such person illegally or without authority occupying the right-of-way.

141.05 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Administrator within twenty (20) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and

copies of all documents the enforcement officer intends to introduce at the hearing.

4. The City Administrator shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

(Ch. 141 - Ord. 03-18-2013#01 [365] – June 13 Supp.)

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CHAPTER 143

STORMWATER UTILITY

143.01 Purpose

143.02 Definitions

143.03 Scope and Responsibility for Stormwater Utility

143.04 Public Utilities Superintendent

143.05 Prohibited Acts

143.06 Right of Entry

143.07 Enforcement

143.01 PURPOSE. The purpose of this chapter is to establish a stormwater utility which shall be responsible for stormwater management within the corporate boundaries of the City of Altoona and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

143.02 DEFINITIONS. The following terms shall mean:

1. “Commercial/Industrial”: Any developed land whereon commercial retail and office, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public and private school buildings, churches, hospitals and convalescent centers have been constructed.
2. “Customers of the stormwater utility”: Includes all persons, properties and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management system and facilities.
3. “Developed land”: Land that has been altered from its natural state by construction or installation of more than five hundred (500) square feet of “impervious surface area” as defined in this section.
4. “Duplex dwelling”: A building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families. In the application of stormwater service charge rates, duplex dwelling properties shall be treated as two (2) single-family dwellings.
5. “Dwelling unit”: A singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
6. “Equivalent Residential Unit (ERU)”: The average impervious coverage of a detached dwelling unit property in the City of Altoona as determined by the City, and shall be used as the basis for determining stormwater service charges. Four thousand (4,000) square feet of impervious surface area shall be one equivalent unit.

7. “Impervious surface area”: Those areas which prevent or impede the infiltration of stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
8. “Multiple family dwelling”: A building or portion thereof containing three (3) or more dwelling units designed for or occupied by three (3) or more families. In the application of stormwater service charge rates, each multiple-family dwelling unit shall be treated as one single family dwelling.
9. “Pollutant”: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
10. “Service charge”: The periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City of Altoona stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious surface area on each parcel of developed property. The service charge shall be determined from time to time by resolution of the City Council.
11. “Single-family dwelling”: A building containing only one dwelling unit and designed for and occupied exclusively for residence purposes by only one family.
12. “Stormwater management systems and facilities”: The issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of stormwater or surface water drainage.

13. “Substantial completion”: Represents the date when the construction has been completed and the City of Altoona has acknowledged that the construction has been completed in accordance with the approved plans and specifications through the issuance of a temporary certificate of occupancy or permanent certificate of occupancy.

14. “Townhome dwelling”: A dwelling unit which is detached or attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater service charge rates, each townhome dwelling shall be treated as one single-family dwelling.

15. “Undeveloped land”: Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. “Undeveloped land” shall have less than five hundred (500) square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of stormwater or cause stormwater to collect, concentrate or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

143.03 SCOPE AND RESPONSIBILITY FOR STORMWATER UTILITY.

The City of Altoona stormwater utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainageways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or manmade, within the corporate boundaries of the City which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which: a) are located within public streets, rights of ways and easements; b) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or c) are located on public lands to which the City has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of stormwater systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner or its occupant.

143.04 PUBLIC UTILITIES SUPERINTENDENT. The Public Utilities Superintendent has the following powers and duties related to the City of Altoona stormwater utility:

1. Operation and Maintenance. Operation and maintenance of the stormwater management systems and facilities.
2. Inspections and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all stormwater management systems and facilities.
4. Policies. Recommend to the City Council policies to be adopted and enforced to implement the provisions of this chapter.

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

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the stormwater management systems or facilities.
2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Altoona stormwater management system and facilities, including, but not limited to, pollutants or waters containing any pollutants, other than stormwater.
3. Manholes. Open or enter any manhole, structure or intake of the stormwater system, except by authority of the Public Works Superintendent.
4. Connection. Connection of any private stormwater system to the City's stormwater management system and facilities, except by authority of the Public Works Superintendent.

143.06 RIGHT OF ENTRY. The Public Works Superintendent and other authorized employees of the City of Altoona bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

143.07 ENFORCEMENT. The following enforcement provisions shall apply to violations this chapter:

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction chapter.
3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

(Ch. 143 - Ord. 05-17-2010#1 [321] – June 10 Supp.)

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CHAPTER 144

STORMWATER SERVICE CHARGES

144.01 Stormwater Service Charges Required
144.02 Effective Date of Service Charges
144.03 Basic Rate
144.04 Rate Appeals

144.05 Exemptions From Charges
144.06 Billing for Service
144.07 Discontinuance of Service
144.08 Annual Revision of Rates

144.01 STORMWATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Altoona, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the stormwater management system and facilities.

144.02 EFFECTIVE DATE OF SERVICE CHARGES. Stormwater service charges shall accrue beginning January 1, 2011, and shall be billed monthly thereafter to all customers.

144.03 BASIC RATE.

1. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, the Altoona water department, at the same time payment for City water is made, the following charges per equivalent residential unit associated with the customer's property (an "ERU" means the median average impervious coverage of a detached dwelling unit property in the City of Altoona, which has been determined by the City to be 4,000 square feet of impervious surface area):

A. Undeveloped. A flat storm sewer availability charge at the rate of zero dollars (\$0.00) per month, regardless of the amount of consumption by such customer.

B. Residential. A storm sewer availability charge, regardless of the amount of the consumption by such customer, will be based on the following schedule:

Fiscal year 2010/2011 \$3.00 per month per dwelling unit

Fiscal year 2011/2012 \$3.50 per month per dwelling unit

Fiscal year 2012/2013 \$4.00 per month per dwelling unit

Fiscal year 2013/2014 \$4.50 per month per dwelling unit

Fiscal year 2014/2015 \$5.00 per month per dwelling unit

The monthly rate for each fiscal year beyond 2014/2015 will be determined by resolution of the City Council prior to July 1, 2014.

C. Commercial/Industrial. A storm sewer availability charge will be based on the following schedule:

Fiscal year 2010/2011 \$3.00 per ERU per month

Fiscal year 2011/2012 \$3.50 per ERU per month

Fiscal year 2012/2013 \$4.00 per ERU per month

Fiscal year 2013/2014 \$4.50 per ERU per month

Fiscal year 2014/2015 \$5.00 per ERU per month

The monthly rate for each fiscal year beyond 2014/2015 will be determined by resolution of the City Council prior to July 1, 2014.

2. The number of equivalent residential units (ERUs) on each property shall be calculated by the Public Utilities Superintendent based on the most recent aerial photography available to the City of Altoona and/or impervious surface data from an approved site plan for the property.

144.04 RATE APPEALS. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. Filing of Appeal. An appeal must be filed in writing with the City of Altoona City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Technical Review. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
3. Adjustment of Charge. In response to an appeal, the City Administrator may adjust the stormwater service charge applicable to a

property in conformance with the general purpose and intent of this chapter.

4. Appeal of Adverse Decision. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

5. Council Decisions Final. All decisions of the City Council shall be final, subject to any appeal rights available under current Iowa Law.

144.05 EXEMPTIONS FROM CHARGES. Exemptions from charges are those permitted as follows:

1. City, state, and federal roads, bridges, highways, streets, rights-of-way, sidewalks, and pathways.
2. Parks, buildings, facilities, and open spaces, including but not limited to, parking lots or facilities, owned or operated by the City.
3. Railroad right-of-way (tracks).
4. A subdivided lot until a substantially completed structure has been built on the lot.

144.06 BILLING FOR SERVICE. Billing and payment for stormwater services shall be in accordance with the following:

1. Bills Issued. The Altoona Water Department office is hereby authorized and directed to render and collect fees in accordance with the fees established in this chapter. Fees shall be collected with the owner's regular water and sewer bill and shall be shown as a separate item on the bill. Collection policies shall be the same as for other utility services. Per Section 92.05 and Section 92.06 of the Altoona Municipal Code, the unpaid fee shall be assessed against the property and shall constitute a lien against the property as provided in Iowa Code section 384.84(3).
2. Deposit requirements, late charges, and penalties as are now or may be hereinafter established for water service bills shall also apply to storm water charges. In the event that any person, firm, or corporation shall tender as payment of water, sewer, collection of solid waste, and storm water management fees an amount insufficient to pay all of the charges so billed, payment shall be credited proportionately among all charges.

3. The provision for collection provided herein shall be in addition to any rights or remedies that the City may have under the laws of the State of Iowa or this code.

144.07 DISCONTINUANCE OF SERVICE. After giving reasonable notice, the Public Utilities Superintendent may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefore in good faith.

144.08 ANNUAL REVISION OF RATES. The City will review the storm water service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

(Ch. 144 - Ord. 8-2-2010#3 [325] – Dec. 10 Supp.)

[The next page is 941]

CHAPTER 145

RECREATIONAL VEHICLE PARKS

145.01 Definitions	145.07 Sewage Disposal
145.02 Permits	145.08 Electrical Distribution System
145.03 Licenses	145.09 Service Buildings and Other Facilities
145.04 Inspection	145.10 Refuse Handling
145.05 Environmental, Open Space and Access Requirements	145.11 Fuel Supply and Storage
145.06 Water Supply	145.12 Fire Protection
	145.13 Miscellaneous
	145.14 Special Penalties

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

1. “Dependent Vehicle” means a recreational vehicle unit which is dependent upon a service building for toilet and lavatory facilities.
2. “License” means a written license issued by the City allowing a person to operate and maintain a recreational vehicle park under the provisions of this chapter and regulations issued hereunder.
3. “Permit” means a written permit issued by the City permitting the construction, alteration and extension of a recreational vehicle park under the provisions of this chapter and regulations issued hereunder.
4. “Recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: camping trailer, motor home, travel trailer and truck camper.
 - A. “Camping trailer” is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.
 - B. “Motor home” is a vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.
 - C. “Travel trailer” is a vehicular portable unit mounted on wheels of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle; primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use; and of a body width of no

more than eight (8) feet and a body length of no more than thirty-two (32) feet when factory equipped for the road.

D. “Truck camper” is a portable unit, designed to be loaded onto, or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use. Truck campers are of two basic types as defined below:

(1) Slide-in camper — a portable unit designed to be loaded onto and unloaded from the bed of a pick-up truck, constructed to provide temporary living quarters for recreational, travel or camping use.

(2) Chassis-mount camper — a portable unit designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, travel or camping use.

5. “Self-contained vehicle” means a recreational vehicle unit which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle unit.

145.02 PERMITS. It is unlawful for any person to construct, alter or extend any recreational vehicle park within the City limits unless the owner holds a valid permit issued by the City. All applications for permits shall be made to the City and shall contain the following information:

1. Name and address of applicant.
2. Interest of the applicant in the recreational vehicle park.
3. Location and legal description of the recreational vehicle park.
4. Complete engineering plans and specifications of the proposed park area showing:
 - A. The area and dimensions of the tract of land;
 - B. The number, location and size of all recreational vehicle spaces;
 - C. The location and width of roadways and walkways;
 - D. The location of service buildings, sanitary stations and any other proposed structures;
 - E. The location of water and sewer lines and riser pipes;

- F. Plans and specifications of the water supply and refuse and sewage disposal facilities;
 - G. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park;
 - H. The location and details of lighting and electrical systems.
5. Such other information as the City shall require to reasonably evaluate the application.

After a permit has been issued by the City and after the plans and specifications for the proposed park area are approved by resolution of the Council, construction may proceed.

145.03 LICENSES. It is unlawful for any person to operate any recreational vehicle park within the limits of the City unless said person holds a valid license issued annually by the City in the name of the person for the specific recreational vehicle park. Every person holding a license shall give notice in writing to the City within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any recreational vehicle park. Such notice shall include the name and address of the person succeeding to the ownership or control of such recreational vehicle park.

145.04 INSPECTION. It is the duty of the owners or occupants of recreational vehicle parks and vehicles contained therein, or of the person in charge thereof, to give the City officials free access to such premises at reasonable times for the purpose of inspection. It is the duty of every occupant of a recreational vehicle park to give the owner thereof or any agent or employees access to any part of such recreational vehicle park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter and regulations issued hereunder or with any lawful order issued pursuant to the provisions of this chapter.

145.05 ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS.

1. General Requirements. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or to the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
2. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every park area shall be paved or covered with stone

screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

3. Density Requirement. The density shall not exceed 20 vehicle spaces per acre of gross site area.

4. Required Recreation Area. In all recreational vehicle park areas there shall be at least one recreation area which shall be easily accessible from all vehicle spaces. The size of such recreation area shall be not less than eight percent of the gross site area, not including setbacks.

5. Park Street System and Layout.

A. General Requirements. All park areas shall be provided with safe and convenient vehicular access from abutting public streets. Surfacing of the park street system shall be two-inch asphaltic concrete mat laid over four-inch gravel. All streets shall be maintained in good, usable, smooth condition. Upon approval of the Council, a one-year extension to hard-surface the streets may be granted and may be applied for again until circumstances change or until request to Council is denied.

B. Access. Access to recreational vehicle park areas shall be designed to minimize congestion and hazards at their entrances or exits and allow free movement of traffic on adjacent streets. All traffic into or out of the park areas shall be through such entrances and exits. Access to vehicle spaces shall be from internal streets only.

C. Internal Streets. Surfaced streets shall be of adequate width to accommodate anticipated traffic and, in any case, shall meet the following minimum requirements:

- One-way, no parking 15 feet
- One-way, parking on one side only..... 20 feet
- Two-way, no parking 24 feet
- Two-way, parking on one side only 32 feet
- Two-way, parking on both sides 40 feet

D. Off-street Parking and Maneuvering Space. Each recreational vehicle park shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of vehicles incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the park.

- E. Minimum Requirements for Yards and Lot Sizes.
- (1) Front Yard. Same as district, or fifty (50) feet, whichever is greater. This requirement shall apply to any and all roads or streets upon which the recreational vehicle park abuts.
 - (2) Side Yard. Thirty-five (35) feet.
 - (3) Rear Yard. Thirty-five (35) feet.
 - (4) Minimum Area. One and one-half (1½) acres.
 - (5) Maximum Density. Twenty (20) unit spaces per gross acre of park site.

The rear and/or side yards shall be screened from adjacent property access by planting screen not less than ten (10) feet in width or by an unclimbable fence wall.

- F. Requirements for Recreational Vehicle Spaces.
- (1) Minimum Space Size. Twenty (20) feet by fifty-five (55) feet.
 - (2) Minimum Space Area. One thousand one hundred (1,100) square feet.
 - (3) Off-drive Parking. One (1) parking space for and within the area of each recreational vehicle space.
 - (4) Minimum Front Yard. Ten (10) feet.
 - (5) Minimum Rear Yard. Five (5) feet.
 - (6) Minimum Side Yard. Five (5) feet.
 - (7) Recreational Vehicle Separation. The minimum distance between any two recreational vehicles shall be not less than ten (10) feet. Any accessory structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered to be part of the recreational vehicle.

- G. Site Plan Requirements.
- (1) A site plan of the park site shall be required for review and consideration of a “special use” permit.
 - (2) The site plan shall be prepared at a scale of not less than 1" = 100'.
 - (3) All provisions to meet the requirements of this chapter shall be clearly illustrated.

- (4) All existing drainage and public utility facilities shall be shown; and proposed methods of storm water removal and waste distribution shall be stated on the plan. Detailed requirements shall be approved by the City prior to the issuance of a special permit.
- (5) Final recreational vehicle park development shall be in accordance with the approved site plan.

145.06 WATER SUPPLY.

1. General Requirements. Connection shall be made to the City water system and its supply used exclusively. The connection to the City water main should be made through a compound meter supplied by the park owner and placed in an accessible location. Compound meters shall be sized to fit the main used in the park area.
2. Water Distribution System. The water supply system of the recreational vehicle park shall be piped to all buildings and other facilities requiring water. All water piping fixtures and other equipment shall be constructed and maintained in accordance with the City Public Works Specifications.
3. Water Stations. Each recreational vehicle park shall be provided with one or more easily accessible water supply outlets for filling recreational vehicle water tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back-siphonage.
4. Individual Water Connections. If facilities for individual water service connections are provided, the following requirements shall apply:
 - A. Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of recreational vehicles.
 - B. Water riser pipes shall extend at least four inches above ground elevation. The pipe size shall be three-quarter inch.
 - C. If it is intended to use water service connections in the winter time, water services shall be provided with a sanitary freezeless water connector similar to the "Woodford Thermaline."
 - D. If the water system is not to be used in the winter time, provision shall be made for completely draining the entire water system by providing a drain bib in the meter manhole on the service side of the meter. Provision shall be made to drain the

manhole. Other methods of draining the pipe lines will be considered upon the submittal of complete design details.

E. For those installations not to be used in the winter, valves shall be provided near the outlet of each water service connection. They shall be turned off and the outlets capped or plugged when not in use.

145.07 SEWAGE DISPOSAL.

1. General Requirements. An adequate and safe sewerage system shall be provided in all recreational vehicle parks for conveying of all sewage. Such system shall be designed, constructed and maintained in accordance with the City Public Works Specifications.

2. Sanitary Stations.

A. A sanitary station shall be provided as required by the City.

B. Each recreational vehicle park shall be provided with a sanitary station in the ratio of one for every 100 spaces or fractional part thereof.

C. Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any parking space by a distance of at least 50 feet.

3. Individual Sewer Connections. If facilities for individual sewer connections are provided, the following requirements shall apply:

A. The sewer riser pipe shall have at least a four-inch diameter, shall be trapped below the ground surface and shall be so located on the parking space that the sewer connection to the recreational vehicle drain outlet will approximate a vertical position.

B. All materials used for sewer connections shall be corrosive resistant nonabsorbent and durable. The inner surface shall be smooth.

C. Provision shall be made for plugging the sewer riser pipe when a vehicle does not occupy the space. Surface drainage shall be away from the riser.

4. Sink Wastes. No liquid wastes from sinks shall be discharged onto or allowed to accumulate on the ground surface.

145.08 ELECTRICAL DISTRIBUTION SYSTEM. If an electrical wiring system is provided, it shall consist of approved fixtures, equipment and

appurtenances, which shall be installed and maintained in accordance with applicable codes and regulations of Iowa Power and Light Company.

145.09 SERVICE BUILDINGS AND OTHER FACILITIES. The requirements of this section shall apply to service buildings and other service facilities such as management offices, repair shops and storage areas; sanitary facilities; laundry facilities; indoor recreation areas; and commercial uses supplying essential goods or services for the exclusive use of trailer occupants:

1. **Service Building Sanitary Requirements.** A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parks which provide spaces for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet to the spaces to be served.
2. **Other Service Facilities.** When a recreational vehicle park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for vehicle spaces and shall be based on the total number of persons using such facilities.
3. **Structural Requirements for Buildings.** All portions of the structure shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather. All rooms containing sanitary or laundry facilities shall:
 - A. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or be covered with moisture resistant material.
 - B. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of floor area served by them.
 - C. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
4. **Additional Requirements.**
 - A. Toilets shall be located in separate compartments equipped with self-closing doors. The shower stalls shall be of the

individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

B. Illumination levels shall be maintained as follows:

- (1) General seeing tasks - 5 foot-candles.
- (2) Laundry room work area - 40 foot-candles.
- (3) Toilet room, in front of mirrors - 40 foot-candles.

C. Hot and cold water shall be furnished in every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

5. Barbecue Pits, Fireplaces and Stoves. Cooking shelters, barbecue pits, fireplaces and wood-burning stoves shall be located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be used and no material burned which emits dense smoke or objectionable odors.

145.10 REFUSE HANDLING. The storage, collection and disposal of refuse in a recreational vehicle park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than 100 feet from any vehicle space. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and facilitate cleaning around them. All refuse and garbage shall be collected at least once daily, using available municipal or private agencies.

145.11 FUEL SUPPLY AND STORAGE. Fuel supply and storage shall be limited to containers, tanks and cylinders mounted and used on individual recreational vehicles. Fuel supply to service buildings shall be public utility gas or electricity, or if such is not available, a special permit may be allowed for L.P. gas.

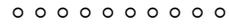
145.12 FIRE PROTECTION. The recreational vehicle park shall be subject to the rules and regulations of the City Fire Department. Recreational vehicle parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers of a type approved by the Fire Department shall be kept in service buildings and at all locations designated by the Fire Department, and shall be maintained in good operating condition. Fires shall be made only

in stoves and other equipment intended for such purposes. Fire hydrants shall be provided, per the latest edition of the Uniform Fire Code, at the time of construction.

145.13 MISCELLANEOUS.

1. Supervision. The person to whom a license is issued shall at all times operate the recreational vehicle park in compliance with this chapter and shall provide adequate supervision to maintain the recreational vehicle park area, its facilities and equipment in good repair and in a clean and sanitary condition at all times.
2. Duration of Stay. An occupant of a vehicle space located in a recreational vehicle park shall not remain in the space or park for more than 90 consecutive days nor more than 180 days in a calendar year.
3. Registration of Occupants. Every owner or operator of recreational vehicle parks shall maintain a register containing a record of all vehicles and occupants. Such register shall be available to any authorized person inspecting the recreational vehicle park and shall be preserved for a period of one calendar year after the year's log is completed. Such register shall contain:
 - A. The names and permanent addresses of all vehicle occupants.
 - B. The make, model and license number of the trailer and tow vehicles; and
 - C. The dates of arrival and departure of a vehicle or its occupants.

145.14 SPECIAL PENALTIES. Any person who violates any provision of this chapter shall be in violation of this Code of Ordinances, and each day's failure of compliance with any such provision shall constitute a separate violation.



CHAPTER 146

STORM WATER CONTROL

146.01 Purpose
146.02 Applicability
146.03 Definitions
146.04 Design Criteria

146.05 Constructions
146.06 Maintenance
146.07 Easements
146.08 Procedure

146.01 PURPOSE. The purpose of this chapter is to establish procedures to control the flow of storm water from developing areas so as to maintain the rate of the flow in natural or manmade channels equal to the rate of flow from those areas in their undeveloped state, so as to provide for the safety, health and well-being of those living within the developing area as well as those downstream who will be affected by its development.

146.02 APPLICABILITY. The provisions of this chapter are applicable to:

1. All new residential, commercial and industrial developments one (1) acre or larger.
2. Any new development, less than one (1) acre, where the percentage of the impervious area of the lot is fifty percent (50%) or greater.
3. Any new development, less than one (1) acre, which in the opinion of the City Engineer lacks an adequate outlet for the passage of storm waters.
(Ord. 5-5-03#1(127) – 2004 Update)

146.03 DEFINITIONS. When used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section.

1. “By-pass channel” means a channel formed in the topography of the earth’s surface to carry storm water runoff through a specific area.
2. “Control structure” means a structure designed to control the flow of storm water runoff that passes through it during a specific length of time.
3. “Development” means the improvement of the land from its natural state to one providing for residential, industrial or commercial use.
4. “Dry bottom storm water storage area” means a facility designed to be normally dry and contain water only when excess storm water runoff occurs.

5. “Excess storm water” means that portion of storm water runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.
6. “Natural drainage” means channels formed by the existing surface topography prior to changes made by unnatural causes.
7. “Safe storm drainage capacity” means the flow of storm water runoff that can be transported by a channel or conduit without causing a rise of the water surface over the conduit or adjacent to the channel.
8. “Storm water runoff” means the flow of water resulting from precipitation which is not absorbed by the soil or plant material.
9. “Storm water runoff release rate” means the rate at which storm water runoff is released from dominant to subservient land.
10. “Storm water storage areas” means areas designed to store excess storm water.
11. “Tributary watershed” means all of the area that contributes storm water runoff to a given point.
12. “Wet bottom storm water storage area” means a facility designed to be maintained as a pond or free water surface and which has the capacity to contain excess storm water runoff.
13. “X’-year storm” means the average recurrence intervals within which a rainfall of given intensity and duration will be equaled or exceeded only once. A 100-year storm would have an intensity of rainfall which would, on the average, be equaled or exceeded only once in 100 years. This does not imply that it will occur in 100 years, or having occurred, will not happen again for 100 years.

146.04 DESIGN CRITERIA.

1. Preparation and Certification. The design of storm water control and/or detention facilities shall be prepared and certified by a Registered Engineer, Architect or Landscape Architect familiar with storm water control and/or detention. Design calculations shall be made available to the City Engineer.
2. Release Rate. The release rate of storm water from any detention basin required under this chapter shall not exceed the storm water runoff rate from the drainage area as a totally grassed site during a five-year frequency storm. Applicants may claim a higher natural rate of runoff if documented by detailed computations to show that higher capacity exists in the natural outlets serving the area. However, only the “safe storm

drainage capacity” of the conduit or channel may be included in these calculations. Design of the floodway system shall also take into consideration control of storm water velocity to prevent erosion or other damage to the facility which will restrict its primary use. Depths of flow shall be consistent with the “safe storm drainage capacity” of the facility and detention or channel configurations shall be totally under City control.

3. Detention Requirements. The required volume of storm water detention shall be that necessary to handle the runoff of a 100-year rainfall, for any and all durations from the drainage area tributary to the storm water storage area based on full development of said tributary area, less the volume discharge during the same duration at the approved release rate. The storm water release rate shall be considered when calculating the storm water storage capacity and the control structure shall be designed to maintain a relatively uniform rate regardless of the depth of storm water in the storm area. Thus, the “required detention storage” (RDS) will be that found to be the most critical resulting from the inflow from the runoff of a fully developed tributary area from a 100-year storm and outflow of the five-year storm with the same area in its urbanized or natural state, totally grassed. Also, see subsection 146.04(2) above, Release Rate. Detention storage may be provided as a “dry bottom” or “wet bottom” storm area.

A. Dry bottom storm water storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by intermittent flooding.

(1) A method of carrying the low flow through these areas shall be provided in addition to a system of drains to prevent soggy areas. Both shall be provided with an outlet to a natural channel or storm sewer with adequate capacity as described in Section 146.04(4), By-pass Channel. Dry bottom storm water storage areas should be designed to drain completely within twenty-four (24) hours after a storm.

(2) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the

“natural” or surface channel system described in 146.04(4). Hydraulic calculations shall be submitted to substantiate all design features.

(3) Both outlet control structure and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Existing downstream hazards (garages, houses) must be considered. Storm water runoff velocities shall be kept at a minimum and turbulent conditions at an outlet control structure will not be permitted without complete protection for the public safety. The use of fences shall be kept to a minimum and used only as a last resort when no other method is feasible. All impounding structures within the City designed to be over ten (10) feet in height or designed to store more than 5 ac-ft. must be approved by the Department of Natural Resources (DNR). Complete engineering plans must be submitted to DNR for their review.

(4) Paved surfaces that are to serve as storm water storage areas and rooftop storage shall be designed and permanent-type control inlets and retaining or parapet walls to contain runoff on the surface. Emergency overflow areas shall be provided.

B. Wet bottom storm water storage areas shall be designed with all of the items required for dry bottom storm water storage areas, except that the provisions of Section 146.04(3)(A)(1) shall not be required. However, the following additional conditions shall be complied with:

(1) Water surface area shall not exceed 1/15 of the tributary drainage area.

(2) Facilities shall be provided to lower the pond elevation by gravity flow for cleaning purposes and shoreline maintenance. Shoreline protection shall be provided to prevent erosion from wave action.

(3) Minimum normal water depth shall be four (4) feet. If fish are to be maintained, some portion of the pond area should be a minimum of nine (9) feet deep.

(4) Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in water surface level. Hydraulic calculations

shall be submitted to the City Engineer to substantiate all design features.

(5) Only that portion of the detention area above the normal water level shall be used in calculating the storage capacity. Wet bottom storm water storage areas shall be designed to provide a storage duration not exceeding twenty-four (24) hours after a storm.

4. By-Pass Channel. A “natural” or surface channel system shall be designed with adequate capacity to convey through the development the storm water runoff from all tributary upstream areas. This “by-pass” channel shall be designed to carry the peak rate of runoff from a 100-year storm, assuming all storm sewers are blocked and the upstream areas fully developed.

146.05 CONSTRUCTIONS.

1. Where development of a property presents the threat of flooding or damage by flash runoff to downstream residents, the facilities for storm water runoff control shall be construed as a part of the first phase of construction of that project.

2. The construction of the storm water control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the City, negotiations for public participation in the cost of development shall be initiated.

3. All flood control items such as earthen embankments, conduits, outlet structures, flood control structures, spillways, by-pass channels, etc., shall be built as permanent facilities and all materials and their manner of construction shall be assembled to accomplish as much permanency as is possible.

4. Detention ponds shall be designed and landscaped to enhance the overall site design whenever possible. Underground detention may be required on sites that are being intensely developed or have unique site constraints. Large ditches/ponds in the front of the site shall be discouraged and approved only as a last resort. All detention facilities shall be shown on the site plan. *(Ord. 2-16-04#1(146) – 2004 Update)*

146.06 MAINTENANCE. All plans submitted for storm water detention systems shall describe an adequate procedure of normal maintenance for the detention system. Any failure of the storm water detention system, due to inadequate normal or capital maintenance, shall be the responsibility of the

owner of the property on which the detention system is located. It shall also be the property owner's responsibility to remedy any negligence in maintenance that resulted in the failure of the system. The submittal of plans for such a system or the purchase of property on which such system is located shall be deemed as acceptance of responsibility for normal and capital maintenance of the system.

146.07 EASEMENTS. Drainage easements shall be provided for all conduits and those by-pass channels where the 100-year runoff exceeds one (1) cubic foot per second.

146.08 PROCEDURE.

1. Plans, specifications and all calculations for storm water runoff control shall be submitted for review and approval prior to the approval of a final plat (in the case of a subdivision or planned unit development) or prior to approval of a site plan (in case of commercial or industrial construction).
2. No certificate of occupancy for any building in the development will be issued until the storm detention facilities are constructed, inspected and approved.

CHAPTER 147

ILLICIT DISCHARGE TO STORM SEWER SYSTEM

147.01 Findings

147.02 Illicit Discharges Prohibited

147.03 Illicit Connections Prohibited

147.04 Industrial Discharges

147.05 Illicit Discharge Detection and Reporting;
Cost Recovery

147.06 Suspension of Access to the City's Storm
Sewer System

147.07 Watercourse Protection

147.08 Enforcement

147.09 Appeal

147.01 FINDINGS.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Altoona (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce an ILLICIT DISCHARGE TO STORM SEWER SYSTEM ordinance.
3. No State or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this chapter entirely by charges imposed on the owners of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.
4. Terms used in this chapter shall have the meanings specified in the Program.

147.02 ILLICIT DISCHARGES PROHIBITED.

1. For purposes of this chapter, a "responsible party" is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this chapter, "property" includes but is not limited to real

estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.

2. Nothing in this chapter shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other Federal, State or City permit, statute, ordinance or rule from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this chapter.

3. Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this chapter.

4. Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's COSESCO ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall be deemed an illicit discharge in violation of this chapter.

147.03 ILLICIT CONNECTIONS PROHIBITED.

1. For purposes of this chapter, an "illicit connection" to the City's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

2. The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this chapter.

3. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

147.04 INDUSTRIAL DISCHARGES.

1. Any responsible party subject an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.

2. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.

**147.05 ILLICIT DISCHARGE DETECTION AND REPORTING;
COST RECOVERY.**

1. All detection activities permitted under this chapter shall be conducted by the City Community Services Director, or his or her designee, hereinbefore and after referred to as the “enforcement officer.”
2. The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, undetected by the City.
3. Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit discharges which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this chapter is a violation of this chapter.
 - A. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party’s sole cost.
 - B. If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.
 - C. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
 - D. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.
4. Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.

5. Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours.

6. The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

A. A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by State and Federal law.

B. The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.

C. The enforcement officer shall have the right to require any responsible party at responsible party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's sole expense. All devices shall be calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to property to be inspected and/or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

E. An unreasonable delay in allowing the enforcement officer access to a property is a violation of this chapter.

F. If the enforcement officer has been refused access to any part of the property from an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

7. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this chapter shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the City for the enforcement activities undertaken. Failure to pay charges invoiced under this chapter within thirty (30) days of billing shall constitute a violation of this chapter.

147.06 SUSPENSION OF ACCESS TO THE CITY'S STORM SEWER SYSTEM.

1. Emergency Suspension. The enforcement officer may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.

2. Non-emergency Suspension. If the enforcement officer detects or is informed of circumstances which could cause an illicit discharge but such illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of such suspension. Notice to one responsible party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this chapter,

provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information which the responsible party believes will show that remediation is unnecessary, and if the enforcement officer finds such information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and such order may be appealed as provided herein. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this chapter. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided herein or taking any other enforcement action permitted by statute or ordinance.

147.07 WATERCOURSE PROTECTION. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100-year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

147.08 ENFORCEMENT.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance.
3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

147.09 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

(Ch. 147 - Ord. 7-18-05#1 [182] - Dec. 05 Supp.)

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CHAPTER 148

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

148.01 Findings

148.02 Application Procedure

148.03 Inspection Procedures

148.04 Stop Work Order

148.05 Monitoring Procedures

148.06 Enforcement

148.07 Performance Bond

148.08 Appeal

148.01 FINDINGS.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Altoona (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

2. The Program requires certain individuals engaged in construction activities (applicant or applicants) to submit an application to the IDNR for a State NPDES General Permit #2. Notwithstanding any provision of this chapter, every applicant bears final and complete responsibility for compliance with a State NPDES General Permit #2 and a City COSESCO Permit and any other requirement of State or Federal law or administrative rule.

3. As a condition of the City's MS4 Permit, the City is obliged to undertake responsibility for administration and enforcement of the Program by adopting a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL (COSESCO) ordinance designed to achieve the following objectives:

A. Any person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision ("applicant") required by law or administrative rule to apply to the IDNR for a State NPDES General Permit #2 shall also be required to obtain from the City a CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL permit (City COSESCO Permit) in addition to and not in lieu of the State NPDES General Permit #2; and

- B. The City shall have responsibility for inspection, monitoring and enforcement procedures to promote applicants' compliance with State NPDES General Permits #2 and City COSESCO Permits.
4. No State or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its application, inspection, monitoring and enforcement responsibilities entirely by fees imposed on the owners of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.
5. Terms used in this chapter shall have the meanings specified in the Program.

148.02 APPLICATION PROCEDURE.

1. All persons required by law or administrative rule to obtain a State NPDES General Permit #2 from the IDNR are required to obtain a City COSESCO Permit.
2. Applications for City COSESCO Permits shall be made on forms approved by the City that may be obtained from the Building Department.
3. An applicant for a City COSESCO Permit shall pay fees as follows:
 - A. A fee at the time of application in the amount of \$150 plus \$20 per acre for sites over one acre.
 - B. For each inspection required by this chapter, the applicant shall pay an inspection fee in the amount of \$45 per hour.
 - C. Failure of the applicant to pay an inspection fee within thirty (30) days of billing shall constitute a violation of this chapter.
4. An applicant in possession of a State NPDES General Permit #2 issued by the IDNR shall immediately submit to the City three (3) full copies of the materials described below as a basis for the City to determine whether to issue a City COSESCO Permit:
 - A. Applicant's plans, specifications and supporting materials previously submitted to the IDNR in support of applicant's application for the State NPDES General Permit #2;
 - B. Applicant's authorizations issued pursuant to applicant's State NPDES General Permit #2; and

- C. A Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with this chapter.
5. Every SWPPP submitted to the City in support of an application for a City COSESCO Permit:
 - A. Shall comply with all current minimum mandatory requirements for SWPPPs promulgated by the IDNR in connection with issuance of a State NPDES General Permit #2; and
 - B. Shall, if the applicant is required by law to file a Joint Application Form, PROTECTING IOWA WATERS, IOWA DEPARTMENT OF NATURAL RESOURCES AND U.S. ARMY CORPS OF ENGINEERS, comply with all mandatory minimum requirements pertaining to such applications; and
 - C. Shall comply with all other applicable State or Federal permit requirements in existence at the time of application; and
 - D. Shall be prepared by a professional engineer licensed in the State of Iowa or landscape architect or a professional in erosion and sediment control or a representative of the local Soil and Water Conservation District, credentialed in a manner acceptable to the City; and
 - E. Shall include within the SWPPP a signed and dated certification by the NPDES General Permit #2 permit holder that the SWPPP complies with all requirements of this chapter and the applicant's NPDES General Permit #2.
6. Issuance by the City of a City COSESCO Permit shall be a condition precedent for the issuance of preliminary plat, site plan or City building permit approval.
7. For so long as a construction site is subject to a State NPDES General Permit #2 or a City COSESCO Permit, the applicant shall provide the City with current information as follows:
 - A. The name, address and telephone number of the person on site designated by the owner who is knowledgeable and experienced in erosion and sediment control and who will oversee compliance with the State NPDES General Permit #2 and the City COSESCO Permit;
 - B. The name(s), address(es) and telephone number(s) of the contractor(s) and/or subcontractors(s) that will implement each erosion and sediment control measure identified in the SWPPP.

- C. Applicant's failure to provide current information shall constitute a violation of this chapter.
8. Developers can transfer State NPDES General Permit #2 and the City COSESCO Permit responsibility to homebuilders, new lot owners, contractors and subcontractors. A copy of the transfer document shall be provided to the City. Absent such written confirmation of transfer of obligations, the developer remains responsible for compliance on any lot that has been sold.
9. Homebuilders, new lot owners, contractors and subcontractors which are co-permittees under an existing SWPPP shall provide written documentation indicating they are co-permittees including signatures by both the co-permittee and developer.
10. Upon receipt of an application for a City COSESCO Permit, the City shall either find that the application complies with this chapter and issue a City COSESCO Permit in accordance with this chapter, or that the application fails to comply with this chapter, in which case the City shall provide a bill of particulars identifying non-compliant elements of the application.
11. Prior to the issuance of the building permit, the lot owner shall provide written certification regarding their responsibility for sediment and erosion control on the property as outlined in General Permit #2 and the SWPPP.

148.03 INSPECTION PROCEDURES.

1. All inspections required under this chapter shall be conducted by the Community Services Director or designee, hereinafter referred to as the "enforcement officer." Inspections by the enforcement officer may be scheduled, or unannounced.
2. Any applicant that is subject to the terms of the COSESCO shall allow the City or an authorized representative of the City, upon the presentation of proper identification, to enter upon applicant's private property for inspection purposes.
3. Applicant shall notify the City when all measures required by applicant's SWPPP have been accomplished on-site, whereupon the City shall conduct an initial inspection for the purpose of determining compliance with this chapter, and shall within a reasonable time thereafter report to the applicant either that compliance appears to have been achieved, or that compliance has not been achieved, in which case the City shall provide a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective

action and shall complete such corrective action within forty-eight (48) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter.

4. Construction shall not occur on the site at any time when the City has identified conditions of noncompliance.

5. Construction activities undertaken by an applicant prior to resolution of all discrepancies specified in the bill of particulars shall constitute a violation of this chapter.

6. The City shall not be responsible for the direct or indirect consequences to the applicant or to third parties for noncompliant conditions undetected by inspection.

148.04 STOP WORK ORDER.

1. Authority. Whenever the enforcement officer finds any work regulated by this chapter being performed in a manner either contrary to the provisions of this chapter or dangerous or unsafe, the enforcement officer is authorized to issue a stop work order.

2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

3. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as stated in this chapter.

148.05 MONITORING PROCEDURES.

1. At a minimum, the enforcement officer will perform quarterly inspections. The quarterly inspections will be performed until the City receives a copy of the Notice of Discontinuation by the Iowa Department of Natural Resources for NPDES General Permit #2.

2. Any third party may also report to the City site conditions which the third party reasonably believes pose a risk of storm water discharge in a manner inconsistent with applicant's SWPPP, State NPDES General Permit #2 and/or City COSESCO Permit. Permit holders found in

noncompliance will be charged at a rate of \$45 per hour for the additional inspection. If the permit holder is found in compliance, the inspection fee will be waived.

3. Upon receiving a report pursuant to the previous subsections, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within forty-eight (48) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 148.06 below.

4. Unless a report is made to the enforcement officer pursuant to the previous subsections, the enforcement officer shall conduct at least one unannounced inspection during the course of construction to monitor compliance with the State NPDES General Permit #2 and the City COSESCO Permit. If the inspection discloses any significant noncompliance, the enforcement officer shall provide the applicant with a bill of particulars identifying the conditions of noncompliance. The applicant shall immediately commence corrective action and shall complete such corrective action within forty-eight (48) hours of receiving the City's bill of particulars. For good cause shown, the City may extend the deadline for completing corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this chapter, whereupon the enforcement officer shall immediately commence enforcement actions specified in Section 148.06 below.

5. The City shall not be responsible for the direct or indirect consequences to the applicant or to third-parties for noncompliant conditions undetected by inspection.

148.06 ENFORCEMENT.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance.
3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

148.07 PERFORMANCE BOND.

1. In addition to the application for a City COSESCO Permit, the applicant may be required to post security for compliance with all requirements imposed by the State NPDES General Permit #2 and the City COSESCO Permit in such an amount as the City may deem necessary.
2. If the final plat is approved prior to the installation of public improvements, in accordance with Chapter 175.05.5A, a performance bond shall be required to cover the costs of the sediment and erosion control measures for the plat.
3. Acceptable forms of Performance Security include the following:
 - A. Performance Bonds;
 - B. Surety Bonds
4. The application form signed by the applicant for a City COSESCO Permit shall include the following commitment by the applicant: "In addition to the performance security posted with this application, the undersigned applicant hereby agrees to defend, indemnify and hold the City harmless from any and all claims, damages or suits arising directly or indirectly out of any act of commission or omission by the applicant, or any employee, agent, assign or contractor or subcontractor of the applicant, in connection with applicant's State NPDES General Permit #2 and/or City COSESCO Permit.
5. Upon filing and acknowledgement of the Notice of Discontinuation by the Iowa Department of Natural Resources for NDPEs General Permit #2 and a final inspection by the City, the bond or any remaining funds shall be returned.

148.08 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within twenty (20) business days of the decision or enforcement action.

2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.

3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.

4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

(Ch. 148 - Ord. 11-21-05 #1 [197] - Dec. 05 Supp.)

CHAPTER 149
POST CONSTRUCTION STORM WATER
MANAGEMENT

149.01 Title	149.07 Maintenance
149.02 Purpose	149.08 Inspections
149.03 Warning	149.09 Corrective Action by City
149.04 Interpretation	149.10 Responsibility
149.05 Definitions	149.11 Violations
149.06 Post Construction Storm Water Management Plan	149.12 Appeal

149.01 TITLE. This chapter shall be known as the “City of Altoona Post Construction Storm Water Management Ordinance,” may be cited as such and will be referred to herein as “this chapter.”

149.02 PURPOSE.

1. The U.S. EPA’s National Pollutant Discharge Elimination System (“NPDES”) permit program (“Program”) administered by the Iowa Department of Natural Resources (“IDNR”) requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (“MS4”) (“MS4 Permit”). The City of Altoona (“City”) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit. The City’s MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
2. The purpose of this chapter is to comply with the MS4 Permit requirements and establish a set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. The regulation of storm water runoff discharges from land development and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion and non-point source pollution associated with storm water runoff, is in the public interest and will prevent threats to public health and safety.

149.03 WARNING. No person shall place reliance upon this chapter, any inspections performed or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct

and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises has been inspected pursuant to this chapter shall not in any way, constitute a warranty or guarantee of the safety or quality of that premises.

149.04 INTERPRETATION. The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter.

149.05 DEFINITIONS. For the purpose of this chapter, the following terms have or include the following meanings:

1. “Applicant” means person, firm or entity applying for a permit or development approval to develop, grade or construct any improvement within the corporate limits of the City of Altoona.
2. “Approval” means formal, written consent by the City Council, or authorized representative of the City.
3. “Best Management Practices (BMPs)” means schedules of activities prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Common BMPS are described in the Iowa Storm Water Management Manual and SUDAS. The BMPs covered by are not meant to be a comprehensive list of acceptable BMPs.
4. “Drainage, Detention or Overland Flowage Easement” means a legal right granted by a property owner to a grantee allowing the use of private land for storm water management.
5. “National Pollutant Discharge Elimination System” is the program for issuing, modifying, revoking, terminating, monitoring and enforcing permits under the Clean Water Act (Sections 301, 318, 402 and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342 and 1345.
6. “Post Construction Storm Water Management Plan” means a set of plans and specifications approved by the City Council during the approval of the Site Plan, Construction Drawing and/or Plat that defines the system of BMPs that are to be constructed and maintained on the site.
7. “Property” means land located in the City, whether or not improved with buildings or other structures.
8. “Property owner” means a person who, alone or with another person or other persons, holds the legal title to property; except,

however, where property has been sold on contract to a person who has the present right to possess the property and the contract has been filed for record in the office of the County Recorder, the person so purchasing the property, whether alone or with another person or other persons, is the “property owner” and the person retaining bare legal title to the property as security for the balance of the purchase price.

9. “Regional Detention Facility” means a wet or dry detention basin(s) which are designed to accept storm water runoff from two or more sites that are required to obtain an NPDES General Permit #2 and that otherwise complies with all city, state or federal permit requirements as they apply to storm water management requirements for those sites.

10. “Storm water” means storm water runoff, snow melt runoff and surface runoff and drainage.

11. “Storm Water Pollution Prevention Plan (SWPPP)” is a plan as defined in the Iowa NPDES storm water general permit.

12. “SUDAS” means the current *Standard Urban Design and Specifications Manual*, as locally amended, that specifies the storm water guidelines and storm water controls deemed by SUDAS to meet the goals of the U.S. Environmental Protection Agencies NPDES permit program administered by the Iowa Department of Natural Resources.

149.06 POST CONSTRUCTION STORM WATER MANAGEMENT PLAN.

1. Every property owner or applicant required to have coverage under NPDES General Permit #2, shall design, install and maintain Post Construction Storm Water Management Plan (PCSWMP) facilities as approved by the City Council during the Site Plan, Construction Drawing and/or Platting process.

2. An Iowa licensed Professional Engineer or Landscape Architect shall design PCSWMP facilities in conformance with the guidelines established in the *Iowa Storm Water Management Manual* and *SUDAS*. PCSWMP facilities shall be designed with appropriate BMP’s, such as detention and retention basins, grass swales, buffer strips, bio-retention and other similar types of infiltration basins and riparian areas, that will convey drainage through the property to one or more treatment areas such that no development shall cause downstream property owners, water courses, channels or conduits to receive storm water runoff from the proposed development site at a peak flow rate greater than that allowed by the standards in effect at the time of approval of the development.

3. In order to ensure that the PCSWMP facilities are constructed in accordance with the approved design, the property owner or applicant shall provide to the City an as-built plan detailing dimensions and elevations as well as certification that the approved facilities were installed and working properly. The as-built plan shall be completed by an Iowa licensed Professional Engineer or Landscape Architect and submitted to the City prior to the acceptance of any public improvements or issuance of any Certificate of Occupancy.

4. At the discretion of the City, the property owner or applicant may satisfy the PCSWMP requirements by ensuring the conveyance of storm water discharge from the property to a regional detention facility.

149.07 MAINTENANCE. It shall be the property owner's duty to ensure that the site is periodically inspected and maintained in accordance with the approved PCSWMP. Periodic inspections shall be completed as needed and in no case less than one (1) time per year. Inspections shall be documented and shall be retained by the property owner for at least three (3) years. Copies of the inspection documentation shall be made available to the City upon request.

149.08 INSPECTIONS.

1. The City shall be permitted to enter and inspect any property with PCSWMP facilities subject to this regulation as often and as necessary to determine compliance with this Chapter.

2. The City may conduct site visits at any time to determine compliance with the approved PCSWMP. Additionally, the City may request that a property owner verify, through the preparation of an as-built plan completed by an Iowa licensed Professional Engineer or Landscape Architect, that the PCSWMP facilities contain appropriate capacities and operational characteristics as originally designed and approved.

3. In the event that a site is found not to be in compliance with the PCSWMP, the City will communicate in writing, with the property owner a list of deficiencies that identifies the area or incident of noncompliance. The property owner shall have fourteen (14) days from the date of notice to provide a written response outlining the steps and implementation timelines for corrective action. The property owner shall have thirty (30) days from the date of notice to complete the corrective action necessary to bring the site back into compliance with the approved PCSWMP.

4. Following the review of the property owner's written response, if extenuating circumstances exist which makes implementation of the

necessary corrective action difficult to complete within the specified time period, the City may grant, at its sole discretion, a reasonable extension of time to complete the corrective action. Failure of the property owner to allow access to the property, provide a written response or undertake corrective action shall constitute a violation of this chapter.

149.09 CORRECTIVE ACTION BY CITY. If the property owner fails to take corrective action, following notice prescribed for the service of civil process by the Iowa Rules of Civil Procedure, the City may do so by its own crews or by persons under its hire and assess against the property owner the City's cost therefore. Said costs shall include the salaries and benefits earned by City employees during such corrective action, a charge for City machinery used and such other costs and expenses as the City actually incurred. To the extent allowed by Iowa law, such costs and expenses may be assessed against the property owner and collected in the same manner as a property tax.

149.10 RESPONSIBILITY. The failure of City officials to observe or foresee hazardous or unsightly conditions, or to impose other or additional conditions or requirements, or to deny or revoke permits or approvals, or to stop work in violation of this chapter shall not relieve the property owners of the consequences of their actions or inactions or result in the City, its officers or agents being liable therefore or on account thereof. Notwithstanding any provision of this chapter, every applicant bears final and complete responsibility for compliance with the NPDES General Permit #2 and any other requirements of state or federal law or administrative rule.

149.11 VIOLATIONS. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

149.12 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within twenty (20) business days of the decision or enforcement action.

2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.

3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.

4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) nor more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the Council at City expense.

The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

(Ch. 149 - Ord. 11-3-08 #2 [292] - Dec. 08 Supp.)

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 Building Department.
(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. The number shall be in figures not less than three (3) inches in height for a residential premises and not less than six (6) inches in height for all other buildings 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 Building Department shall be responsible for preparing and maintaining a building numbering map.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Intersections — Trimming Required

151.06 Trees Within Lot Line

151.07 Disease Control

151.08 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the provisions of the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements.

(Ord. 11-01 #3 (94) – Nov. 01 Supp.)

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fourteen (14) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 INTERSECTIONS — TRIMMING REQUIRED. At intersections, all trees and shrubbery shall be so trimmed and pruned as to give clear vision to all vehicular traffic approaching from any direction.

151.06 TREES WITHIN LOT LINE. Any trees on private property or within a lot line which overhang any sidewalk, alley, street, or public place, and which, in so overhanging, endangers life or property, may be cut and/or trimmed by the City and the cost thereof assessed to the adjoining property after first giving the property owner upon which trees are situated ten (10) days

notice to cut or trim said overhanging branches, and the property owner's failure to comply with said notice. If there is immediate danger of injury by reason of overhanging branches, City may cut or trim said branches without notice to the property owner.

151.07 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.08 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

CHAPTER 152

MAILBOXES

152.01 Purpose

152.02 Definitions

152.03 Design Restrictions

152.04 Location

152.05 Visibility; Obstruction

152.06 Exemptions

152.07 Costs of Installation

152.08 Installation

152.09 Placement

152.01 PURPOSE. The purpose of this chapter is to eliminate parking problems on streets and to improve the ability of City crews to remove snow from streets and to maintain streets.

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

1. “Cluster-style” means a style whereby mailboxes are assembled and grouped together on a single area of land so that they are together and are regarded as one unit. Cluster boxes must be City and postal approval manufactured cluster style mailboxes.
2. “Mailbox” means any device containing, intended or used for the collection of mail.

152.03 DESIGN RESTRICTIONS. All housing developments which are situated on any cul-de-sac style street, avenue or other roadway shall have cluster-style mailboxes. The style, size and manufacturer of the mailbox shall be approved by the United States Postal Service. The United States Postal Service shall provide specifications for the installation of the required concrete pad.
(Ord. 8-15-05#6 [189] – Dec. 05 Supp.)

152.04 LOCATION. Cluster-style mailboxes serving housing developments situated on streets, avenues or other roadways shall be located between the sidewalk and curb, and if at all possible within 100 feet of the entry into the cul-de-sac style street, avenue or other roadway. The location of the cluster-style mailboxes shall not exceed 600 feet from any real property line. The location is to be approved by the postal office and Planning and Zoning Commission.

152.05 VISIBILITY; OBSTRUCTION. All cluster-style mailboxes must be erected:

1. Away from the intersection of any street and in no case closer than 25 feet of the intersection in order to prevent obstruction of free and clear vision; and

2. Away from any location where, by reason of the position of, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

No driveway or street access shall be constructed within 5 feet of the cluster-style mailboxes.

152.06 EXEMPTIONS. Any housing development constructed and already receiving mail service before the enactment of the regulations contained in this chapter (Dec. 19, 1994) is not required to comply with these standards.

152.07 COSTS OF INSTALLATION. Cost of installation, including but not limited to box units, concrete pad and shelter, shall be borne by the developer, and subsequent maintenance shall be carried out by the post office.

152.08 INSTALLATION. All cluster-style mailboxes required to serve the plat shall be installed before the final plat is approved by the City Council. In the case where the final plat is approved with a performance bond, that bond shall cover the mailboxes and the installation shall occur prior to any occupancy permit being issued for a home in the plat. Mailboxes shall be installed prior to any occupancy permit being issued for any other building requiring cluster style mailboxes. *(Ord. 8-15-05#6 [189] – Dec. 05 Supp.)*

152.09 PLACEMENT. The placement of cluster-style mailboxes shall be reviewed by the City of Altoona and the United States Postal Service. *(Ord. 8-15-05#6 [189] – Dec. 05 Supp.)*

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CHAPTER 155

BUILDING CODE

155.01 Adoption of Building Code	155.31 Floor Elevations for Other Exterior Doors
155.02 Deletions	155.32 Handrails
155.03 Amendments and Additions	155.33 Premise Identification
155.04 Department Established; Director Appointed	155.34 Foundations for Stud Bearing Walls
155.05 Scope	155.35 Frost Protection for Accessory Structures
155.06 Work Exempt from Permit	155.36 Foundation Retaining Walls for Group R Occupancies
155.07 Expiration	155.37 Retaining Walls
155.08 Permit Fees	155.38 Separation
155.09 Change in Use	155.39 Residential Wood Floor Cantilevers
155.10 Certificates of Occupancy	155.40 Secondary (Emergency Overflow) Drains or Scuppers
155.11 Service Utilities	155.41 Continuity and Components
155.12 Board of Appeals	155.42 Doors, Gates and Turnstiles
155.13 Licensing for Electrical, Plumbing, and Mechanical Contractors and Installers	155.43 Window Wells
155.14 Demolition of Buildings and Structures	155.44 Energy Provisions
155.15 Obstruction Permit; Bond and Insurance	155.45 Existing Structures
155.16 Definitions	155.46 Secondary Storm Sewer
155.17 Climate and Geographical Criteria	155.47 Depth of Water Service
155.18 Snow Load	155.48 Floor Drains
155.19 Permanent Occupancy of Public Property	155.49 Water Heater Floor Drain
155.20 Exterior Building Wall Construction	155.50 Minimum Water Service Size
155.21 Exterior Walls	155.51 Required Sprinkler Locations
155.22 Townhouse Separation	155.52 Building Sewer
155.23 Dwelling and Garage Separation	155.53 Drainage Backwater Valve
155.24 Bathrooms	155.54 Additions and Alterations
155.25 Required Heating	155.55 Definitions
155.26 Ceiling Height	155.56 Definitions
155.27 Fire Sprinklers	155.57 Outdoor Swimming Pools
155.28 Care Facilities Within a Dwelling	155.58 Swimming Pools
155.29 Requirements for Egress Window Landings	155.59 Residential Swimming Pools
155.30 Emergency Escape Windows Under Decks and Porches	155.60 Violations

155.01 ADOPTION OF BUILDING CODE. This chapter shall consist of the “International Building Code, 2012 Edition, International Residential Code, 2012 Edition, including Appendix Chapters F, G and M, and the International Existing Building Code, 2012 Edition as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “*Altoona Building Code*,” may be cited as such, and will be referred to herein as such and as “*this code*.”

155.02 DELETIONS. The following are hereby deleted from the International Building Code (hereinafter known as the IBC), International Residential Code (hereinafter known as the IRC) and International Existing Building Code (hereinafter known as the IEBC) and are of no force or effect herein:

1. Section 103 (IBC & IEBC) and Section R103 (IRC)
2. Subsection 105.1.1 and 105.1.2 (IBC & IEBC)

3. Subsection 105.2 (IBC & IEBC) and Subsection R105.2 (IRC)
4. Subsection 105.5 (IBC & IEBC) and Subsection R105.5 (IRC)
5. Subsections 109.2 & 109.3 (IBC)
6. Subsection 108.2 & 108.3 (IEBC)
7. Subsections R108.2 & R108.3 (IRC)
8. Section 113 (IBC)
9. Section 112 (IEBC)
10. Section R112 (IRC)
11. Section R313 (IRC)
12. Section R319 (IRC) and Section 501.2 (IBC)
13. Section R501.3 (IRC)

155.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Building Code (hereinafter known as the IBC), International Residential Code (hereinafter known as the IRC), and International Existing Building Code (hereinafter known as the IEBC), and where their requirements conflict with those of the International Building Code, International Residential Code, and International Existing Building Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of the IBC, IRC, and IEBC.

1. Section 155.05 - Section R101.2 (IRC) Exceptions to Scope
2. Section 155.09 - Section R110.2 (IRC) Change in Use
3. Section 155.10 – Section 111.1 (IBC) and Section R110.1 (IRC) (Certificates of Occupancy)
4. Section 155.11 - Section R111 (IRC) Service Utilities
5. Section 155.16 – Section 202 (IBC) and Section R202 (IRC)
6. Section 155.17 – Table R301.2(1) Climate and Geographical Table
7. Section 155.18 – Section R301.6 (IRC) and Section 1608.2 (IBC) Snow Load
8. Section 155.21 – Section R302.1 (IRC) Exterior Walls
9. Section 155.22 – Section R302.2 (IRC) Townhouse Separation
10. Section 155.23 – Section R302.6 (IRC) Dwelling/Garage Separation
11. Section 155.24 – Section R303.3 (IRC) Bathrooms
12. Section 155.25 – Section R303.9 (IRC) Required Heating
13. Section 155.26 – Section R305 (IRC) Ceiling Height

14. Section 155.27 – Section R309.5 (IRC) Fire Sprinklers
15. Section 155.28 – Subsection 310.5.1 (IBC) Care Facilities
16. Section 155.29 – Section R310.1 (IRC) and Section 1029.3 (IBC) Egress Window Maximum Height
17. Section 155.30 – Section R310.5 (IRC) Emergency Escape Windows under Decks and Porches
18. Section 155.31 – Section R311.3.2 (IRC) Floor Elevations for other Exterior Doors
19. Section 155.32 – Subsection R311.7.8.2 (IRC) and Section 1012.4 (IBC) Handrails
20. Section 155.34 – Table R403.1 (IRC) and Table 1809.7 (IBC) Foundations for stud bearing walls.
21. Section 155.35 – Section 1809.5 (IBC) and Section R403.1.4.1 (IRC) Frost Protection for Accessory Structures
22. Section 155.37 – Section R404.4 (IRC) Retaining walls
23. Section 155.38 – Section 406.3.4 (IBC) Separation
24. Section 155.40 – Section R903.4.1 (IRC) Secondary Drains
25. Section 155.41 – Section 1007.2 (IBC) Continuity and Components
26. Section 155.42 – Section 1008.1.6 (IBC) Doors, Gates and Turnstiles
27. Section 155.43 – Section 1029.5 (IBC) Window Wells
28. Section 155.44 – Chapter 11 (IRC) and Chapter 13 (IBC) Energy Code
29. Section 155.45 - Sections 3410.2 (IBC) & 1301.2 (IEBC) Existing Structures
30. Section 155.47 – Section P2603.5 (IRC) Water service depth
31. Section 155.48 – Section P2719.1 (IRC) Floor Drains
32. Section 155.49 – Section P2801.1 (IRC) Water heater floor drain
33. Section 155.50 – Section P2903.7 (IRC) Minimum water service pipe
34. Section 155.51 – Section P2904.1.1 (IRC) Required Sprinkler Locations
35. Section 155.52 – Section P3005.4.2 (IRC) Building sewer
36. Section 155.53 – Section P3008.1 (IRC) Backwater valves
37. Section 155.54 – Section E3301.4 (IRC) Additions and Alterations
38. Section 155.55 – Section E4201.2 (IRC) Definitions
39. Section 155.56 – Section AG102.1 (IRC) Definitions
40. Section 155.57 – Section AG105.2 (IRC) Outdoor swimming pool

41. Section 155.58 – Section 3109.3 (IBC) and 3109.4.1 (IBC) Swimming Pools
42. Section 155.59 – Section 3109.4 (IBC) Residential swimming pool

155.04 DEPARTMENT ESTABLISHED; DIRECTOR APPOINTED. There is hereby established in the City the Department of Building, which shall be under the direction and supervision of the Building and Zoning Official. The Building Official shall be responsible to the Community Services Director for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the Community Services Director or by any classification plan adopted by the City.

The Building Official shall have the authority to appoint staff members and delegate duties to those staff members. The Building Official shall submit a report to the Community Services Director not less than once a year, covering the work of the department during the preceding period and shall incorporate in that report a summary of recommendations as to desirable amendments to this code.

The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

The titles Director of Building, Building and Zoning Official and Building Official, as used herein, are synonymous and may be used interchangeably.

155.05 SCOPE. IRC Section R101.2, Exceptions 2 shall be deleted and replaced with the following:

“Exceptions:

2. *Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One – and Two family Dwellings.”*

155.06 WORK EXEMPT FROM PERMIT. A building permit shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool or storage sheds, playhouses, pet shelters and similar uses, provided the projected floor area does not exceed 120 square feet in area and complies with all applicable zoning requirements. Such building must be located at least three (3) feet from any property line and/or the easement width and six (6) feet into the rear yard from any principle structure in an A-1, R-1, R-2, R-4 and One & Two family dwellings in an R-3 and R-5 Zoning District. Setbacks for all other Zoned

Districts shall comply with the applicable zoning regulations as adopted by the City of Altoona, Code of Ordinances.

2. Movable and non-fixed cases, racks, fixtures, counters and partitions not over five (5) feet nine (9) inches high.
3. Retaining walls which are not over four (4) feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height or diameter or width does not exceed two to one.
5. Prefabricated swimming pools accessory to a Group R-3 occupancy or One and Two Family Structure that are less than 30 inches in depth located above grade and less than 18 inches in depth located below grade and do not contain more than 5,000 gallons.
6. Swings and other playground equipment.
7. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
8. Painting, papering, tiling, carpeting, cabinet tops and similar finish work.
9. Temporary motion picture, television and theater stage set and scenery.
10. Window awnings supported by an exterior wall and do not require additional support for Group R, Division 3 occupancies when projecting not more than 54 inches.
11. Amusement Rides (for the purposes of this exemption, accessory structures serving amusement rides and other structures located within the confines of an amusement ride theme park are not considered an amusement ride).
12. Mobile or manufactured residential buildings (not including the structural support systems and associated structures such as decks, exterior landings and stairs) which are:
 - A. Located in an authorized mobile home park or similar development, and
 - B. Installed in a manner complying with the State Building Code, said installation to be certified in the manner specified by the State Building Code Commissioner.
13. Minor maintenance and repair work that is deemed by the building official not to affect structural strength, safety, fire resistance, or sanitation, provided that no such work shall be performed in a manner contrary to any provisions of this code or any other laws.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required when appropriate for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction.

155.07 EXPIRATION. Every permit, except a demolition permit, issued by the building official under the provision of the building code shall expire under any one of the following conditions:

1. Failure to begin work authorized within 180 days after issuance of the permit.
2. Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
3. Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
4. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the city council. In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

155.08 PERMIT FEES.

1. Permit Fees:
 - A. A fee for each building permit shall be paid to the building official in the amount set forth in the Schedule of Fees as adopted by the city council. Building permit fees are figured on valuation. Valuation is figured by totaling square footage according to type of building or value of project. The amounts used to determine the valuation shall be set by the Building Official as determined necessary but not to exceed more than once in 12 month period typically beginning in January/February of each year. No building permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.

B. The determination of value or valuation under any of the provisions of the building code shall be made by the building official. The valuation to be used in computing the permit and plan-check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment. A fee for each building permit shall be paid to the building official in the amount set forth in the Schedule of Fees as adopted by the City Council.

C. If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees as described in paragraph A above.

D. Permits and Fees for mechanical, plumbing, and electrical work shall meet the requirements of Ordinances 156, 157, and/or 158 respectively.

2. Additional permit fees are as follows:

A. Plan Check Fees: Plan Check Fees shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.

B. Sidewalks and Approaches: Sidewalks and approaches shall be constructed with all new buildings. All approaches must be minimum 6 inches thick concrete from street to property line. Fees for sidewalks and approaches shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.

C. Foundations: The fee for a permit to construct only a foundation shall be 150% of the fee in the amount set forth in the Schedule of Fees as adopted by the City Council. For purposes of this determination, the valuation of the foundation shall be considered to be ten percent (10%) of the total building valuation.

D. Accessibility Review Fee. A fee in the amount set forth in the Schedule of Fees as adopted by the City Council shall be charged for the review of plans in accordance with Sec 661-16.303 of the Iowa Administrative Code and Chapter 11 of the IBC for handicap accessibility provisions. The review fee shall not be required for construction for and associated with one and two family dwellings and for projects with an assessed value of construction of less than \$2,000.00.

E. Thermal Efficiency Standards. In addition to other fees required in this section, a fee in the amount set forth in the Schedule of Fees as adopted by the City Council shall be paid to the Building Official for the review of plans and inspection of construction for

compliance with the thermal efficiency standards of the Iowa State Building Code.

F. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a building permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees in the amount set forth in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

- (1) The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and
- (2) The person secures the proper permit on the next Building Department working day.
- (3) No Plan review is required prior to issuance of the permit.

G. Refunds. If, within 30 days of the date of issuance, the holder of a building permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee in as set forth in the Schedule of Fees as adopted by the City Council.

H. Fees for Permit Renewals as stated in Section 155.07 shall be based on the percentage of valuation of remaining work to be performed provided the plans are not changed. If the plans are changed enough to warrant a review then the permit fee shall be $\frac{1}{2}$ the cost of the original fee plus any fees as set forth in subsection J of this code section.

* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

I. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is

not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee as set forth in the Schedule of Fees as adopted by the City Council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

J. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

155.09 CHANGE IN USE. IRC Subsection R110.2 shall be deleted and replaced with the following: *“Changes in the character or use of an existing structure shall not be made except as specified in sections 3408 and 3409 of the IBC or as specified in the IEBC.”*

155.10 CERTIFICATES OF OCCUPANCY. Section 111.1 of the IBC and Section R110.1 of the IRC is amended by adding the following: *“On all new construction, all necessary drives, public sidewalks and approaches are to be installed before a Permanent Certificate of Occupancy is issued. All public concrete sidewalks placed over sanitary sewer, storm sewer and water ditches shall have not less than two (2) number four (4) re-rods twenty feet (20) long. All public sidewalks and approaches shall also meet the requirements of the Statewide Urban Design and Specifications and Chapter 175 as well as Chapters 136 and 137 of the Municipal Code as adopted by the city.”*

155.11 SERVICE UTILITIES. IRC Section R111 shall be amended by adding subsection R111.4. Subsection R111.4 is to read as follows: *“All electrical lines not exceeding 15,000 volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the Building and Engineering Departments. The provisions of this section shall not apply to existing buildings or additions to such buildings (unless said addition requires the utility service provider to upgrade the entire system from the transformer to the structure). Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility provider.”*

155.12 BOARD OF APPEALS. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section *155.08 PERMIT FEES*. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

155.13 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS. The provisions of Chapter 160 of the City of Altoona, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems. In cases where an owner-occupant of a single-family dwelling desires to install plumbing and plumbing fixtures, heating or comfort cooling equipment, wiring, electrical equipment, or perform any electrical work in said person's single-family dwelling, said person may appear before the Building Official and show competency to do the specific work for which said person desires a permit. After such showing, said owner-occupant may obtain a permit by paying the proper fee, without having to meet the provisions of Chapter 160.

155.14 DEMOLITION OF BUILDINGS AND STRUCTURES.

1. Permit Required; Expiration.

A. No person shall commence the work of demolishing any building or structure until a permit authorizing such work has been obtained from the Building Official. Every demolition permit issued under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within seven (7) calendar days from the date of issuance, or if the work authorized by such permit is not completed within 30 calendar days of the date of issuance, unless, because of the extensiveness of the project, the Building Official deems at the time of issuance, a longer period for either commencement or completion should be granted.

- B. Any permittee holding an unexpired demolition permit may request in writing an extension of time within which the demolition work may be commenced or completed. If such request contains good and satisfactory reasons showing that circumstances beyond the control of the permittee have prevented timely commencement or completion of the work, the Building Official may extend the applicable expiration date.
- C. The fee for such permit shall be at the same rate as the original permit.
- D. If a demolition permit to remove an unsafe building, or a building that is the subject of a public nuisance action has expired, the Building Official shall order the prompt removal of such structure, in accordance with all requirements of this chapter. All of the costs attendant to this action, including administrative costs, shall be either assessed against the property or collected from the owner unless otherwise directed by the Council.
2. Application For Permit. Application for a permit to demolish a building or structure shall be made to the Building Official. The applicant shall provide the following information:
- A. In the case of demolition by explosives, the applicant shall furnish the information required in this subsection and shall furnish information regarding the person who will be conducting the demolition by explosives and shall furnish plans showing how the building or structure will be prepared for demolition, the type and amount of explosives to be used; and a detailed plan showing what safety precautions will be taken to protect persons and property.
- B. A permit for the demolition of a building or structure by the use of explosives may be issued by the Council subject to the following:
- (1) The applicant for a permit must demonstrate to the Council the need for demolition by explosives rather than demolition by conventional means and must demonstrate that demolition by explosives can be safely conducted at the specific location requested.
 - (2) The Building Official, Fire Chief and Police Chief shall review the application and submit their opinions to the Council concerning whether or not the demolition can be safely conducted together with any recommendations they may have.
 - (3) The applicant shall provide a certificate of liability insurance for personal injuries, death and for property damage in an amount not less than \$1,000,000 naming the City as an additional named insured party. The certificate shall provide that the coverage shall not be canceled or changed without ten days' prior written notice to the City. The Council may require

additional insurance coverage in instances where the hazard appears greater than normally expected and may also in such instances require the posting of a bond acceptable to the City in an amount commensurate with the severity of the hazard. The bond shall provide that the applicant shall well and satisfactorily perform the demolition. The bond shall be for the benefit of the City and any person who is injured or damaged by the failure of the applicant to satisfactorily perform the demolition.

(4) The applicant shall agree to indemnify and hold harmless the City from all losses resulting from damages or injuries caused by the applicant or the applicant's employees, servants or agents arising out of the use of explosives in demolition.

(5) The applicant shall pay the City in advance for reasonable expenses that will be incurred by the City in furnishing necessary security and police protection in the vicinity of the demolition site.

(6) The applicant shall observe all applicable Federal, State and local laws in the course of the demolition including but not limited to the following:

(a) The applicable provisions of the fire prevention code relating to the storage, transportation and use of explosives.

(b) The rules and regulations of the United States Environmental Protection Agency relating to the demolition of buildings or structures containing asbestos materials or other hazardous air pollutants.

(7) The applicant shall meet all other requirements of this chapter relating to the demolition of structures or buildings, provided, however, that should a conflict exist between the provisions of this paragraph and other provisions of the Code of Ordinances, the provisions of the paragraph shall be deemed controlling.

(8) The applicant need not obtain an obstruction permit as provided in Section 155.15 of this chapter to block off portions of the public property within an appropriate distance of the demolition site provided that the obstruction is for less than a 24 hour period and provided that the obstruction is for security purposes in connection with the use of explosives. However, the applicant shall be required to obtain an obstruction permit to use public property in the cleanup operations following the detonation of explosives.

- (9) The Council shall at any time have the authority to impose additional requirements and safety precautions in the interest of the public health, safety, and welfare.
3. Permit – Issuance, Validity, Expiration, Revocation, Fees.
- A. Except as otherwise provided in this section, the issuance, validity, expiration, and revocation of any permit to demolish a building or structure shall be administered in accordance with Section 155.08 of this chapter and Section 105 of the IBC and Section R105 of the IRC.
- B. Permits fees shall be as set forth in the amount set forth in the Schedule of Fees as adopted by the City Council.
4. Utility Services. No permit to demolish shall be issued until it has been established that existing utility services have been properly disconnected and approved.
5. Permit - Bond Required.
- A. Before a permit is issued to remove a building which has been ordered removed as a public nuisance pursuant to the provisions of the International Building Code and International Residential Code, and which period of time granted by the courts for removal or other remedial action by the applicants or other party of interest has expired, the applicant may be required to post a cash bond equal to the estimated costs of the removal of the building and the disconnection of the existing utility services. If the building is not removed by the applicant at the time the permit expires at a time specified by the Building Official, such bond shall be forfeited and used toward the costs of the City to remove it.
- B. If the building is removed by the applicant prior to the time the permit expires, such bond shall be returned to the applicant. A return of the bond does not exempt the applicant from further assessments to the real estate for costs which have occurred prior to the issuance of the permit.
6. General Requirements.
- A. The Building Official shall have the authority to impose at any time reasonable requirements and safety precautions in the interest of public health, safety, and welfare which, in the opinion of the Building Official, are commensurate with the severity of hazard, either demonstrated or anticipated, provided that such requirements may be appealed to, and reviewed by, the board of appeals at the request of the affected party.
- B. In addition, the following provisions shall be met:
- (1) The discharging, loading, or dumping of building materials from any building shall be accomplished in such

manner as to minimize the creation of dust and scattering of debris. Materials shall not be dropped by gravity to any point lying outside the building walls except through an enclosed chute, unless such materials are dust free and the height of drop is at least equal to the horizontal distance to the nearest property or barricade line. Where such horizontal distance is not available and practical necessity dictates the dropping of relatively large masses of materials, the Building Official may approve appropriate protective measures designed to provide protection from danger equivalent to that afforded by the otherwise required horizontal setback, provided however, that in all cases, such materials shall be handled in a manner approved by the Air Pollution Control Division of the County Health Department.

(2) When necessary to protect the public health, safety, or welfare, every demolition project shall be barricaded, fenced, lighted, and signed with warning and/or directional signs in a manner approved by the Building Official. The Building Official may also require the presence of approved security guards or flagmen. Such barricades, fences, lights, and signs as may be deemed necessary by the Building Official for protection of the public shall be maintained after completion of the demolition work until such time as the site is cleaned of all debris and all excavations, basements, and depressions in the ground are restored to grade and rendered harmless.

(3) Adequate precautions shall be taken to insure that procedures or conditions relating to the demolition work do not constitute a fire hazard. If, in the opinion of the Fire Chief, a fire hazard exists, or is likely to exist, the Fire Chief may order the cessation of work or require that appropriate protective measures, approved by the Fire Chief, be taken.

(4) All streets, alleys, and public ways adjacent to the demolition site shall be kept free and clear of any rubbish, refuse, and loose materials resulting from the demolition work unless an obstruction permit for such space has been obtained.

Upon Completion of the demolition work, the site shall be left in a clean, smooth condition. Inorganic building rubble, sand, clean earth, or other approved fill material may be used to fill excavations, basements, and depressions, provided that the top 12 inches shall be clean earth or its equivalent in terms of surface smoothness, freedom from dust, and cleanliness. If the surface is to be used for the parking of vehicles, it shall be constructed as required in the Zoning Code.

155.15 OBSTRUCTION PERMIT; BOND AND INSURANCE. Obstruction permits shall meet the requirements of Chapter 141 of the Altoona Municipal Code. Building permits shall be obtained for work performed in the public right of way in

conjunction with building construction, demolition, alterations, repairs and installations.

155.16 DEFINITIONS. Section 202 IBC and section R202 IRC shall be amended by including the following definitions:

***“Bedrooms.** Any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and/or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.”*

***“Swimming Pools.** A water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool having a depth of more than 30 inches designed, used and maintained for swimming and bathing.”*

155.17 CLIMATE AND GEOGRAPHICAL CRITERIA. Amend IRC Table R301.2(1) to read as follows:

TABLE R301.2(1) CLIMATE AND GEOGRAPHICAL CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter		Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed MPH	Topograph Effects		Weathering	Frost line Depth	Termite	Design Temp	Ice Barrier Req'd	NFIP Acceptance Zone C		
30 PSF	90	NO	A	Severe	42"	Mod/ Heavy	-5F	Yes	10-Nov-82 – No local amendments.	1833	48.6

155.18 SNOW LOAD. For purposes of determining snow loads as required in Section 1608.2 of the IBC and Section R301.6 of the IRC, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in this code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

155.19 PERMANENT OCCUPANCY OF PUBLIC PROPERTY.

1. No part of any structure or any appendage thereto, except signs, shall project beyond the property line of the building site, except as specified in this code, provided, however, that a structure or appendage thereto may project beyond the property line of the building site when the applicant holds a

property interest including but not limited to air rights, within the area of the project sufficient to establish a legal right to build therein or thereon.

2. Structures or appendages regulated by this section shall be constructed of materials as specified in Section 705 of the IBC and section R302 of the IRC for structures regulated by such code.

3. The projection of any structure or appendage shall be the distance measured per the definition of Fire Separation Distance as noted in the IBC and section R302 of the IRC for structures regulated by such code.

4. Nothing in this code shall prohibit the construction and use of a structure between buildings and over or under a public way provided the structure complies with all requirements of this code.

155.20 EXTERIOR BUILDING WALL CONSTRUCTION.

1. Notwithstanding anything contained in Sections 602 or 705 of the IBC and Section R302 of the IRC, an exterior wall may be constructed with openings without complying with the requirements of such sections related to opening protection; provided, that before a building permit is issued which permits an exterior wall to be so constructed, the owner of the building shall furnish the Building Official with either:

A. A copy of an easement or covenant running with the land applicable throughout the existence of the proposed building in which those with interests in the property abutting the side of the property on which said exterior wall is to be constructed agree not to construct a wall set forth in said Sections 602, 705 or R302 which would require said exterior wall and said building on such abutting property to have the opening protection of said Sections 602, 705 or R302 which copy shall show the book and page where such document has been filed of record in the office of the Polk County Recorder; or

B. An agreement, in a form capable of being filed of record in the office of the Polk County Recorder, for the benefit of those with interest in the abutting property, by which the owner of the building and the owner of the property on which said building is to be built, jointly and severally agree, on behalf of themselves and their successors and assigns for so long as said building is in existence, that, in consideration for being permitted to building an exterior wall on said building without complying with said Sections 602, 705 or R302 at such time as a building is erected on the abutting property within the distances to said exterior wall contained in said Sections 602, 705 or R302 then they shall modify or rebuild said exterior wall to conform at least to the requirements of said Sections 602 and 705 applicable to the actual separations of the building; said agreement shall be recorded at the expense of the applicant for the building permit.

2. Notwithstanding anything contained in Section 602 or 705 of the IBC and Section R302 of the IRC, an exterior wall may be constructed with

openings adjacent to a public street or alley right-of-way without complying with the requirements of such sections related to opening protection, provided the following conditions are each satisfied:

- A. The setback between the exterior wall and the far side of the adjoining public right-of-way must conform at least to the requirements of such sections 602, 705 or R302 applicable to the actual separation of building.
- B. The City Council has by resolution declared an intent to permanently maintain the adjoining right-of-way as a public street or alley, and to never permit a structure to be constructed or placed upon the right-of-way within the required separation from the exterior wall. The resolution shall specifically describe the affected right-of-way and shall be in a form that can be recorded and indexed into the records of the county recorder.
- C. The owner of the building has furnished a copy of the City Council resolution described above, which copy shall show the book and page where such document has been filed of record in the office of the county recorder

155.21 EXTERIOR WALLS. Section R302.1 IRC shall be amended by deleting the section and replacing with the following: *“R302.1 Exterior Walls. Construction, projections, openings and penetrations of exterior walls of dwellings shall comply with Table R302.1(1) and exterior walls of accessory structures shall comply with Table R302.1(1) (A)”*

Add the following Table to Section R302.1:

Table R302.1(1)(A) Accessory Exterior Walls

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Accessory Building Walls	Fire Resistance rating	1-hour tested in accordance with ASMT E 119 or UL 263 with exposure from both sides	< 3 feet
	Not Fire Resistance rated	0-hour	≥ 3 feet
Accessory Building Projections	Not Fire Resistance rated	0-hour	≥ 1 foot
			< 1 foot – Not allowed
Openings in walls	Not Allowed	N/A	< 1 foot to <3 feet
	Unlimited	0-hour	≥ 3 foot
Penetrations	All	Comply with Section R302.4	< 3 feet
		None Required	≥ 3 feet

155.22 TOWNHOUSE SEPARATION. IRC Section R302.2, Exception shall be deleted and replaced with the following: *“Exception - A common 2-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for*

fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the Altoona Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. If building is protected throughout with automatic sprinkler system installed in accordance with P2904 than the common wall fire resistance rating may be reduced down to 1-hour.”

155.23 DWELLING AND GARAGE SEPARATION. Section R302.6 and Table R302.6 (IRC) shall be deleted and replaced with the following: *“The garage shall be completely separated from the dwelling unit by 5/8” type X gypsum board applied to the adjoining walls and the garage ceiling. Any structural element supporting a garage roof ceiling or floor ceiling assembly above shall be enclosed with 5/8” type X gypsum board. Openings in garage walls shall comply with section R302.5.”*

155.24 BATHROOMS. Section R303.3 (IRC) shall be amended by adding the following to the end of the paragraph: *“Toilet rooms containing only a water closet and/or lavatory may be provided with a recirculating fan.”*

155.25 REQUIRED HEATING. Section R303.9 (IRC) shall be amended by adding the following exception: *“Exception - Sunrooms are not required to be provided heating or cooling facilities however the existing building in which the sunroom is attached is required to maintain its thermal envelope”.*

155.26 CEILING HEIGHT. Section R305 shall be amended by adding the following subsection:

“R305.1.2 Existing Basements. Existing basements with either a non-finished or finished ceiling height of less than the heights as required by sections R305.1 or R305.1.1 are considered non-conforming. The finishing of basements that are considered non-conforming is allowed as long as the non-conforming height isn't decreased more than the minimal measurement allowed in order to apply a finished ceiling of gypsum board or acoustical ceiling tiles”.

155.27 FIRE SPRINKLERS. Section R309.5 shall be amended by replacing the word *“shall”* in the first sentence with the word *“may”*.

155.28 CARE FACILITIES WITHIN A DWELLING. Subsection 310.5.1 (IBC) shall be amended by deleting the section and replacing with the following: *“Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.*

155.29 REQUIREMENTS FOR EGRESS WINDOW LANDINGS. Section R310.1 (IRC) and Section 1029.3 (IBC) shall be amended by adding the following to the end of the sections to state as follows: *“Where a landing is provided for egress windows in new and existing construction of Group R occupancies/One and Two family Dwellings when the maximum height requirement can not be met as stated in Section 1029.3 or Section R310.1 shall have a minimum width of 36 inches, a*

minimum depth of 18 inches and a maximum height of 24 inches. The landing shall be permanently affixed to the floor under the window it serves.

155.30 EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES. Section R310.5 (IRC) shall be amended by adding a new sentence to end of the paragraph: *“Cantilevered areas of all construction elements shall meet the requirements of this section as stated for decks and porches.”*

155.31 FLOOR ELEVATIONS FOR OTHER EXTERIOR DOORS. Section R311.3.2 (IRC) exception shall be amended by deleting and replacing with the following: *“A landing is not required where a stairway of three or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.”*

155.32 HANDRAILS. The following shall be added at the end of Subsection R311.7.8.2 IRC and exception #1 of Section 1012.4 IBC. *“Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues”.*

155.33 PREMISE IDENTIFICATION. Every new and existing principal structure on a premise shall have the address number affixed thereto. The numbers shall be 6 inches in height for structures built per the provisions of the IBC with the exception that individual dwelling units in multi-family structures are allowed numbers to be a height of 3 inches. The numbers for buildings constructed per the provisions of the IRC shall be 3 inches in height. The numbers shall be of visible from the public right of way and of contrasting color from the principal structure.

155.34 FOUNDATIONS FOR STUD BEARING WALLS. The following table is substituted for Table 1809.7 of the IBC and Table R403.1 of the IRC:

Table 1809.7/Table R403.1 Foundations For Stud Bearing Walls

Number of Stories	Thickness of Foundation Walls		Minimum width of Footings (inches)*	Thickness of Footings (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)
	<i>Unit</i>				
	<i>Concrete</i>	<i>Masonry</i>			
1	8	8	16	8	42
2	8	8	16	8	42
3	10	10	18	12	42

Footings shall contain continuous reinforcement of 2 – ½” diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.

155.35 FROST PROTECTION FOR ACCESSORY STRUCTURES. Section 1809.5 of the IBC and Section R403.1.4.1 of the IRC shall be amended by adding the following:

“Exception #4. The Building Official may approve slab-on-grade foundation designs for wood or metal frame residential accessory structures over 600 square feet to not exceeding 1,000 square feet, without additional engineering, providing the design meets all of the following:

A. Foundations supporting wood shall extend at least six inches above the adjacent finish grade. The grade shall be removed to a depth sufficient enough for all vegetation to be absent and soils to be stable enough to support the slab load, 3,000# concrete mix shall be used.

B. The entire perimeter of the foundation shall be provided with a thickened portion of slab with cross section dimensions of 10 inches minimum width and 16 inches minimum thickness.

C. The slab floor shall be a minimum of 4 inches thick concrete with 6" x 6" reinforcing mesh or #4 reinforcing bars 24" on center front-to-back and side-to-side. The thickened portion of the slab shall also contain two #4 rebar, one near the top and one near the bottom continuously with ends of rebar overlapping each other at least 15 inches.

D. Slab floor and thickened edge shall be one continuous pour, interconnected with reinforcing.

E. Vertical distance from the top of the foundation floor to the lowest point of the footing base shall not be more than 24 inches.”

155.36 FOUNDATION RETAINING WALLS FOR GROUP R OCCUPANCIES.

Scope. Notwithstanding other design requirements of Chapters 18, 19 and 21 of the IBC and Sections R404.1 – R404.1.5.1 of the IRC, foundation retaining walls for group R occupancies of type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section.

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (12' span between corners and supporting cross walls.)	Type of Mortar
		<i>Unit</i>				
<i>Gross</i>	<i>Net</i>	<i>Concrete</i>	<i>Masonry</i>	<i>Concrete</i>	<i>Masonry</i>	<i>Masonry</i>
8	7' 8"	7 1/2"	8"	3 – 1/2" diameter bars with placement in the top, middle, and bottom	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21
9	8' 9"	8"	See Chapter 18	1/2" bars 2' o.c. horizontally & 20" vertically o.c.	See Chapter 18	Same as above
10	9' 8"	8"	See Chapter 18	(5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18	Same as above
*Concrete floor slab to be minimum 4". If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.						
** All reinforcement bars shall meet ASTM A615 grade 40 and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the IBC.						
NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2 – 1/2" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the IBC.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the IBC. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						

155.37 RETAINING WALLS. Section R404.4 of the IRC shall be amended by deleting the number “24 inches” to “48 inches”.

155.38 SEPARATION. Section 406.3.4 IBC shall be amended by deleting #1 and replacing with the following:

“Section 406.3.4 1). The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8 inch type “X” fire code gypsum board or equivalent throughout. Garages beneath habitable rooms shall be separated by not less than 5/8 inch type “X” fire code gypsum board

or equivalent throughout. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inch thick, or doors in compliance with 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

155.39 RESIDENTIAL WOOD FLOOR CANTILEVERS. Notwithstanding the provisions of Chapter 23 of the International Building Code and Chapter 5 of the International Residential Code, the maximum floor cantilevers of dimensional wood floor systems serving uses regulated by the International Building Code for group R occupancies and residential occupancies regulated by the International Residential Code shall not exceed a projecting dimension equal to twice the depth of the floor joist for bearing cantilevers and three times the depth of the joist for non-bearing cantilevers. This provision shall not apply to Engineered Wood products or cantilevers designed by a registered design professional for a specific application.

155.40 SECONDARY (EMERGENCY OVERFLOW) DRAINS OR SCUPPERS. Section R903.4.1 IRC shall be amended by deleting the last paragraph and replacing with the following: *“Overflow drain discharge piping is allowed to be connected to the primary roof drain discharge piping at the point where the two systems discharge into the last vertical section of the drainage piping.”*

155.41 CONTINUITY AND COMPONENTS. Subsection 1007.2 shall be amended by adding item #11. Item #11 reads as follows: *#11 Components of exterior walking surfaces shall be hard surfaced.”*

155.42 DOORS, GATES AND TURNSTILES. Subsection 1008.1.6 shall be amended by adding a subsection 1008.1.6.1. Subsection 1008.1.6.1 shall read as follows: *“Exterior landings at doors shall be provided with frost protection.”*

155.43 WINDOW WELLS. Section 1029.5 shall be amended by adding a subsection 1029.5.3. Subsection 1029.5.3 shall read as follows: *“Window wells shall be designed for proper drainage by connecting to the buildings foundation drainage system required by section 1805.4.2 or by an approved alternate method.”*

155.44 ENERGY PROVISIONS. Chapter 11 IRC and Chapter 13 IBC shall be deleted and replaced with the following: *“Buildings shall be designed and constructed in accordance with the 2009 International Energy Code as published by the International Code Council.”*

155.45 EXISTING STRUCTURES. Section 3412.2 of the IBC and Section 1401.2 of the IEBC shall be amended by deleting in the first sentence, *“Date to be inserted by the jurisdiction”* and replacing with *“1978”*.

155.46 SECONDARY STORM SEWER. The provisions for secondary storm sewers shall comply with Section 157.26 of the City of Altoona, Code of Ordinances, 2004, for all structures with habitable and/or useable space below grade.

155.47 DEPTH OF WATER SERVICE. Section P2603.5 IRC shall be amended by deleting “*Water service pipe shall be installed not less than 12 inches deep and not less than 6 inches below the frost line*” and replacing with “*Water service piping shall, whenever feasible, be no less than five feet below the surface of the ground*”.

155.48 FLOOR DRAINS. Section P2719.1 IRC shall be amended by adding the following section “*Unless otherwise approved by the inspector, at least one floor drain shall be provided in each room where an automatic water heater is, or will be installed, and in each mechanical room. When installed in a basement floor, such floor drain shall be at least three inches in diameter*”. Every water meter shall be within 8 feet of a floor drain as described per ordinance section 91.04 meeting the requirements of ordinance section 155.48”.

155.49 WATER HEATER FLOOR DRAIN. Section P2801.1 IRC shall be amended by adding the following sentence to the end of the paragraph: “*Every water heater shall be located in close proximity to a floor drain meeting the requirements of ordinance section 155.48*”.

155.50 MINIMUM WATER SERVICE SIZE. Section P2903.7 shall be amended by deleting “*minimum size of water service pipe shall be 3/4 inch*” and replacing with “*minimum size of water service pipe shall be 1 inch.*”

155.51 REQUIRED SPRINKLER LOCATIONS. Section P2904.1.1 IRC shall be amended by deleting the sentence and replacing with the following: “*Sprinklers may be installed to protect all areas of a dwelling unit.*”

155.52 BUILDING SEWER. Section P3005.4.2 IRC shall be amended by adding the following sentence at the end of the section “*The minimum diameter for a building sewer shall be four (4) inches.*”

155.53 DRAINAGE BACKWATER VALVE. Section P3008.1 IRC shall be amended by adding the following sentences at the end of the paragraph “*The requirement for the installation of a backwater valve shall apply only when it is determined necessary by the Building Official based on local conditions. When a valve is required by the Building Official, it shall be a manually operated gate valve or fullway ball valve. An automatic backwater valve may also be installed, but is not required.*”

155.54 ADDITIONS AND ALTERATIONS. Section E3401.4 of the IRC shall be amended by adding the following to the end of the first paragraph “*Additions to, alterations of, and repairs to existing electrical equipment shall comply with this code. Furthermore, existing electrical equipment that is temporarily exposed or made accessible because of any remodeling or repair of an existing structure, shall be made to comply with this code. In any event, the building official may, when any additions, alterations, or repairs are made, order other reasonable additions or alterations in the electrical equipment of a structure or on any premises when a danger to life or property may result if such other additions or alterations were not made.*”

155.55 DEFINITIONS. Section E4201.2 IRC shall amend the following definitions:

1. Permanently Installed Swimming, Wading, Immersion and Therapeutic Pools, and
2. Storable Swimming or Wading Pools

By deleting “42” from each definition and replacing with “18 inches below grade or 30 inches above grade.”

155.56 DEFINITIONS. Section AG102.1 IRC shall amend the definition of Swimming Pool by deleting and replacing with the following: “A water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool having a depth of more than 30 inches designed, used and maintained for swimming and bathing.”

155.57 OUTDOOR SWIMMING POOLS. Section AG105.2 IRC #1 shall be amended by deleting “48” and replacing with “72”.

155.58 SWIMMING POOLS. Section 3109.3 IBC shall be amended by deleting “4” and replacing with “6” and Section 3109.4.1 IBC shall be amended by deleting “48” and replacing with “72”.

155.59 RESIDENTIAL SWIMMING POOLS. Section 3109.4 IBC exception shall be deleted and replaced with the following: “Exception – A Hot Tub/Spa with a safety cover complying with ASTM F1346 need not comply with Section 3109.4.”

155.60 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

(Ch. 155 - Ord. 8-05-2013 #01 (374) – Dec. 13 Supp.)

[The next page is 1065]

CHAPTER 156

MECHANICAL AND GAS CODE

156.01 Adoption of International Code
156.02 Deletions
156.03 Amendments and Additions
156.04 Department of Mechanical and Gas Inspection
156.05 Permits Not Required
156.06 Permit Issuance
156.07 Permit Fees

156.08 Expiration
156.09 Licensing for Electrical, Plumbing and Mechanical
Contractors and Installers
156.10 Stop Work Orders
156.11 Board of Appeals
156.12 Violations

156.01 ADOPTION OF INTERNATIONAL CODE. This chapter shall consist of the “International Mechanical Code, 2012 Edition, and the International Fuel Gas Code, 2012 Edition” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety excepting only such portions as are herein stated to be deleted there from; and such additional provisions as are hereafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “*Altoona Mechanical and Gas Code*,” may be cited as such, and will be referred to herein as such and as “*this code*”.

156.02 DELETIONS. The following are hereby deleted from the International Mechanical Code (*hereinafter known as the IMC*) and International Fuel Gas Code (*hereinafter known as the IFGC*), and are of no force or effect herein:

1. Section 106.4.3 & 106.4.4 IMC
2. Section 106.5.3 & 106.5.4 IFGC
3. Section 106.5 IMC
4. Section 106.6 IFGC
5. Section 108.4 IMC and IFGC
6. Section 109 IMC and IFGC

156.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Mechanical Code (*hereinafter known as the IMC*) and International Fuel Gas Code (*hereinafter known as the IFGC*), and where they conflict with those of the International Mechanical Code and International Fuel Gas Code, the requirements of this chapter shall prevail.

1. Section 156.04 - Section 103.1 IMC and IFGC – (Department of Mechanical and Gas Inspection)
2. Section 156.05 - Section 106.2 IMC and IFGC (Work Exempt from Permit)

3. Section 156.06 – Section 106.4 IMC and Section 106.5 IFGC (Permit Issuance)
4. Section 156.10 – Section 108.5 IMC and IFGC (Stop Work Orders)

156.04 DEPARTMENT OF MECHANICAL AND GAS INSPECTION. Section 103.1 of the IMC and IFGC shall be amended by deleting the first paragraph and replacing with the following:

“There is hereby established in the City the Department of Mechanical and Gas Inspections, which shall be under the direction and supervision of the Building and Zoning Official. The Building Official shall be responsible to the Community Services Director for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the Community Services Director or by any classification plan adopted by the City. Additional responsibilities of the Building Official shall be assigned as required per Chapter 155 of the City of Altoona, Code of Ordinances.”

156.05 PERMITS NOT REQUIRED. Section 106.2 #5 of the IMC and Section 106.2 #2 of the IFGC shall be amended by deleting said language and replacing with the following:

“Minor repair, cleaning, adjustment, or replacement of any heating, ventilating, cooling, or refrigeration equipment where the total cost of the work does not exceed \$100.00. This exemption shall be deemed to include adjustments by a gas supplier in a gas piping system due to the exchange or relocation of a gas meter.”

The term “portable” as set forth in Section 106.2 of the IMC and the IFGC shall mean that which may be easily and/or readily carried or transported by hand from place to place without tools or aid of devices.

156.06 PERMIT ISSUANCE. Section 106.4 of the IMC and Section 106.5 of the IFGC shall be added to the end of the section to state as follows:

1. *Permits are not transferable. Mechanical and Gas work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105 unless the provisions of Section 155.13 of the Municipal Code are met. A mechanical contractor licensee by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said “Master” has provided proof of employment by said licensed mechanical contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.*
2. *A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of*

Iowa Code Chapter 105 shall perform the work for which the permit was obtained.

3. *For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.*

4. *The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.*

156.07 PERMIT FEES.

1. Permit Fees:

A. A fee for each mechanical permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the City Council. No mechanical permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.

B. If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees as described in paragraph A above.

2. Additional permit fees are as follows:

A. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a mechanical permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees specified as set forth in the amount set in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

- (1) The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and

(2) The person secures the proper permit on the next Building Department working day.

(3) No plan review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a mechanical permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee set in the schedule of fees adopted by the City Council.

C. Fees for Permit Renewals as stated in Section 156.07 shall be based on the amount of remaining work to be completed. If the plans are changed enough to warrant a review then the permit fee shall be $\frac{1}{2}$ the cost of the original fee plus any fees as set forth in subsection E of this code section.

* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the schedule of fees as adopted by City Council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by the City Council by resolution.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

156.08 EXPIRATION. Every permit, issued by the building official under the provision of the mechanical code shall expire under any one of the following conditions:

1. Failure to begin work authorized within 180 days after issuance of the permit.
2. Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
3. Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
4. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a building valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

156.09 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS. The provisions of Chapter 160 of the City of Altoona, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems.

156.10 STOP WORK ORDERS. Section 108.5 of the IMC and IFGC shall be amended by deleting the last sentence stated as follows: *“Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.”*

156.11 BOARD OF APPEALS. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at

a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 156.07 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

156.12 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

(Ch. 156 - Ord. 8-05-2013 #2 (375) – Dec. 13 Supp.)

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CHAPTER 157

PLUMBING CODE

157.01 Adoption of International Code	157.16 Floor Drains
157.02 Deletions	157.17 Water Heater Floor Drain
157.03 Amendments and Additions	157.18 Minimum Water Service Size
157.04 Department of Plumbing Inspection	157.19 Building Sewer
157.05 Alternate Materials, Methods and Equipment	157.20 Drainage Backwater Valve
157.06 Permit Issuance	157.21 Roof Extension
157.07 Permit Fees	157.22 Excavation Permits
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157.09 Licensing for Electrical, Plumbing, and Mechanical Contractors and Installers	157.24 Secondary (Emergency Overflow) Drains or Scuppers
157.10 Stop Work Orders	157.25 Radon Removal
157.11 Board of Appeals	157.26 Subsurface Drainage
157.12 Depth of Water Service	157.27 Secondary Storm Sewer
157.13 Drainage, Waste and Vent Testing	157.28 Grease Interceptors
157.14 Plumbing Fixture Count	157.29 Violations
157.15 Separate Facilities	

157.01 ADOPTION OF INTERNATIONAL CODE. This chapter shall consist of the “International Plumbing Code, 2012 Edition,” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety excepting only such portions as are herein stated to be deleted there from; and such additional provisions as are hereafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “*Altoona Plumbing Code*,” may be cited as such, and will be referred to herein as such and as “*this code*”.

157.02 DELETIONS. The following are hereby deleted from the International Plumbing Code (*hereinafter known as the IPC*) and are of no force or effect herein:

1. Section 106.5.3 & 106.5.4.
2. Section 106.6.
3. Section 108.4.
4. Section 109.

157.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Plumbing Code (*hereinafter known as the IPC*) and where they conflict with those of the International Plumbing Code, the requirements of this chapter shall prevail.

1. Section 157.04 - Section 103.1 (Department of Plumbing Inspection)
2. Section 157.05 – Section 105.2 (Alternative materials, methods and Equipment)
3. Section 157.06 – Section 106.5 (Permit Issuance)

4. Section 157.10 – Section 108.5 (Stop Work Orders)
5. Section 157.12 – Section 305.4 (Water service Depth)
6. Section 157.13 – Section 312.3 (Drainage, Waste and Vent Testing)
7. Section 157.14 – Table 403.1 (Plumbing Fixture Account)
8. Section 157.15 – Section 403.2 (Separate Facilities)
9. Section 157.16 – Section 412.3 (Floor Drains)
10. Section 157.17 – Section 504.6 (Water heater floor drain)
11. Section 157.18 – Section 603.1 (Minimum water service pipe)
12. Section 157.19 – Section 710.1 (Building Sewer)
13. Section 157.20 – Section 715.1 (Backwater Valves)
14. Section 157.21 – Section 903.1 (Roof Extension)
15. Section 157.24 – Section 1108.2 (Separate systems required)
16. Section 157.25 – Section 1112.1 (Radon Removal)

157.04 DEPARTMENT OF PLUMBING INSPECTION. Section 103.1 shall be amended by deleting the first paragraph and replacing with the following: *“There is hereby established in the City the Department of Plumbing Inspections, which shall be under the direction and supervision of the Building and Zoning Official. The Building Official shall be responsible to the Community Services Director for the enforcement of the Plumbing Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the Community Services Director or by any classification plan adopted by the City. Additional responsibilities of the Building Official shall be assigned as required per Chapter 155 of the City of Altoona, Code of Ordinances.”*

157.05 ALTERNATE MATERIALS, METHODS AND EQUIPMENT. Section 105.2 shall be amended by adding at the end of the section to state the following: *“NOTE: The Iowa State Plumbing Code consisting of the Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as amended and currently adopted by the State of Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing and fuel gas systems. Administrative regulations shall be as prescribed in the International Plumbing Code, 2012 Edition and International Fuel Gas Code, 2012 Edition as adopted and amended.”*

157.06 PERMIT ISSUANCE. Section 106.5 shall be added to the end of the section to state as follows:

1. *Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105 unless the provisions of Section*

155.13 of the Municipal Code are met. A plumbing contractor licensee by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said “Master” has provided proof of employment by said licensed plumbing contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

2. A State of Iowa licensed Plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Plumbing contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

157.07 PERMIT FEES.

1. Permit Fees:

A. A fee for each plumbing permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the City Council. No plumbing permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.

B. If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees as described in paragraph A above.

2. Additional permit fees are as follows:

A. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a plumbing permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees specified as set forth in the amount set in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person

from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

- (1) The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and
- (2) The person secures the proper permit on the next Building Department working day.
- (3) No plan review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a plumbing permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee as set forth in the Schedule of Fees as adopted by the City Council.

C. Fees for Permit Renewals as stated in Section 157.09 shall be based on the amount of remaining work to be completed. If the plans are changed enough to warrant a review then the permit fee shall be $\frac{1}{2}$ the cost of the original fee plus any fees as set forth in subsection E of this code section.

* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the schedule of fees as set forth in the Schedule of Fees as adopted by the City Council. In instances where reinspection

fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by the City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

157.08 EXPIRATION. Every permit, issued by the building official under the provision of the plumbing code shall expire under any one of the following conditions:

1. Failure to begin work authorized within 180 days after issuance of the permit.
2. Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
3. Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
4. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a building valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

157.09 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS. The provisions of Ordinance Chapter 160 of the City of Altoona, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems.

157.10 STOP WORK ORDERS. Section 108.5 shall be amended by deleting the last sentence stated as follows: *“Any person who shall continue any work on the system after having been served with a stop work order, except such work as that*

person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.”

157.11 BOARD OF APPEALS. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members’ terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 157.07 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

157.12 DEPTH OF WATER SERVICE. Section 305.4 shall be amended by deleting “*Water service pipe shall be installed not less than 6 inches below the frost line and not less than 12 inches below grade.*” and replacing with “*Water service piping shall, whenever feasible, be no less than five (5) feet below the surface of the ground*”.

157.13 DRAINAGE, WASTE AND VENT TESTING. Section 312.3 shall be amended by deleting the first sentence in the paragraph.

157.14 PLUMBING FIXTURE COUNT. Table 403.1 shall be amended by deleting footnote f and footnote g and replacing with the following footnote f and g:

“f. Drinking fountains are not required for an occupant load of 50 or fewer however a bottled water dispenser shall be provided for occupancies with an occupant load between 16 and 49.

g. For business and mercantile occupancies with an occupant load of 30 or fewer, service sinks shall not be required.”

157.15 SEPARATE FACILITIES. Section 403.2 shall be amended by adding the following exception.

“4. Separate facilities shall not be required in business occupancies with a total occupant load, including employees and customers, of 25 or fewer.”

157.16 FLOOR DRAINS. Section 412.3 shall be amended by adding the following section:

“Unless otherwise approved by the inspector, at least one floor drain shall be provided in each room where an automatic water heater is, or will be installed, and in each mechanical room. When installed in a basement floor, such floor drain shall be at least three inches in diameter”. Every water meter shall be within 8 feet of a floor drain as described per Ordinance section 91.04 meeting the requirements of Ordinance section 157.16”.

157.17 WATER HEATER FLOOR DRAIN. Section 501 shall be amended by adding the following section.

“501.9 Proximity to floor drain. Every water heater shall be located in close proximity to a floor drain meeting the provisions of ordinance section 157.14 unless otherwise approved.”

157.18 MINIMUM WATER SERVICE SIZE. Section 603.1 shall be amended by deleting *“ minimum size of water service pipe shall be 3/4 inch”* and replacing with *“minimum size of water service pipe shall be 1 inch.”*

157.19 BUILDING SEWER. Section 710.1 shall be amended by adding the following sentence at the end of the section *“The minimum diameter for a building sewer shall be four (4) inches.”*

157.20 DRAINAGE BACKWATER VALVE. Section 715.1 shall be amended by adding the following sentences at the end of the paragraph *“The requirement for the installation of a backwater valve shall apply only when it is determined necessary by the Building Official based on local conditions. When a valve is required by the Building Official, it shall be a manually operated gate valve or fullway ball valve. An automatic backwater valve may also be installed, but is not required.*

157.21 ROOF EXTENSION. Section 903.1 shall be amended by deleting *“[NUMBER]”* located in the second line of the first sentence and replacing with *“12 inches”*.

157.22 EXCAVATION PERMITS. Excavation permits shall meet the requirements of Chapter 141 of the Altoona Municipal Code. Plumbing permits shall be obtained for the installation and repair of private utilities/services located within the public right of way.

157.23 SEWER SERVICE LINES MAINTENANCE. All costs and expenses incident to the installation, connection and maintenance of the building sewer as well as the storm sewer service line (the service line being the pipe from the storm sewer main to the structure) shall be borne by the property 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 the building sewer as well as the storm sewer service line.

157.24 SECONDARY (EMERGENCY OVERFLOW) DRAINS OR SCUPPERS. Section 1108.2 shall be amended by deleting the section and replacing with the following: *“Overflow drain discharge piping is allowed to be connected to the primary roof drain discharge piping at the point where the two systems discharge into the last vertical section of the drainage piping.”*

157.25 RADON REMOVAL. Section 1112.1 shall be amended by deleting the sentence *“The subsoil sump shall not be required to have either a gas-tight cover or a vent.”* and replaced with the following: *“The subsoil sump shall have a gas-tight cover appropriate to the sump basket attached in an approved manner. The lid shall have an opening with a diameter of 4 inches that is gasketed with a 4 inch pipe stubbed through the lid and capped for the future use of a radon vent. Any system used for the removal of the radon gas shall be in accordance with accepted industry standards.”*

157.26 SUBSURFACE DRAINAGE. The provisions of Section 157.27 of this chapter, which relate to subsurface drainage, shall apply to all subsurface drainage from buildings whether new or existing. In the event such drainage would discharge to a point upon or so adjacent to a public sidewalk or street as to permit the water so discharged to drain upon a public sidewalk or street during periods of community emergency generated by extra ordinarily high levels of precipitation is permissible upon approval.

157.27 SECONDARY STORM SEWER. No building permits shall be issued for any structure in the City until provisions have been made to provide for secondary storm sewers to drain all subsurface and foundation drains in compliance with the following:

1. Sanitary Sewers - Prohibited Discharge. No person shall discharge or cause to be discharged any storm water runoff, surface or ground water, roof runoff, or subsurface drainage by a direct or indirect connection into the sanitary sewer system for any new construction within the area served by the City. Prohibited subsurface drainage shall include both interior and exterior foundation drains into the sanitary sewer system.
2. Foundation Drain Discharge - Alternative Methods. All foundation drains shall be disposed of in one of the two following alternative methods:
 - A. Sump Pump. A sump pump shall meet the provisions of the International Residential Code, when applicable, or the International Plumbing Code. Notwithstanding the provisions of Section 901.2.1 of the International Plumbing Code, in single-family dwellings, sumps of approved construction to which no fixtures except one floor drain are connected, and which receive only laundry wastes or basement drainage, need not be vented.

B. Alternative Method. Upon submission of plans and specifications to the City Engineer and/or Building Official by any developer for an alternate method of disposing of said waters which can be shown to be as effective as the above, then said proposed method shall be allowed by the City Engineer and/or Building Official.

3. Secondary Storm Sewer Details. Secondary storm sewers shall be constructed in accordance with the following:

A. Design and Materials. Discharge from footing drains and sump pumps must be discharged into a secondary storm sewer system or alternative drainage way as approved by the City Engineer and/or the Building Official. Piping for secondary storm sewer system shall be PVC pipe with thickness of SDR Series 35, or thicker, with joints capable of pressure loadings for periods when all sump pumps may be operating simultaneously. The secondary storm sewer system shall be located in the same manner as the normal storm sewer location unless it can otherwise be shown that a different location is advantageous and acceptable. It shall be equipped with an approved flap valve at the discharge end and shall have a sealed lid manhole at the upper terminus.

B. Capacity. The line shall be so designed as to accommodate the required flows based upon the assumption that:

(1) With one-half of the sump pumps pumping at 20 gpm (average 10 gpm per residence) the secondary storm sewer will handle all flows by gravity with pipe flowing full with velocity of minimum 2 fps;

(2) With all sump pumps pumping (each at 20 gpm) the velocity in the secondary storm sewer system shall not exceed 10 feet per second and the friction loss shall not exceed 5 feet per 100 feet of pipe; and

(3) That the minimum size shall not be less than 4”;

(4) House connections shall be a minimum 1 ½” Schedule 40 PVC water pipe.

C. Flow Design Standards. The conditions of flow design for both gravity flow and pressurized flow shall be as per the following chart entitled “Friction Loss Characteristics of Water Flow Through Rigid Plastic Pipe”. Typical results are as follows:

FRICITION LOSS CHARACTERISTICS OF WATER FLOW THROUGH RIGID PLASTIC PIPE							
Pipe	Min. Velocity Flowing Full-ups	Min. Slope at/100	Q at Min. Slope gpm	H1 Controls at 5' per 100p	Q at H1 Controlling gpm	V Controls at 10 fps	Q at V Controlling gpm
1½" Sch. 40	2	1.2	12	Yes	28	No	----
2" Sch. 40	2	0.85	19	Yes	53	No	----
4" DR 25	2	0.37	82	Yes	350	No	----
6" DR 25	2	0.23	178	No	----	Yes	910
8" DR 25	2	0.18	295	No	----	Yes	1490
10" DR 25	2	0.14	470	No	----	Yes	2400
Sump pump should deliver 20 gpm against operating head of 35 feet (or 15 psi) based upon a 50- foot long discharge line and 450 feet of secondary sanitary sewer, figuring 25 feet of line loss, 5 feet of lift, and 5 feet of loss through valves and fittings.							

4. Elevation and Material to be Used for Footing Drains. Drain materials and elevation of piping shall meet the provisions of the International Residential Code, when applicable, or the International Plumbing Code. Such piping shall be placed with two (2) inches of bedding underneath and twelve (12) inches of washed gravel or crushed rock over with an approved filter membrane and shall be acceptable to the Building Official and subject to review by the Building Official.

5. Method of Installing Secondary Storm Sewers and Service Lines. With respect to installation of PVC SDR 35, or thicker, secondary storm sewer systems, all regulations that apply to the laying of PVC water main and service lines shall also apply to the laying of PVC secondary storm sewer and service lines, including depth and cover.

6. Installation of Footing Drain Service Lines Into Standard Storm Sewer. In instances where standard storm sewer is available for the connection of 1 ½” PVC Schedule 40 service lines, the Schedule 40 service lines shall be connected to the storm sewer by drilling a hole in the concrete storm sewer pipe of a diameter only slightly larger than the outside diameter of the service pipe, then place the service pipe through the storm sewer extending the end of the service pipe to, but not past, the interior wall of the storm sewer. The storm sewer shall be entered in its mid point or above with these footing drain service lines. The ditch shall be filled under, around and over the PVC storm service pipe with stone or gravel to form a firm base under the PVC in the open ditch between where the PVC pipe comes out of unexcavated natural ground and the wall of the storm sewer pipe; all in a manner acceptable to the engineer.

7. Occupancy Permit. No occupancy permit shall be issued for any building or structure within the City that is not in compliance with this section.

8. Site Plan Detail. All site plans must provide details showing compliance with this section for the proposed system of Secondary Storm Sewer.

9. Illegal Acts. It shall be unlawful for any person to cause a violation of this section. A person who is the owner of any building or structure shall be responsible to cause that building or structure to be in compliance with this

section. Any inhabitant or occupant of any building or structure shall be responsible to cause that building or structure to be in compliance with this section.

10. Continuing Violation. Each day that a violation of this section occurs shall be deemed to be a separate violation.

11. Mandatory Connection. At such time as the Community Services Director decides there is adequate storm sewer or secondary storm sewer capacity available for the property owner to connect to, the Community Services Director shall inform the property owner in writing and allow said property owner ninety (90) days to install and connect a sump pump to the lines. If the property owner fails to comply, the Community Services Director shall hire a qualified plumber to complete the job and the costs shall be assessed to the property. Secondary storm service lines shall be installed in compliance with Section 157.23 of this code.

157.28 GREASE INTERCEPTORS. Notwithstanding the provisions of section 1003.3 of the International Plumbing Code, all Food Service Establishments as defined per Chapter 100 of the City of Altoona, Code of Ordinances, 2004, shall meet the requirements of such ordinance in regards to grease interceptors.

157.29 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

(Ch. 157 - Ord. 08-05-2013 #03 (376) – Dec. 13 Supp.)

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CHAPTER 158

ELECTRICAL CODE

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158.12 Licensing for Electrical, Plumbing and Mechanical Contractors and Installers	158.24 Definitions
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158.01 ADOPTION OF NATIONAL ELECTRICAL CODE. This chapter shall consist of the “National Electrical Code, 2011 Edition,” as published by the National Fire Protection Association, which volume is incorporated herein by reference as fully as though set forth herein in its entirety excepting only such portions as are herein stated to be deleted there from; and such additional provisions as are hereafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “*Altoona Electrical code*” may be cited as such, and will be referred to herein as such and as “*this code*”.

158.02 DELETIONS.

158.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the National Electrical Code (*hereinafter known as the NEC*) and where they conflict with those of the National Electrical Code, the requirements of this chapter shall prevail.

1. Section 158.24 – Article 680.2 (Definitions)

158.04 MOVED BUILDINGS, CHANGES OF USE/OCCUPANCY, AND ALTERATIONS/REPAIRS.

1. Buildings or structures moved into or within the City shall comply with the provisions of this code for new buildings or structures.
2. If the classification of a building has been changed due to a change in occupancy, the wiring in the entire building shall comply with all the electrical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be wired in compliance with the electrical standards of its particular classification.

3. Additions to, alterations of, and repairs to existing electrical equipment shall comply with the electrical code. Furthermore, existing electrical equipment that is temporarily exposed or made accessible because of any remodeling or repair of an existing structure, shall be made to comply with the electrical code. In any event, the building official may, when any additions, alterations, or repairs are made, order other reasonable additions or alterations in the electrical equipment of a structure or on any premises when a danger to life or property may result if such other additions or alterations were not made.

158.05 DEPARTMENT OF ELECTRICAL INSPECTION. There is hereby established in the City the Department of Electrical Inspections, which shall be under the direction and supervision of the Building and Zoning Official. The Building Official shall be responsible to the Community Services Director for the enforcement of the Building Codes, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the Community Services Director or by any classification plan adopted by the City. Additional responsibilities of the Building Official shall be assigned as required per Chapter 155 of the City of Altoona, Code of Ordinances.

158.06 POWERS AND DUTIES OF ELECTRICAL INSPECTORS.

1. The Building Official shall have the authority to cause the disconnection of any wiring or equipment if it is dangerous to life or property or may interfere with the work of the Fire Department. He or she shall perform other duties as may be required by the Community Services Director or by any classification plan adopted by the City.

2. The Building Official or designated appointee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Building Official shall make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

3. The Building Official or designated appointee is hereby authorized, directed, and empowered to inspect all electrical installations within the City, to condemn and order removed or remodeled and put in proper and safe condition for the prevention of fire and the safety of life, all electrical heating and lighting apparatus, power generators, motors, machinery, fixtures and connections, electrical equipment used in the supply, distribution, or utilization of electrical current for light heat, or power purposed and to control the disposition and arrangements of the same so that persons and property shall not be in danger therefrom.

4. The Building Official shall administer and enforce the provisions of this chapter. He or she shall keep records of each ruling or determination made under its provisions, and notify in writing all persons involved. He or she shall keep complete records of all permits issued, inspections made, and other official work performed in accordance with the provisions of this chapter.

5. The Building Official and his or her assistants shall not engage in the business of the sale, installation, or maintenance of electrical equipment either directly or indirectly, and they shall have no financial interest in any firm engaged in such business in the City at any time while holding office.

158.07 LIABILITY FOR DAMAGES.

1. The City or any employee of the City is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this code, unless the act of enforcement constitutes false arrest.

2. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects nor shall the City or any City employee be held as assuming any such liability by reason of the inspections authorized by this code or any approvals issued under this code.

158.08 PERMITS NOT REQUIRED. The following items do not require a permit:

1. Replacement of lighting fixtures, receptacles, switches, overcurrent protection devices of the same volt and amperage.
2. The repair or replacement of flexible cords of same volt and amperage.
3. The process of manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.
4. Minor repair and adjustment where the total cost of the work does not exceed \$100.00.
5. No permit or inspections are required for electrical wiring of 50 volts or less.

158.09 PERMIT ISSUANCE.

1. Permits are not transferable. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103 unless the provisions of Section 155.13 or 158.15 of the Municipal Code are met. An electrician licensed by the State of Iowa Electrical Examining board as a “Master A or B” may sign and obtain a permit for the contractor for which they are employed only when said “Master A or B” has provided proof of employment by said licensed contractor. Any permit

required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

2. A State of Iowa licensed Electrical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

158.10 PERMIT FEES.

1. Permit Fees:

A. A fee for each electrical permit shall be paid to the building official in the amount set in the Schedule of Fees adopted by the City Council. No electrical permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City. Fees for repairs to items listed shall be the same as for new construction. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

B. If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees as described in paragraph A above.

2. Additional permit fees are as follows:

A. Double Fee. Except in emergency situations, as determined by the Building Official, where work for which a electrical permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees specified as set forth in the amount set in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No

additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:

- (1) The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and
- (2) The person secures the proper permit on the next Building Department working day.
- (3) No plan review is required prior to issuance of the permit.

B. Refunds. If, within 30 days of the date of issuance, the holder of a electrical permit decides not to commence the work described in said permit, said person may, upon application to the Building Official, be refunded that portion of the permit fee which is in excess of the permit refund fee set in the schedule of fees adopted by the City Council.

C. Fees for Permit Renewals as stated in Section 158.11 shall be based on the amount of remaining work to be completed. If the plans are changed enough to warrant a review then the permit fee shall be $\frac{1}{2}$ the cost of the original fee plus any fees as set forth in subsection E of this code section.

* Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.

D. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the schedule of fees as adopted by City Council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.

158.11 EXPIRATION. Every permit, issued by the building official under the provision of the electrical code shall expire under any one of the following conditions:

1. Failure to begin work authorized within 180 days after issuance of the permit.
2. Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
3. Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
4. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a building valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The building official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the City Council. In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

158.12 LICENSING FOR ELECTRICAL, PLUMBING, AND MECHANICAL CONTRACTORS AND INSTALLERS. The provisions of ordinance Chapter 160 of the City of Altoona, Code of Ordinances shall be applicable for any work performed in regards to electrical, plumbing, and mechanical systems.

158.13 BOARD OF APPEALS. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall

be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 158.10 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

158.14 CONSTRUCTION DOCUMENTS. The Building Official shall require construction documents, computations and specifications to be prepared by a registered design professional licensed by the State to practice such.

1. Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit.
2. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code.
3. Construction documents shall indicate location and clear space of electrical equipment, and the material and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exceptions.

1. The Building Official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.
2. In the case of one and two family dwellings.
3. In the case of minor construction and repair.
4. In the case of accessory buildings when related to one and two family dwellings.

158.15 EXEMPTION TO REQUIREMENTS OF STATE CONTRACTORS LICENSE. In accordance with Section 103.22 of the Code of Iowa a subdivision may

provide licensure for those who perform business within the corporate limits of the subdivision. The following criteria must be met in order to obtain an electrical permit without being licensed by the State of Iowa Electrical Examining Board as a licensed Electrical contractor:

1. An employee having received a “Masters A or B” license as issued by the State of Iowa Electrical Examining Board must sign the permit.

Exception: An employee tasked with performing electrical work as indicated in their job description, which must be on file with the Department, may continue to obtain an electrical permit until December 31, 2014 after which said employee must have received a State issued Master license or one be employed by the firm/business.

2. The signatory of the permit must be an employee of a firm or business based within the community and approved by the Department of Building.

3. The firm or business must not provide electrical work for any other entity other than its own and the firm or business must not be registered with the Iowa Workforce Development, Labor Division, as an electrical contractor.

4. Employees of the firm/business who have been issued an electrical permit shall conduct the work performed for which the permit was obtained.

5. The installation to be performed does not, in any way, involve work within a new switchboard or panelboard with a voltage in excess of 480 volt.

6. The scope of work shall be limited to alterations of existing interior space of 5,000 square feet or less, not defined as a hazardous location pursuant to the adopted electrical code, and for any new or existing accessory structure(s) of not more than 1,000 square feet in floor area, that meet #5 listed above and not defined as a hazardous location.

158.16 SERVICE ENTRANCE WIRES. All electrical lines not exceeding 15,000 volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the Building and Engineering Departments. The provisions of this section shall not apply to existing buildings or additions to such buildings (unless said addition requires the utility service provider to upgrade the entire system from the transformer to the structure). Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility provider.

158.17 INSPECTIONS.

1. The person doing electrical work, for which a permit is required, shall notify the Building Official that the work is ready for inspection. The Building Official shall, without undue delay, perform the required inspection and, if the work complies with the provision of this code the Building Official shall issue a notice of approval. If the work does not comply with the provisions of this code, the Building Official shall post a notice in a conspicuous place on or near

the work. The notice shall contain the date and results of the inspection, and when requested, note specific violations. Work that has no notice attached shall be considered unapproved. No notice(s) shall be removed by any person other than the Building Official.

2. When the electrical work is completed, the person doing it shall notify the Building Official that the work is ready for final inspection.

3. Whenever it shall be ascertained by inspection that any electrical installation or part thereof in any building is so defective as to render the same dangerous to person or property, the Building Official shall at once cause notice to be served upon the owner or person in charge, or the occupant of the same, to remedy the defects within a reasonable time, to be stated in the notice. If defects are not remedied within the time fixed by the notice, the Building Official may cause the electric current to be disconnected from the building. The electric current shall not again be turned on until all defects or improper conditions have been removed, or repaired in conformance with the provisions of this code.

158.18 COVERING OR CONCEALING WORK. No electrical work for which a permit is required shall be concealed in any manner from access or sight until the work has been inspected and approved by the Building Official.

158.19 REMOVAL OF COVERING. The Building Official shall have the authority to remove or cause the removal of lath, plaster, boarding, or other obstruction which may prevent the proper inspection of wires or electrical equipment.

158.20 CORRECTING DEFECTIVE WORK. When any person is notified that defects exist in his or her electrical work, he or she shall make corrections within 30 days after notification. If not so made, such person shall not be issued any other permits until defects are corrected, and approval given by the Building Official.

158.21 CONFORMITY WITH STANDARDS. Conformity with the standards of the Underwriter's Laboratories Incorporated as approved by the United States of American Standards Institute shall be evidence of conformity with approved standards for electrical equipment.

158.22 TEMPORARY ELECTRICAL WORK. "Temporary electrical work" means that work which is obviously installed for the convenience of a person during construction. This work shall be the complete responsibility of the person who installs it and shall not require the inspector's approval prior to being used, provided that the inspector may require corrections in the wiring to eliminate any hazardous or unsafe conditions. All such work shall be removed before final approval of permanent electrical work. Temporary electrical work shall not be permitted to remain in use in excess of six months except by written permission of the electrical inspector.

158.23 FURNISHING CURRENT PRIOR TO APPROVAL OF WIRING. No person or corporation generating current for electric light, heat or power in the City

shall connect its system or furnish current for electrical purposes to any building or premises which has not been inspected and approved by the Building Official. Any person or corporation shall, upon written notice from the Building Official to do so, immediately disconnect such building or premises from its source of current.

158.24 DEFINITIONS. Article 680.2 NEC shall amend the following definitions:

1. Permanently Installed Swimming, Wading, Immersion and Therapeutic Pools, and
2. Storable Swimming, Wading Pools or Immersion Pools.

By deleting “42” from each definition and replacing with “18 inches below grade or 30 inches above grade.”

158.25 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

(Ch. 158 - Ord. 08-05-2013 #04 (377) – Dec. 13 Supp.)

[The next page is 1185]

CHAPTER 159

SIGN CODE

159.01 Purposes	159.06 Signs for Interstate-Oriented Businesses
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159.01 PURPOSES. The purposes of this chapter are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. The ordinance codified in this chapter was adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Code.

159.02 APPLICABILITY; EFFECT. A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this chapter. The effect of this chapter as more specifically set forth herein is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and permit procedures of this chapter;
2. To allow certain signs that are small, unobstructive, and incidental to the principal use of respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
3. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
4. To prohibit all signs not expressly permitted by this chapter; and
5. To provide for the enforcement of the provisions of this chapter.

159.03 DEFINITIONS AND INTERPRETATIONS. Words and phrases used in this chapter have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Code shall have the meanings set forth in the Zoning Code. Principles for computing sign area and sign height are contained in Section 159.04. All other words and phrases shall have their common, ordinary meanings unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

1. “Animated sign” means any sign that uses movement or change of lighting to depict action or create a special effect or scene.
2. “Banner” means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one of more edges. National flags, State or municipal flags or the official flags of any institution or business are not considered banners.
3. “Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
4. “Building marker” means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
5. “Building sign” means any sign attached to any part of a building, as contrasted to a freestanding sign.
6. “Canopy sign” means any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor services area. A marquee is not a canopy.
7. “Changeable copy sign” means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than every eight (8) seconds shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. For an electronic message sign, the sign is allowed to scroll or flow to another message every eight seconds but shall not continually scroll or include any flashing or blinking lights. Signs shall be required to automatically adjust in intensity related to ambient light levels. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature is considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this chapter.

(Ord. 07-15-2013 #04(373) – Dec. 13 Supp.)

8. “Commercial message” means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
9. “Contractor sign” means a temporary sign, no greater than four square feet in area identifying a contractor, supplier, or financial institution involved in the construction of a building.
10. “Flag” means any fabric, banner or bunting containing distractive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.
11. “Freestanding sign” means any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
12. “Garage sale sign” means a sign advertising a private sale of personal property used to dispose of personal household possessions.
13. “Incidental sign” means a sign generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
14. “Interstate high rise sign” means an on-site pole sign which is constructed to attract the attention of interstate travelers and is located within one thousand (1,000) feet of the interstate right-of-way and advertises the use of the principal building.
15. “Interstate sign” means an on-site sign which is not an interstate high rise sign but is within one thousand (1,000) feet of the interstate right-of-way.
16. “Lot” means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument or record that is recognized and intended as a unit for the purpose of transfer of ownership.
17. “Marquee” means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
18. “Marquee sign” means any sign attached to, in any manner, or made a part of a marquee.

19. “Nonconforming sign” means any sign that does not conform to the requirements of this chapter.
20. “Pennant” means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
21. “Portable sign” means any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs, balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
22. “Principal building” means the building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.
23. “Project identification sign” means a temporary sign placed on a site during construction or remodeling, which identifies the development, contractor, builder, developer, and/or financial institution for the development and may include a plat map and real estate contact information.
24. “Projecting sign” means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
25. “Real estate sign” means such signs advertising the sale, rental or lease of the property or part of the property on which the signs are displayed.
26. “Residential sign” means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such locations conforms with all requirements of the Zoning Code.
27. “Roof sign” means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
28. “Roof sign, integral” means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any

design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separate from the rest of the roof by a space of more than six (6) inches.

29. “Setback” means the distance from the property line to the nearest part of the applicable building structure or sign, measured perpendicularly to the property line.

30. “Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public.

31. “Street” means a strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including but not limited to alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

32. “Street frontage” means the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

33. “Suspended sign” means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

34. “Temporary sign” means any sign that is used only temporarily and is not permanently mounted.

35. “Wall sign” means any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.

36. “Window sign” means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

37. “Zone lot” means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the Zoning Code.

38. “Zoning Administrator” means the Zoning Administrator of the City or his or her designee.

(Ord. 9-20-04#2(160) – Dec. 04 Supp.)

159.04 COMPUTATIONS. The following principles shall control the computation of sign area and sign height:

1. Computation of Area of Individual Signs. The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets Zoning regulations and is clearly incidental to the display itself.
2. Computation of Area of Multifaced Signs. The sign area from a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (a) existing grade prior to construction, or (b) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
4. Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in Table 159.05B, Maximum Total Sign Area, to the frontage, building frontage or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area

for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street.

159.05 SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS. Signs are allowed on private property in the City in accordance with, and only in accordance with, Table 159.05A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances. Although permitted under this section, a sign designated by an "S" or "P" in Table 159.05A shall be allowed only if:

1. The sum of the area of all building and freestanding signs of the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 159.05B;
2. The size, location and number of signs on the lot conform with the requirements of Tables 159.05C and 159.05D, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 159.05A;
3. The characteristics of the sign conform with the limitations of Table 159.05E, Permitted Sign Characteristics, and with any additional limitations on characteristics listed on Table 159.05A.

A KEY TO TABLES 159.05A THROUGH 159.05E

R – All Residential Districts	C-6 – Commercial Entertainment/Recreational District
INS – Institutional Uses Permitted in Residential Zoning Districts	C-7 – Regional Commercial District
C-1 – Residential/Commercial District	IHS – Interstate Highway Signs Permitted in Commercial Districts
C-2 – General Commercial District	M-1 – Limited Industrial District
C-3 – Planned Commercial District	M-2 – Heavy Industrial District
C-4 – Central Business District	

TABLE 159.05A. PERMITTED SIGNS BY THE TYPE AND ZONING DISTRICT

	R	INS ^c	C-1	C-2	C-3	C-4	C-6	C-7 ^a	IHS ^b	M-1	M-2
<i>Freestanding</i>											
Residential	S ^a	S	N	N	N	N	N	S	N	N	N
Other	N	S	S	S	S	S	S	S	S	S	S
Incidental ^c	N	P ^f	P ^d	P	P	P	P	P	P	P	P
Contractor ^m	P	P	P	P	P	P	P	P	P	P	P
Real Estate ⁿ	P	P	P	P	P	P	P	P	P	P	P
Project Identification ^o	S	S	S	S	S	S	S	S	S	S	S
<i>Building</i>											
Banner ^j	N	N	S	S	S	S	S	S	N	S	S
Building Marker ^g	P	P	P	P	P	P	P	P	N	P	P
Canopy	N	N	S	S	S	S	S	S	N	S	S
Identification ^f	P	P	P	P	P	P	P	P	N	P	P
Incidental ^c	N	P ^h	P ^c	P	P	P	P	P	N	P	P
<i>Miscellaneous</i>											
Banner ^e	N	N	S	S	N	N	N	N	N	N	N
Flag ^k	P	P	P	P	P	P	P	P	P	P	P
Portable ^l	N	N	N	S	N	N	N	N	N	N	N
Garage Sale ^p	P	P	P	P	P	P	P	P	P	P	P
P = Allowed without sign permit			S = Allowed only with sign permit					N = Not allowed			
a. Subdivision/neighborhood or project identification only, no commercial district.											
b. This column does not represent a zoning district. It applies to commercial districts that are defined in Section 159.06.											
c. This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Code in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.											

d.	No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
e.	No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot on which the sign is located.
f.	Only address and name of occupant allowed on sign.
g.	May include only building name, date of construction or historical data on historic site; must be cut or etched into masonry, bronze or similar material.
h.	No commercial message of any kind allowed on sign.
i.	If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign.
j.	The conditions of Section 159.16 of this chapter apply.
k.	Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.
l.	Permitted on the same terms as a temporary sign, in accordance with Section 159.16, except that it may be freestanding.
m.	Two signs are allowed per lot. If four square feet in area or less, allowed without a permit. Any contractor sign exceeding four (4) square feet in area shall be considered a project identification sign, regulated as such, and is subject to a permit.
n.	<u>On premise</u> : Residential real estate signs not exceeding four (4) square feet in area, and may only advertise the sale, rental or lease of the premises upon which said sign is located. One sign is allowed per lot without a permit. Non-residential real estate signs not exceeding 32 square feet in area, and may only advertise the sale, rental or lease of the premises upon which said sign is located. One sign is allowed per lot and is subject to a permit. <u>Off premise</u> : All real estate signs shall not exceed two (2) square feet in area (“OPEN HOUSE” or similar signs) and are permitted 24 hours in advance of the event and shall be removed within 12 hours after the event. No real estate signs are allowed on public right-of-ways or other public properties. These signs are allowed without a permit.
o.	The conditions of Section 159.16 (Project Identification Signs) of this chapter apply.
p.	<u>On premise</u> : Garage sale signs not exceeding four (4) square feet in area and placed upon the property in which the sale will take place. Signs are permitted 24 hours in advance of the event and shall be removed within 12 hours after the event. No garage sale signs are allowed on public right-of-ways or other public properties. These signs are allowed without a permit. <u>Off premise</u> : All garage sale signs shall not exceed two (2) square feet in area (directional signs, arrows or similar signs) and are permitted 24 hours in advance of the event and shall be removed within 12 hours after the event. No garage sale signs are allowed on public right-of-ways or other public properties. These signs are allowed without a permit.
q.	Signs in this district are allowed as stated and in conformance with the approved development plan.

(Ord. 06-02-2014 #02 (394) – June 14 Supp.)

TABLE 159.05B. MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT

The maximum total area of all signs on a zone lot except incidental, building marker and identification signs and flags ^b shall not exceed the lesser of the following:												
	R-1, 2, 5 ^e	R- 3, 4 ^e	INS ^{a e}	C-1	C-2	C-3	C-4	C-6	C-7 ^f	IHS ^c	M-1	M-2
Maximum Number of Total Square Feet	4	30	30	100	200 ^d	300 ^d	200	500	300 ^d	300	200	200

Percentage of Ground Floor Area of Principal Building	NA	NA	NA	4%	6%	8%	10%	8%	8%	NA	2%	2%
or												
Square Feet of Signage Per Linear Foot of Street Frontage	NA	.5	.5	2.0	3.0	134.0	6.0	5.0	4.0	NA	NA	NA
a. This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Code in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.												
b. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.												
c. This column does not represent a zoning district. It applies to commercial districts that are defined in Section 159.06.												
d. For buildings between 20,000 and 100,000 square feet of ground floor area of the principal building, 200 square feet plus an additional 0.004 square feet. For buildings exceeding 100,000 square feet of ground floor area of the principal building, 500 square feet plus an additional 0.003 square feet of signage up to a maximum of 1,000 square feet. In the C-7 district, for buildings, with multiple tenants and exceeding 275,000 square feet of gross floor area of the principal building(s), 0.0225 square feet of signage per square foot of first floor area. <i>(Ord. 02-23-2015 #1 (401) – Jun. 15 Supp.)</i>												
e. The conditions of Section 159.16 (Project Identification Signs) of this chapter apply.												
f. Signs in this district are allowed as stated and in conformance with the approved development plan.												

(Ord. 06-02-2014 #02 (394) – June 14 Supp.)

TABLE 159.05C. NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table 159.05D.												
Sign Type	R-1, 2, 5	R-3, 4	INS ^a	C-1 ^j	C-2 ^j	C-3 ^j	C-4 ^j	C-6 ^{bj}	C-7 ^l	IHS	M-1 ^j	M-2 ^j
<i>Freestanding</i>												
Area (square feet)	NA	20	40	40	40 ⁱ	40 ⁱ	40	40	40 ⁱ	125	40 ⁱ	40
Height (feet)		5	12	10 ^b	10 ^c	10	10	10	10	35	10	10
Setback (feet) ^d		5	5	10	10	10	2	10	10	35 ^k	10	10
Number Permitted												
Per Zone Lot		NA	1	NA	NA	NA	NA	NA	NA	NA	NA	NA
Per Feet of Street Frontage ^e		1 per 200'	NA	1 per 100'	1 per 200'	1 per 200'	1 per 100'	1 per 200'	1 per 200'	NA	1 per 200'	1 per 800'
<i>Building</i>												
Area (max. sq. ft.)	2	2	10	NA	NA	NA	NA	NA	NA	NA	NA	NA
Wall area (% ^f)	NA	NA	NA	10%	15%	20%	10%	15%	20%	NA	5%	5%
Number Permitted per Side				1	1	1	1	1	1		1	1
a. This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Code in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.												

b.	Maximum sign height is 10 feet, and minimum setback is 5 feet; however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back 7 feet from such a lot, it may be no more than 7 feet high.
c.	Maximum sign height is 10 feet, and minimum setback is 5 feet; however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes. See example in Note b.
d.	In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of 3 feet and 10 feet in a triangle formed by the corner and points on the curb 30 feet from the intersection or entranceway.
e.	Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
f.	The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.
g.	This column does not represent a zoning district. It applies to commercial districts that are defined in Section 159.06.
h.	Freestanding signs in this zoning district may be allowed an additional 20 square feet of signage for a reader board.
i.	Parcels located west of 34 th Avenue SW and within 300 feet east of said street are allowed signs with a maximum area of 80 square feet.
j.	The base of the sign shall be finished in brick or stone that compliments the principal structure a minimum of the same width of the sign. The base shall be a minimum equal width to that of the sign and said base shall extend at least up to within six inches of the bottom of the sign. The base must be constructed with a frost-free footing. <i>(Ord. 8-20-07 #3 (258) – Dec. 07 Supp.)</i>
k.	The minimum setback shall be 35 feet from the right-of-way and 100 feet from a side lot line. The sign can be no closer than 300 feet from the next closest sign of this type.
l.	Signs in this district are allowed as stated and in conformance with the approved development plan.

(Ord. 06-02-2014 #02 (394) – June 14 Supp.)

**TABLE 159.05D. NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS
BY SIGN TYPE**

No sign shall exceed any applicable maximum numbers or dimensions or encroach on any applicable minimum clearance shown on this table.				
			Vertical Clearance	
Sign Type	Number Allowed	Maximum Sign Area	From Sidewalk or Private Drive or Parking	From Public Street
<i>Freestanding</i>				
Residential, Other and Incidental	See Table 159.05C	See Table 159.05C	NA	NA
<i>Building</i>				
Banner	NA	NA	9 feet	12 feet
Building Marker	1 per bldg.	4 sq. ft.	NA	NA
Canopy	1 per bldg.	25% of vertical surface of canopy	9 feet	12 feet
Identification	1 per bldg.	NA	NA	NA
Incidental	NA	NA	NA	NA
Marquee	1 per bldg.	NA	9 feet	12 feet
Projecting	1 per bldg.	40 sq. ft.	9 feet	12 feet
Residential	1 per zone lot	NA	NA	NA
Roof, Integral	2 per principal bldg.	NA	NA	NA

Suspended	1 per entrance	NA	9 feet	NA
Temporary	See Sec. 159.16	NA	NA	NA
Wall	NA	NA	NA	NA
Window	NA	25% of total window area	NA	NA
<i>Miscellaneous</i>				
Banner	NA	NA	9 feet	12 feet
Flag	NA	60 sq. ft.	9 feet	12 feet
Portable	1 where allowed ^a	20 sq. ft.	NA	NA
a. Permitted on the same terms as a temporary sign, in accordance with Section 159.16, except that it may be freestanding..				

TABLE 159.05E. PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

Sign Type	R	INS ^e	C-1	C-2	C-3	C-4	C-6	C-7 ^f	IHS ^c	M-1	M-2
Animated	N	N	N	N	N	S	S	N	N	N	N
Changeable Copy	N	P	N	S	N	S	S	N	S ^d	N	N
Illumination, Internal	S ^e	P ^b	S ^b	S	S	S	S	S	S	S	S
Illumination, External	S ^e	P ^b	S ^b	S	S	S	S	S	S	S	S
Illumination, exposed bulbs or neon	N	N	N	N	N	S	N	N	N	N	N
P = Allowed without sign permit			S = Allowed only with sign permit					N = Not allowed			
a. This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Code in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.											
b. No direct light or significant glare from the sign shall be cast onto any adjacent zone lot that is zoned and used for residential purposes.											
c. This column does not represent a zoning district. It applies to commercial districts that are defined in Section 159.06.											
d. In accordance with Section 159.06(2), Motor Fuel Price Signs											
e. Illumination of subdivision/neighborhood or project sign only.											
f. Signs in this district are allowed as stated and in conformance with the approved development plan.											

(Ord. 06-02-2014 #02 (394) – June 14 Supp.)

159.06 SIGNS FOR INTERSTATE-ORIENTED BUSINESSES.

1. Additional Sign. When adjacent to Interstate 80 or U.S. 65 (rerouted 65), the C-2, General Commercial District, the C-3, Planned Commercial District, the C-6, Commercial Entertainment/Recreational District and the M-1, Limited Industrial District one additional on-premises sign oriented to the Interstate shall be allowed for each lot which: contains a retail business providing food, lodging or fuel and repair services essential to normal operation and maintenance of motor vehicles; is not separated from the Interstate by any property, on either side of the route of access, that is zoned or designated by the Comprehensive Plan for any residential or office use; is located within one thousand (1,000) feet of the Interstate right-of-way, and is located within a travel distance of five thousand (5,000) feet from said Interstate highways, said distance being calculated by beginning at the center point of the Interstate median at the nearest interchange, and thence measuring along the centerlines of

streets traveled to reach the property's primary access, to the closest point on the lot. Such Interstate Signs shall comply with all regulations of this chapter, provided that the following bulk regulations apply in lieu of those contained in Table 159.05C.

A. Orientation. The faces of a free-standing or roof sign shall be perpendicular to, or in the case of a curve, radial to the right-of-way of the nearest section of Interstate.

B. Area. The maximum area shall be 300 square feet, except as provided by subsection 2 of this section, for motor fuel price signs. (Except C-6 District)

C. Height. The maximum height of a freestanding sign shall be fifty (50) feet. (Except C-6 District)

D. Setback. The minimum setback of a freestanding sign from any property line shall be fifty (50) feet.

E. Signs in C-6 Commercial Entertainment/Recreational District.

(1) Decisions on sign height and area shall only be made after a public hearing process. The public hearing shall meet the same requirements as that of a rezoning application.

(2) Overall sign height cannot exceed the sign setback from any street right-of-way.

(3) Sign must be located within 1,200 feet of the Interstate right-of-way.

(4) All other aspects of the sign shall comply with all other regulations of the sign ordinance unless expressly waived during the public hearing process.

(5) The commercial message of the sign is limited to activities within the zone lot.

(6) If the use ceases for which the sign was constructed, the sign must be removed within 180 days after the use ceases. The City Council may grant an extension of 90 days if requested by the property owner and deemed appropriate by the City Council.

(7) Any change in ownership or use of the property upon which the sign is located will require a subsequent public hearing process as in (1) above for approval of use of the sign for advertisement by the new ownership or for a new use.

EDITOR'S NOTE

The following ordinances have been adopted:

8-16-04#1 (158) – Prairie Meadows Racetrack and Casino Sign is located on the northwest portion of their existing property, at least 120 feet south of Adventureland Drive right-of-way. It is 120 feet tall and has a sign area of approximately 2,452 square feet per side for a total of 4,904 square feet. The sign faces have a separation of up to 18 feet.

10-01-2012#1 (357) – That the request of Prairie Meadows Racetrack and Casino to replace the existing electronic reader board sign (15'x30.5') with a larger reader board sign (30.5'x30.5') on the Interstate High Rise sign is hereby approved.

2. Motor Fuel Price Signs. Gasoline service stations, convenience, stores and similar retail businesses selling gasoline or similar fuels for use in motor vehicles as a major part of their business shall be allowed sign area in addition to that customarily permitted by this chapter, to display changeable price information for such fuel. The copy on each such price sign shall be limited to the type of fuel and price. The maximum copy area shall not exceed 16 square feet. The signage shall be incorporated in a permitted sign type and shall not be a separate sign structure or portable sign.

3. Additional Sign. When adjacent to Interstate 80 or U.S. 65 (rerouted 65), property zoned C-2, C-3, C-5 and M-1, one additional on-premises sign shall be allowed for each lot which contains a business not meeting the use requirements of subsection 1 above. The following bulk requirements apply:

A. The sign is considered a bonus and not figured into the total signage allotment for the given lot.

B. Height. The maximum height of a freestanding sign shall be thirty-five (35) feet.

C. Area. The maximum area shall be 125 square feet.

D. Setback. The minimum setback shall be 35 feet from the right-of-way and 100 feet from a side lot line. The sign can be no closer than 300 feet from the next closest sign of this type.”

(Ord. 5-17-04 #2(149) – Dec. 04 Supp.)

159.07 PERMITS REQUIRED. If a sign requiring a permit under the provision of this chapter is to be placed, constructed, erected or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the

requirements of Section 159.14. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 159.15. No signs shall be erected in the public right-of-way except in accordance with Section 159.10 and the permit requirements of Section 159.17. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this chapter (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan in effect for the property.

159.08 DESIGN, CONSTRUCTION AND MAINTENANCE. All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the *Uniform Building Code* and the Electrical Code of the City at all times.
2. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this chapter, at all times.

159.09 MASTER OR COMMON SIGNAGE PLAN. No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Zoning Administrator and approved by the Zoning Administrator as conforming with this section.

1. Master Signage Plan. For any zone lot on which the owner proposes to erect one or more signs requiring a permit, unless such zone lot is included in a Common Signage Plan, the owner shall submit to the Zoning Administrator a Master Signage Plan containing the following:
 - A. An accurate plot plan of the zone lot, at such scale as the Zoning Administrator may reasonably require;
 - B. Location of buildings, parking lots, driveways and landscaped areas on such zone lot;
 - C. Computation of the maximum total sign area, the maximum area for individual signs, the height of the signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this chapter; and

- D. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
2. Common Signage Plan. If the owner of a single lot with more than one building (not including any accessory building) or the owners of two or more contiguous (disregarding intervening streets and alleys) zone lots file with the Zoning Administrator for such zone lots a Common Signage Plan conforming with the provisions of this section, a fifty percent (50%) increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owners elect. Parcels with buildings over 20,000 square feet located west of 34th Avenue SW and within 300 feet east of said street are allowed a seventy-five percent (75%) increase in the maximum total signage allowed. *(Ord. 8-18-08 #1(284) – Dec. 08 Supp.)*
3. Provisions of Common Signage Plan. The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the zone lots affected by the Plan with regard to:
- A. Color scheme;
 - B. Lettering or graphic style;
 - C. Lighting;
 - D. Location of each sign on the building;
 - E. Materials; and
 - F. Sign proportions.
4. Showing Window Signs on Common or Master Signage Plan. A Common Signage Plan or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.
5. Limit on Number of Freestanding Signs Under Common Signage Plan. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

6. Other Provisions of Master or Common Signage Plans. The Master or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.
7. Consent. The Master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Zoning Administrator shall require.
8. Procedures. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.
9. Amendment. A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of this chapter then in effect.
10. Existing Signs Not Conforming to Common Signage Plan. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this chapter in effect on the date of submission.
11. Binding Effect. After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of such a plan and any other provision of this chapter, this chapter shall control.

159.10 SIGNS IN THE PUBLIC RIGHT-OF-WAY. No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent Signs. Permanent signs, including:
 - A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
 - B. Bus stop signs erected by a public transit company;
 - C. Information signs of a public utility regarding its pole, lines, pipes or facilities;
 - D. Awning, projecting and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 159.05A of this chapter.
 - E. Iowa Department of Transportation “Trailblazer” signs.
(Ord. 07-20-2015 #01 (411) – Dec. 15 Supp.)
 - F. With the approval of the City Council, event signs may be placed on the 8th Street Pedestrian Bridge, provided the event is open to the general public and that the event is in support of a governmental body or a not for profit organization operating in the interest of a

governmental body or the Altoona Chamber of Commerce. The event sign may be displayed on the bridge for a period not to exceed 10-days.

(Ord. 11-16-2015 #02 (417) – Dec. 15 Supp.)

2. Temporary Signs. Temporary signs for which a permit has been issued in accordance with Section 159.17, which shall be issued only for signs meeting the following requirements:

- A. Such signs shall contain no commercial message; and
- B. Such signs shall be no more than two (2) square feet in area each.

3. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

Any sign installed or placed on public property, except in conformity with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs for removal and disposal of such sign.

159.11 SIGNS EXEMPT FROM REGULATION. The following signs are exempt from regulation under this chapter:

- 1. Any public notice or warning required by a valid and applicable Federal, State or local law, regulation or ordinance;
- 2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located;
- 3. Works of art that do not include a commercial message;
- 4. Holiday lights and decorations with no commercial message; but only between November 15 and January 15;
- 5. Traffic control signs on private property, such as Stop, Yield and similar signs, the face of which meets Department of Transportation standards and which contain no commercial message of any sort; and
- 6. Political campaign signs which are not contained within a right-of-way, street or on public grounds and their maximum size is thirty-two (32) square feet.

(Ord. 10-00#4 (60) – Dec. 00 Supp.)

159.12 PROHIBITED SIGNS. All signs not expressly permitted under this chapter or exempt from regulation in accordance with the previous section are prohibited in the City; such signs include, but are not limited to:

- 1. Beacons;
- 2. Pennants;

3. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
4. Inflatable signs and tethered balloons, except those waived by the City Administrator for display during City sanctioned events.

159.13 GENERAL PERMIT PROCEDURES. The following procedures shall govern the application for and issuance of all sign permits under this chapter, and the submission and review of Common Signage Plans and Master Signage Plans.

1. Applications. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Zoning Administrator on an application form or in accordance with application specifications published by the Zoning Administrator.
2. Fees. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fee.
3. Completeness. Within five (5) days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall, within such five-day period, send to the applicant a notice of the specific way in which the applicant is deficient, with appropriate references to the applicable sections of this chapter.
4. Action. Within seven (7) days after the submission of a complete application for a sign permit, the Zoning Administrator shall either:
 - A. Issue the sign permit, if the sign or signs that are the subject of the application conform in every respect with the requirements of this chapter and of the applicable Master or Common Signage Plan; or
 - B. Reject the sign permit if the sign or signs that are the subject of the application fail in any way to conform with the requirements of this chapter and of the applicable Master or Common Signage Plan. In case of a rejection, the Zoning Administrator shall specify in the rejection the section or sections of this chapter or applicable plan with which the sign or signs are inconsistent.

5. Action on Plan. On any application for approval of a Master Signage Plan or Common Signage Plan, the Zoning Administrator shall take action on the application on one of the following dates:

- A. Fourteen (14) days after the submission of a complete application if the application is for signs for existing buildings; or
- B. On the date of final action on any related application for building permit, site plan or development plan for signs involving new construction.

On or before such applicable date, the Zoning Administrator shall either approve the proposed plan or reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of this chapter. In case of a rejection, the Zoning Administrator shall specify in the rejection the section or sections of this chapter with which the plan is inconsistent.

159.14 PERMITS TO CONSTRUCT OR MODIFY SIGNS. Signs identified as “P” or “S” on Table 159.05A shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Zoning Administrator. Such permits shall be issued only in accordance with the following requirements and procedures:

1. Permit for New Sign or for Sign Modifications. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.
2. Inspection. The Zoning Administrator shall cause an inspection of the zone lot for which such permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this chapter and with the building and electrical codes, the Zoning Administrator shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this chapter and applicable codes, the Zoning Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days after the date of inspection

for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Zoning Administrator shall affix to the premises the permanent symbol described above.

159.15 SIGN PERMITS — CONTINUING. The owner of a zone lot containing signs requiring a permit under this chapter shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Common Signage Plan.

1. Initial Sign Permit. An initial sign permit shall be automatically issued by the Zoning Administrator covering the period from the date of the inspection for the completed sign installation, construction or modification through the last day of that calendar year.

2. Subsequent Sign Permits. Sign permits shall be issued for five (5) years. Except as provided herein, sign permits shall be renewable every five (5) years upon submission of a renewal application form and the applicable fees. Renewal applications shall contain a representation by the applicant that no change in signage under the permit has been made or shall contain dimensions, drawings and photos of any changes.

3. Lapse of Sign Permit. A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises is discontinued for a period of 180 days or more and is not renewed within thirty (30) days of a notice from the City to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

4. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

159.16 TEMPORARY SIGN PERMITS (PRIVATE PROPERTY).

1. Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

A. Term. A temporary sign permit shall allow the use of a temporary sign for a specified thirty-day period.

B. Number. Only one temporary sign permit shall be issued to the same business license holder on the same zone lot in any calendar year.

C. Other Conditions. A temporary sign shall be allowed only in districts with a letter “S” for “Temporary Signs” on Table 159.05A and subject to all of the requirements for temporary signs as noted therein.

2. Project Identification Signs.

A. In residential districts, project identification signs shall be removed when fifty percent (50%) of the lots within the plat have been issued a certificate of occupancy or a final inspection has been completed by the City. The signs shall be removed within seven (7) days of the City notifying the developer.

B. Project identification signs are limited to:

- (1) Residential property - one per plat.
- (2) Commercial property - one per project area or one per exterior street frontage.
- (3) Must be located on plat or development advertised.
- (4) Maximum area is 32 square feet.
- (5) Setback a minimum of five (5) feet.
- (6) Maximum 6 feet tall.
- (7) In the C-7 district, for sites where buildings are approved with gross square feet of building space exceeding 300,00 square feet, project identification signs can be up to 128 square feet in size, setback at least 10 feet from property lines, and can be up to 10 feet tall.

(Ord. 09-21-2012 #01 (414) – Dec. 15 Supp.)

C. Project identification signs may not be illuminated.

(Ord. 9-20-04 #2(160) – Dec. 04 Supp.)

159.17 TIME OF COMPLIANCE; NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS. Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this chapter or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring into conformity with the requirements of this chapter.

1. Signs Existing on Effective Date. For any sign existing in the City on August 10, 1995, an application for a sign permit must be submitted to the Zoning Administrator before January 1, 1996. For any sign on property annexed at a later date, applications for sign permits shall be submitted within six months after the effective date of the annexation or within such period as may be established in an annexation agreement between the City and the landowner. Signs that are subject of

applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this chapter and shall not be entitled to the protection of subsection 2 of this section. Applications for permits for existing signs submitted before January 1, 1996, shall be exempt from the initial fees adopted under authority of this chapter, but not from renewal and subsequent fees.

2. Nonconforming Existing Signs, Permits and Terms. A sign that would be permitted under this chapter only with a sign permit, but which was in existence on August 10, 1995, or on a later date when the property is annexed to the City, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformity with the requirements of this chapter, shall be issued a Nonconforming Sign Permit if an application in accordance with subsection 1 of this section is filed in a timely manner. Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this chapter, to remain in place and be maintained for a period ending no later than January 1, 1997, provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the provisions of subsection 3 of this section. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this chapter when any proposed change, repair or maintenance would constitute an expense of more than twenty-five percent (25%) of the lesser of the original value or replacement value of the sign.

3. Lapse of Nonconforming Sign Permit. A Nonconforming Sign Permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

4. Sign Removal Required. A sign that was constructed, painted, installed or maintained in conformance with a permit under this chapter, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of nonconforming signs has expired, shall be forthwith removed without notice or action from the City.

159.18 VIOLATIONS. Any of the following is a violation of this chapter and subject to the enforcement remedies and penalties provided by this chapter, by the Zoning Code and by State law:

1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
2. To install, create, erect or maintain any sign requiring a permit without such permit;
3. To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter, or for which the sign permit has lapsed; or
4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.

159.19 ENFORCEMENT AND REMEDIES. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding pursuant to State law. A violation of this chapter is considered a violation of the Zoning Code of the City. The remedies of the City include the following:

1. Issuing a stop-work order for any and all work on any signs on the same zone lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the City under the Zoning Code;
4. Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Code; and
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City under the applicable provision of the Zoning Code and Building Code for such circumstances.

The City shall have such other remedies as are and as may from time to time be provided for or allowed by State law for the violation of the Zoning Code. All remedies provided herein shall be cumulative. To the extent that State law may limit the availability of a particular remedy set forth herein for certain violation

or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

159.20 FEE SCHEDULE.

- 1. The fees for sign permits and plans for the five year period are:
 - Master Signage Plan Application Fee\$ 100.00
 - Common Signage Plan Application Fee\$ 100.00
 - Sign Permit, Initial, including inspection,
per zone lot\$ 75.00
 - Reinspection Fee\$ 35.00
 - Sign Permit, Continuing, per zone lot.....\$ 25.00
- 2. Additional Fees (Initial and Continuing) for signs extending:
 - Temporary Sign Permit, Private Property,
per sign\$ 100.00
 - Temporary Sign Permit, Public Property\$ 25.00
 - Plus per sign\$ 2.00

[The next page is 1225]

CHAPTER 160
CONTRACTOR LICENSING

160.01 Purpose
160.02 Definitions

160.03 Permit Requirements

160.01 PURPOSE.

1. No person shall engage in the activity or represent himself or herself to the public as engaging in the activity of plumbing work, electrical work, mechanical work or building construction without obtaining a proper license from the State of Iowa.
2. Exceptions:
 - A. An owner/occupant of a single family dwelling performing electrical, plumbing, and/or mechanical work on the interior of said dwelling unit is not required to be licensed by the State of Iowa pursuant to Iowa Code Chapters 103 and 105. The owner/occupant however shall prove competency as required per Chapter 155 of the City of Altoona Code of Ordinances.
 - B. Any person performing building construction is not required to be licensed by the State of Iowa but must still however meet the provisions of this chapter.

160.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the following meanings:

1. “Building construction” means any work performed on new or existing structures by means of constructing, enlarging, installing, altering, repairing, replacing, moving, removing, maintaining and demolishing any structural and non-structural element, fixture, and/or component as regulated by the adopted building code.
2. “Building contractor” means any corporation, company, firm, partnership or person in the business of contracting or offering to contract with any property owner the services of building construction.
3. “Electrical work” means all installations, alterations, repairs, replacements, connections, disconnections, and maintenance of electrical wiring and equipment connected to an electrical power source. No person shall engage in the work or practice the trade of installing, altering, maintaining or repairing any electrical equipment within the

scope of the electrical code without meeting the provisions of Iowa Code Chapter 103 and this chapter.

4. “Mechanical work” means all installations, alterations, repairs, replacements, connections, disconnections, and maintenance of mechanical systems and equipment. No person shall engage in the work or practice the trade of installing, altering, maintaining or repairing any mechanical equipment or system within the scope of the mechanical code without meeting the provisions of Iowa Code Chapter 105 and this chapter.

5. “Owner/occupant” means one who owns and occupies an existing property no larger than a single-family dwelling. An owner/occupant shall qualify for the homestead tax in order to be considered exempt from Section 160.01.

6. “Plumbing work” means all installations, alterations, repairs, replacements, connections, disconnections, and maintenance of plumbing systems and equipment. No person shall engage in the work or practice the trade of installing, altering, maintaining or repairing any plumbing equipment or system within the scope of the plumbing code without meeting the provisions of Iowa Code Chapter 105 and this chapter.

160.03 PERMIT REQUIREMENTS. A permit shall accompany any and all work as required per Chapters 155, 156, 157, and 158. All corporations, companies, firms, partnerships or persons performing building construction as a building contractor, electrical work, mechanical work, and plumbing work requesting a permit for such shall hold current registration with the Department of Labor, Iowa Workforce Development.

(Ch. 160 - Ord. 10-19-2009 #4(313) – Dec. 09 Supp.)

[The next page is 1251]

CHAPTER 161

FIRE CODE

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161.01 ADOPTION OF FIRE CODE. This chapter shall consist of the “International Fire Code, 2012 Edition,” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “*Fire Code*,” may be cited as such, and will be referred to herein as such and as “*this code*.”

161.02 DELETIONS. The following are hereby deleted from this code and are of no force or effect herein:

1. Subsection 105.3.1 and Subsection 105.3.2
2. Section 108

161.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the Fire Code, and where their requirements conflict with those of the Fire Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of Fire Code.

1. Section 161.03 - Section 202 IFC (definition of bedroom)
2. Section 161.04 – Section 105.1.1 (Permit Fees)
3. Section 161.05 - Section 105.1.2 (Types of Permits)
4. Section 161.08 – Section 202 (Definitions)
5. Section 161.09 – Section 307.1 (Open Burning)
6. Section 161.10 - Section 308.3.1.1 (Liquidfied-petroleum-gas-fueled-cooking-devices)
7. Section 161.11 - Section 503.3 (Fire Lane Identification)

8. Section 161.12 - Section 505.1 (Premise Identification)
9. Section 161.13 - Section 506.1 (Key Boxes)
10. Section 161.14 – Subsection 903.2.8.2 Care Facilities
11. Section 161.15 - Section 912.1 (Fire Department Connections)
12. Section 161.16 - Section 1012.4 (Handrails)
13. Section 161.17 - Section 1029.3 (Egress Window Landings)
14. Section 161.18 - Section 5701.4 (Registration of flammable and combustible container/tanks)

161.04 PERMIT FEES. Section 105.1.1 shall be amended by adding the following sentence to the end of the paragraph: *“A fee for each construction permit shall be paid to the fire official in the amount set forth in the Schedule of Fees as adopted by the City Council.*

1. *Permit Fees:*

A. *A fee for each construction permit shall be paid to the fire chief in the amount set forth in the Schedule of Fees as adopted by the City Council.*

B. *If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees as described in paragraph A above.*

C. *Permits and Fees for mechanical, plumbing, and electrical work shall meet the requirements of Ordinances 156, 157, and/or 158 respectively.*

Additional permit fees are as follows:

1. *Plan Check Fees: Plan Check Fees shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.*

A. *Double Fee. Except in emergency situations, as determined by the Fire Chief, where work for which a building permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees in the amount set forth in the Schedule of Fees as adopted by the City Council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:*

- (1) *The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and*
- (2) *The person secures the proper permit on the next Fire Department working day.*
- (3) *No plan review is required prior to issuance of the permit.*

B. Refunds. If, within 30 days of the date of issuance, the holder of a construction permit decides not to commence the work described in said permit, said person may, upon application to the Fire Chief, be refunded that portion of the permit fee which is in excess of the permit refund fee in as set forth in the Schedule of Fees as adopted by the City Council.

C. Fees for Permit Renewals as stated in Section 161.07 shall be based on the percentage of valuation of remaining work to be performed provided the plans are not changed. If the plans are changed enough to warrant a review then the permit fee shall be ½ the cost of the original fee plus any fees as set forth in subsection E of this code section.

** Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.*

D. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee as set forth in the Schedule of Fees as adopted by the City Council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

E. Other Inspections and Fees: See the schedule of fees as adopted by City Council.

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the City Council.”

161.05 TYPES OF PERMITS. Section 105.1.2 shall be amended by the deletion of item number 1, including sub-numbers, and replaced with the following:

1. *“Operational Permit. A certificate of occupancy issued pursuant to the provisions of Chapter 155 of the City of Altoona, Code of Ordinances shall be assumed to meet the provisions of this section except for sections 105.6.30, 105.6.31, 105.6.32, and 105.6.43.”*

161.06 EXPIRATION. Every permit issued by the fire official under the provision of the fire code shall expire under any one of the following conditions:

1. Failure to begin work authorized within 180 days after issuance of the permit.
2. Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
3. Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
4. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The fire official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the city council. In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

161.07 BOARD OF APPEALS. In order to hear and decide appeals of orders, decisions or determinations made by the Fire Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum

shall be a private citizen. The Fire Official/Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Fire Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Fire Board of Appeals and the Building Board of Appeals shall be one in the same. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire/Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Fire/Building Board of Appeals shall be paid as set forth in Section 161.04 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

161.08 DEFINITIONS. Section 202 shall be amended by including the following definitions: *“Bedrooms. Any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and/or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.”*

161.09 OPEN BURNING AND RECREATIONAL FIRES. Section 307.1 of the International Fire Code shall be amended by adding the following to the end of the section: *There shall be no open burning in the City of Altoona Corporate Limits without prior approval of Polk County Air and Waste Management Department and the Fire Chief.*

The types of open burning that may be permitted by the authority above is limited to properties zoned A-1 (Agricultural) and for the general benefit of properties recently annexed after January 1, 2016, as follows:

1. *Landscape waste. The disposal by open burning of landscape yard waste originating on the premises in the A-1 zoning districts. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (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 yard waste.*

2. *Agricultural structures. The open burning of agricultural structures if in accordance with rules and limitation established by the State Department of Natural Resources.*

(Ord. 03-21-2016 #03 (424) – June 16 Supp.)

161.10 LIQUEFIED PETROLEUM GAS FUELED COOKING DEVICES.

Section 308.1.4 #3 of the International Fire Code shall be amended by deleting and replacing with the following: *LP-gas burners having an LP-gas container with a water capacity greater than 47.7 pounds (nominal 20 pound LP gas capacity) shall not be located on combustible balconies and decks or within 10 feet of combustible construction. Exception: One and Two family dwellings.*

161.11 FIRE LANE IDENTIFICATION.

Section 503.3 of the International Fire Code shall be amended by deleting the section and replacing with the following, *“When required by the Fire Code Official, Fire lanes shall be painted traffic red. Signs shall be permanently mounted with a center height not exceeding 60” above adjacent grade. The beginning sign shall be set at 45 degrees to the designated area with a red arrow pointing forward toward the fire lane. The intermediate signs shall be set every 100 feet in the fire lane. The end sign shall be set at 45 degrees to the designated area with a red arrow pointing backward to the fire lane. Signs shall be eighteen (18) inches tall by twelve (12) inches wide, with red letters on a white background to read [No Parking Fire lane].”*

161.12 PREMISE IDENTIFICATION. Section 505.1 of the IFC shall be amended by deleting the number 4 inches to 6 inches for other than Group R-3 occupancies and individual dwelling units in an R-2 occupancy.

161.13 KEY BOXES. Section 506.1 of the International Fire Code shall be amended by adding the following to the end of the section: *“Key boxes shall be located at the front of the building typically adjacent to the main front door(s) at a maximum height of 4 feet above grade or at a location as directed by the fire code official.”*

161.14 CARE FACILITIES WITHIN A DWELLING. Subsection 908.2.8.2 shall be amended by deleting the section and replacing with the following: *“Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.*

161.15 FIRE DEPARTMENT CONNECTIONS. Section 912.1 of the International Fire Code shall be amended by adding the following to the end of the section: *“The fire department connection shall be a 5 inch Storz type connector(s) compatible with the hose couplings currently in use by the fire department and connected to the riser by means of a 5 inch or larger piping system. A fire department connection having the standard internal threaded swivel fittings of 2 ½ inches NST may be substituted for the 5 inch Storz connection with the approval of the fire code official where system pressures may exceed hose test pressure or where the water supply locations could require an extensive hose lay to the structure.”*

161.16 HANDRAILS. The following shall be added at the end of exception #1 of Section 1012.4 of the International Fire Code. *“Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues”.*

161.17 REQUIREMENTS FOR EGRESS WINDOW LANDINGS. Section 1029.3 of the International Fire Code shall be added to the end of the section to state as follows: *“Where a landing is provided for egress windows in new and existing construction of Group R occupancies/One and Two family Dwellings only when the maximum height from the floor requirement can not be met as stated in Section 1026.3 shall have a minimum width of 36 inches, a minimum depth of 18 inches and a maximum height of 24 inches. The landing shall be permanently affixed to the floor under the window it serves.*

161.18 REGISTRATION OF FLAMMABLE AND COMBUSTIBLE STORAGE TANKS. Section 5701.4 of the IFC shall be amended by deleting the section and replacing with the following: *“Owners or Owners Agents shall register the placement of Flammable and Combustible containers/tanks located on their property as follows with the fire department:*

1. *. Storage, handling, or use of class I liquids in excess of 5 gallons inside a building or in excess of ten gallons outside a building, except registration is not required for the storage or use of:
 - A. *Flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless storage in the opinion of the fire chief would cause an unsafe condition.*
 - B. *Paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for a period of not more than 30 days.**
2. *Retailing of class I, II, or IIIA liquids at a service station or other locations.*
3. *Storage, handling or use of class II or IIIA liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except storage of 550 gallons or less of fuel oil when connected with oil burning equipment.*
4. *The manufacture, processing, blending, or refining of Class I, II, or IIIA liquids or where liquids are used in the manufacturing, processing or finishing of articles.*
5. *Storage of flammable or combustible liquids in stationary tanks or placement tanks temporarily out of service, when the total storage capacity is 1,000 gallons or more.*
6. *Installation or major repair of tanks either above ground or below ground containing class I and II liquids, and class IIIA liquids in excess of one 275 gallon tank outside a building or two 275 gallon tanks in a building.*

7. *Major repair, replacement or addition of piping either above ground or below ground, used with class I, II, or IIIA liquids on existing tanks.*

Registration shall be submitted with forms furnished by the Fire Department. The registration of containers/tanks does not waive any requirements of the code.”

161.19 FIREWORKS.

1. General. It shall be unlawful to manufacture fireworks within the corporate limits of the City of Altoona.
2. The Fire Chief or duly appointed representative is authorized to seize, take, remove or cause to be removed at the expense of the owner all stocks of illegal fireworks (not State approved), offered or exposed for sale, stored and held to be in violation of State Law.
3. It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the corporate limits of the City of Altoona.

Exception: The use of fireworks for display is allowed per Section 161.19 of this ordinance and with Council approval.

161.20 FIREWORKS BOND FOR DISPLAY AND DISPOSAL.

1. The applicant shall, at the time he or she makes his or her application for a permit, attach thereto a bond or certificate of insurance naming the applicant and the City as insured, in the sum of not less than \$1,000,000.00, provided that the Chief of the Fire Department and/or the City Council do not require a greater amount. Said bond and insurance shall insure the use and benefit of the City and/or any person who suffers damage either to person or property by reason of said display of fireworks.
2. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

161.21 HAZARDOUS SUBSTANCES, NOTIFICATION AND CLEANUP.

1. Scope. This section shall apply to the release of hazardous substances and the notification, cleanup and recovery of costs associated with the mitigation of hazardous conditions.
2. Definitions. For the purposes of the section, these words have the following meaning:
 - A. “Cleanup” shall mean the removal, by approved personnel, of the hazardous substances to a place where the waste will not cause any danger to persons or the environment, in accordance with the state statutes, rules and regulations therefore, or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to general good appearance without noticeable odor as far as practicable. Cleanup includes all actions necessary to

contain, collect, identify, analyze, treat, disperse, remove or dispose of a hazardous substance and to restore the sites from which such hazardous substance was cleaned up.

B. "Hazardous Condition" shall mean any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance:

(1) Within the City or onto City property located outside the City which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence creates an immediate potential danger to the public health or safety; or

(2) Onto land, into the waters within the State of Iowa or into the atmosphere, but outside the City which because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety of persons or property within the City.

Hazardous condition includes involving hazardous materials required to be reported under Section 321.266 (4) of the Code of Iowa.

C. "Hazardous Substance" shall mean any substance or mixture of substance that presents a danger to public health or safety or environment and includes, but is not limited to, a substance that is toxic, corrosive or flammable, or that is an irritant, or that, in confinement, generates pressure through decomposition, heat or other means. The following are examples of substances which, in sufficient quantity, may be hazardous; acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. "Hazardous substance" includes 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 of 1976, as amended to January 1, 1977, or any hazardous materials designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous materials designated by the Secretary of Transportation under the Hazardous Materials Transportation Act, or any hazardous substance listed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

D. "Person" shall mean a natural person, his heirs, executors, administrators or assigns and also includes a firm, partnership or

corporation, its or their successors or assigns, or any other similar legal entity or the agent of any of the aforesaid.

E. "Responsible Person" shall mean the person, whether the owner, agent, lessor or tenant, in charge of the hazardous substance being stored, processed or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any persons or to the environment.

F. "Treatment" shall mean a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or render the substance non-hazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce it in volume.

Treatment includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance to render it non-hazardous.

3. Notification. When a hazardous condition is created, the responsible person shall notify the Altoona Fire Department immediately upon discovery of the condition but in no instance later than thirty minutes after the discovery of the hazardous condition.

4. 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 discharge into any waters, including ground waters, the Fire Chief or designee may remove or provide for removal and the disposal of the hazardous substance at any time, unless the Fire Chief or designee determines such removal will be properly and promptly accomplished by the responsible person. If the responsible party does not initiate and complete cleanup within the time designated by the Fire Department, the City may proceed to remedy the hazardous condition by performing necessary cleanup devices.

5. Loss, Burden or Costs. A responsible person shall be liable to the City for all cleanup costs incurred by the City, including but not limited to; chemical damage, contamination of equipment, and the use of consumable materials, personnel, but shall not be liable for those losses, burdens or costs normally associated with response to fire emergencies which do not involve hazardous conditions. If charges for such cleanup costs are not paid within thirty days after invoice, the City shall proceed to obtain payment by all legal means.

161.22 FALSE FIRE ALARMS.

1. Definitions. For the purposes of this section, these words have the following meaning:

A. "False Alarm" means the activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenances, or the negligence of the owner or lessee of the fire alarm system or his or her employees or agents. This does not include alarms caused by unauthorized tampering with a fire alarm system by anyone other than the fire alarm user or his or her agent.

B. "Fire Alarm System" means any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the fire department may be expected to respond.

C. "Fire Alarm User" means a person, firm, partnership, association, corporation, company, or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is present.

D. "Testing and Maintenance" means when an alarm service technician or alarm company conducts fire alarm system testing.

2. Fire Alarm Activation and User Fee.

A. Whenever fire department personnel respond to an activated fire alarm system the Fire Chief or authorized fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.

B. The fire department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. Whenever two false alarms have occurred at the same location within one calendar year, and the location is within the response jurisdiction area of the City of Altoona, the Fire Department shall notify the fire alarm user by letter, citing the location and date of each alarm activation. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of such false alarms and shall include a statement that an accumulation of more than three false alarm activations within a year shall result in a charge for services. Another similar letter shall be sent when three false alarms have occurred at the same location within the year.

C. When four false alarms have occurred at one location within a calendar year, a user fee for service for false alarm response shall be invoiced to the property owner. Each additional false fire alarm activation within the same calendar year shall be invoiced an additional fee. In the event that payment of the fee is not made within thirty days of billing, an administrative charge for collection shall be assessed. All fees shall be established by resolution of the City Council, as adopted. The fee hereby established affords only partial recovery of the expenses incurred in responding to the false alarms.

D. Whenever fire department personnel respond to a fire alarm that has been activated due to testing and maintenance, the fire official in charge of the incident shall determine if the response resulted from failure to make the proper notification to the alarm system monitor center and the Polk County Communication Dispatch Center and shall so indicate on the incident report. Notwithstanding anything contained in any other section of the ordinance codified in this chapter, if a fire alarm is activated due to testing and maintenance and the Polk County Communication Dispatch Center was not given proper notification, a user fee established by resolution will be imposed upon each false alarm. The responsible party will be the agency, testing or maintenance company representative, or individual that initiated the alarm testing or maintenance.

3. Evidence of Repair Accepted in Lieu of Fee. An alarm user may submit evidence that a malfunctioning system has been repaired in lieu of paying a user fee within ten days of the date of notification of the fee. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable.

4. Review of False Alarm Fee. Any person may appeal the imposition of the fee to the City Council. A false alarm activation user or his/her designee shall appeal in writing and such appeal shall be made to the Fire Chief within ten days of the date of notification of the fee.

5. False Alarm Fees. A fee for each false alarm shall be paid to the Fire Chief in the amount set forth in the Schedule of Fees as adopted by the City Council.

6. False Alarm Effective Date. False fire alarm activation fees will begin at the time of City Council resolution.

161.23 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

(Ch. 161 - Ord. 08-05-2013 #05 (378) – Dec. 13 Supp.)

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CHAPTER 162
HOUSING CODE

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162.04 Definitions	162.20 Board of Appeals
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162.07 Electrical	162.23 Garbage
162.08 Application of Other Codes	162.24 Premise Identification
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162.10 Rental Certificate Required	162.26 Emergency Escape Openings
162.11 Applications for Certificate	162.27 Insect Screens
162.12 Fees and Rental Certificates	162.28 Heat Supply
162.13 Inspection Procedure	162.29 Occupiable Heat Spaces
162.14 Appointments for Inspections and Number of Certificates Issued	162.30 Receptacles
162.15 Owners Responsibilities	162.31 Secondary Storm Sewer
162.16 Rental Certificate Transferability	162.32 Violations

162.01 ADOPTION OF HOUSING CODE. This chapter shall consist of the “International Property Maintenance Code, 2006 Edition,” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “Housing Code,” may be cited as such, and will be referred to herein as such and as “this code.”

162.02 DELETIONS. The following are hereby deleted from this code and are of no force or effect herein:

1. Subsection 101.2
2. Subsection 102.3
3. Section 103
4. Section 111
5. Subsection 302.4
6. Subsection 302.8
7. Section 306
8. Section 307

162.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Property Maintenance Code, and where their

requirements conflict with those of the International Property Maintenance Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of the International Property Maintenance Code.

1. Section 162.24 (304.3 Premise Identification)
2. Section 162.26 (702.4 Emergency Escape Openings)
3. Section 162.27 (304.14 Insect screens)
4. Section 162.28 (602.3 Heat supply)
5. Section 162.29 (602.4 Occupiable work spaces)
6. Section 162.30 (605.2 Receptacles)

162.04 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the following meanings:

1. “Accessory structure” means a structure detached from the principal building and/or buildings on the same lot and customarily incidental and subordinate to the principal building or use that is permitted in each particular zoning district. The structure is either occupied or devoted to a use incidental to the principal use.
2. “Construction Codes” means the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Plumbing Code*, and *National Electrical Code* as adopted by the City of Altoona Municipal Code.
3. “Residential rental properties” means dwelling unit(s), which are occupied by one or more persons, none of whom are record titleholder.
4. “Structure” means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land and water. That which is built or constructed. By this definition, all buildings are structures, however, not all structures are buildings.

162.05 SCOPE. The provisions of this chapter shall apply to all residential rental properties and their related accessory structures, now in existence or hereafter constructed, rehabilitated, renovated, or converted to residential use within the corporate limits. These provisions shall constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary

maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

162.06 DEPARTMENT ESTABLISHED; DIRECTOR APPOINTED.

1. There is hereby established in the City the Department of Housing, which shall be under the direction and supervision of the Building and Zoning Official. The Building Official shall be responsible to the Community Services Director for the enforcement of the Housing Code, and such other ordinances as shall assign the Building Official that function, and shall perform such other duties as may be required by the Community Services Director or by any classification plan adopted by the City.
2. The Building Official shall have the authority to appoint staff members and delegate duties to those staff members. The Building Official shall submit a report to the Community Services Director not less than once a year, covering the work of the department during the preceding period and shall incorporate in that report a summary of recommendations as to desirable amendments to this code.
3. The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
4. The titles Housing Official, Code Official, Director of Building, Building and Zoning Official and Building Official, as used herein, are synonymous and may be used interchangeably.
5. The Code Official, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official, or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Department of Housing, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions

or by reason of any act or omission in the performance of official duties in connection therewith.

162.07 ELECTRICAL. Any reference in the International Property Maintenance Code to the “*ICC Electrical Code*” shall be replaced with “*the National Electrical Code as adopted per chapter 158 of the City of Altoona Code of Ordinances*”.

162.08 APPLICATION OF OTHER CODES.

1. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Residential Code, International Existing Building Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, and the National Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the *City of Altoona Zoning Code* and any other applicable ordinances as adopted by the City of Altoona.

2. No other building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official in the manner and according to the applicable conditions prescribed in the adopted construction codes.

3. Where work for which a permit is required by the adopted construction codes is started or proceeded with prior to obtaining said permit, there shall be assessed an additional fee as set forth in the prevalent adopted codes. The payment of such additional fee, if any, shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other additional fees prescribed herein.

162.09 REQUIRED OWNER/AGENT INFORMATION. Owners of residential rental properties in the City shall provide the Department of Housing with their physical addresses and telephone numbers. Owners of residential rental properties in the City who reside in a county other than Polk County or any county contiguous thereto shall provide the Department of Housing with the name, physical address and telephone number of an individual over the age of 18 who shall reside in Polk County or any county contiguous thereto and who shall be designated as agent for receiving notice and service of process. A new owner shall provide the information required in this section within five days from the date of any change of ownership.

162.10 RENTAL CERTIFICATE REQUIRED. An owner who has submitted a rental housing application and fee to the Department of Housing no later than December 31, 2009, shall be allowed to continue to rent, lease, let or otherwise allow occupancy of any dwelling, dwelling unit, or rooming unit until such time said property has received a valid rental certificate after which no owner shall rent, lease, let or otherwise allow the occupancy of any dwelling, dwelling unit, or rooming unit without having a current valid rental certificate.

162.11 APPLICATIONS FOR CERTIFICATE. Every owner or owner's agent that offers for rent a dwelling or portion(s) thereof within the City shall submit to the Department of Housing, on forms provided, an application requesting an inspection and rental certificate. An inspection and application fee in the amount set forth in Section 162.12 shall accompany such application. Any owner who fails to register within the allotted 6-month time frame as indicated in Section 3 of the ordinance codified in this chapter is subject to a double registration fee. The application shall contain the following:

1. Owner or owner's agent information as set forth in Section 162.09.
2. Legal description and address of the subject property.
3. The applicants interest held in the property; the record title holder if different from the applicant; the holder of any mortgage or deed of trust or other lien or encumbrance of record; and any contract buyer.
4. Any additional information as required by the Building Official.

At least 30 days prior to initial occupancy as a rental property the owner or agent of a new rental property shall apply to the Department of Housing for inspection of the structure and all units therein.

162.12 FEES AND RENTAL CERTIFICATES.

1. Fees.
 - A. A fee for each application and inspection for a rental certificate shall be paid to the Building Official in the amount set forth in the Schedule of Fees as adopted by the City Council.
 - B. Re-inspections. A re-inspection fee shall be assessed for each inspection conducted after the initial first re-inspection when such portion of work for which is identified is not complete or when corrections called for are not made. Re-inspection fees may be assessed for failure to provide access on the date and time for which inspection is requested. To obtain a re-inspection, the applicant shall submit an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee as

set forth in the Schedule of Fees as adopted by the City Council. In instances where re-inspection fees have been assessed, no additional inspections will be performed until the required fees have been paid.

C. Rental certificates that are not renewed within 30 days of expiration shall be applicable to a re-registration fee. The re-registration fee shall be in the sum equal to twice the amount of the registration fee.

D. No rental certificates shall be issued nor shall any rental inspections be conducted to any person who owes the City any fees.

E. Other Inspections and Fees. See the schedule of fees as adopted by City Council.

2. Certificates will be issued for the following periods:

A. Thirty-six (36) months for single family and duplex structures. A certificate will not be issued for a duplex unless each duplex dwelling unit complies with this code.

B. Twenty-four (24) months for multiple family dwellings. A certificate will not be issued unless all dwelling units within the same structure comply with this code.

When the requirements of Section 162.13 have been met.

3. Certificates shall be revoked if not renewed within 30 days from the date of expiration.

162.13 INSPECTION PROCEDURE. Upon receipt of application and fees, the Building Official shall cause an inspection of the premises, and if the same comply with the provisions of this chapter, issue a rental certificate. If the premises for which an inspection is required does not meet the provisions of this chapter then formal notification to the applicant shall be provided in accordance with the procedures set forth in Section 107 of the International Property Maintenance Code.

162.14 APPOINTMENTS FOR INSPECTIONS AND NUMBER OF CERTIFICATES ISSUED.

1. Appointments for inspections with the owner/agent of the building shall be scheduled by the City. The owner/agent may request the appointment to be rescheduled. However, the inspection shall be performed within thirty (30) days of the original date. An owner/agent shall be required to arrange for access to all portions of the building. Failure to provide access to all portions of the building shall prevent the

issuance of a rental certificate and thus compliance with the law. The owner/agent shall notify all tenants of the inspection in accordance with Chapter 562A (Uniform Residential Landlord and Tenant Law) of the Code of Iowa.

2. Inspections shall not be:
 - A. Conducted with a minor as the sole representative of the owner.
 - B. Conducted against the will of the tenant without the building owner/agent present.
 - C. Conducted without prior notice to the tenant as required by state law.
 - D. Conducted of an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.
3. Should the person in control of the unit refuse admittance to the Building Official and refuse to reschedule the certification inspection or re-inspection, the Building Official may request that a court of competent jurisdiction issue an administrative search warrant.
4. All areas of each dwelling covered by this code shall be inspected. Should access not be obtained to all areas, a re-inspection must be scheduled and an additional fee may be charged for each subsequent re-inspection in accordance with the established fee schedule.

162.15 OWNERS RESPONSIBILITIES. It is the responsibility of the owner to make certain that their residential rental property has a valid rental certificate. However, the department may notify the owner of an existing valid rental certificate, thirty days (30) in advance, a notice of expiration. The owner/agent shall notify all tenants of the inspection in accordance with Chapter 562A (Uniform Residential Landlord and Tenant Law) of the Code of Iowa.

162.16 RENTAL CERTIFICATE TRANSFERABILITY. Sale or transfer of a rental property shall not invalidate a current rental certificate issued in accordance with this chapter. The owner of a multifamily dwelling unit shall display a copy of the rental certificate in a common hallway of each building or in the onsite management office. The owner of a single family and duplex dwelling must be able to show a copy of the rental certificate upon request. Every rental certificate shall be valid for the time specified in the regular inspection schedule established in Section 162.12 unless sooner suspended or

revoked. The rental certificate issued under this chapter shall contain the following information:

- 1.. Address of structure.
2. Date of inspection.
3. Date of issuance.
4. Type of structure and number of dwelling units.
5. Expiration date.
6. Any additional information as deemed necessary by the Building Official.

162.17 NOTICES ON SALE OF DWELLING. Every person holding a rental certificate as required in Section 162.10 shall give notice in writing to the Department of Housing within thirty (30) days after having sold, transferred, conveyed, or otherwise disposed ownership of, interest in or control of the residential rental property. The notice shall include information, in accordance with Section 162.09, of new said owner and owners' agent. The seller shall also provide the following information to the new prospective owner prior to the closing date:

1. Current status of rental certificate.
2. Any outstanding notice regarding violations of this code.
3. The existence of any court or administrative proceeding which pertains to alleged violations of this code.

162.18 COMPLAINT BY TENANT AND RETALIATORY ACTIONS. Unless there are significant health or safety issues, if the property has a valid rental certificate, a tenant must first file a complaint with the owner or owners' agent. Forms for that purpose will be available in the office of the Department of Housing.

1. An owner or agent shall have seven (7) calendar days to address the complaint. If the complaint is not remedied to the tenant's satisfaction within seven calendar days the Department of Housing will schedule an inspection appointment with the tenant and owner.
2. If an inspection was made at the written request of a tenant and the residential rental property is found to be in non-compliance, due to an omission of the owner, such owner shall be responsible for payment of the inspection fee in accordance with Section 162.12. If an inspection was made at the written request of a tenant and the residential rental property is found to be in compliance or if such noncompliance is due to

conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection in accordance with Section 162.12.

3. No person shall maintain an action for eviction because the occupant has reported a violation of this chapter or a related provision of the City Code to the Department of Housing or other City officers or employees.

4. No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off or discontinued in retaliation for a complaint.

162.19 RENT COLLECTIONS. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the City gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.

162.20 BOARD OF APPEALS.

1. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

2. The Building Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

3. Nominal appeal fee to the Building Board of Appeals shall be paid as set forth in Section 162.12.

162.21 WEEDS AND GRASS. Weeds and grass shall be regulated as defined in the City of Altoona Municipal Code.

162.22 MOTOR VEHICLES. Motor vehicles shall be regulated as defined in the City of Altoona Municipal Code.

162.23 GARBAGE. Garbage and/or junk shall be regulated as defined in the City of Altoona Municipal Code.

162.24 PREMISE IDENTIFICATION. The last sentence of Section 304.3 IPMC shall be amended by deleting the number 4 inches and replacing with: *6 inches for other than Group R-3 occupancies and individual dwelling units in an R-2 occupancy as defined by the International Building Code.*

162.25 HANDRAILS AND GUARDS.

1. Every exterior and interior flight of stairs having more than four risers constructed prior to 1983 shall have a handrail on one side of the stair, said handrail shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or one and two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface, which is more than 30 inches above the floor or grade below, shall have guards.

2. Guards within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or one and two family dwellings shall be permitted to be not less than 36" high. All other guards shall not be less than 42" in height. If guards are unenclosed they shall have intermediate rails or an ornamental pattern such that no object in excess of four inches in diameter can pass through.

3. Exception. For buildings constructed prior to 1983, handrails and guardrails, which are structurally sound, may provide the same height and opening protection/restriction as was required by the building code when the structure was originally constructed. Guards shall not be required where exempted by the adopted building code.

162.26 EMERGENCY ESCAPE OPENINGS. The following shall be added to the end of Section 702.4.

Exception: Construction existing prior to 1983 need not meet the standard minimum clear opening sizes and sill height requirement but shall have minimum clear opening width and height dimensions of 18 inches. These windows shall also have a minimum finished sill height of not more than 48 inches above the floor.

162.27 INSECT SCREENS. Section 304.14 shall hereby be amended by inserting the following dates: [from date] April 1 [to date] October 31, and the end of the paragraph stating; ...“*and every screen door used for insect control shall have a self-closing device in good working condition.*” shall be deleted.

162.28 HEAT SUPPLY. Section 602.3 shall hereby be amended by inserting the following dates: [from date] September 15 [to date] May 15.

162.29 OCCUPIABLE HEAT SPACES. Section 602.4 shall hereby be amended by inserting the following dates: [from date] September 15 [to date] May 15.

162.30 RECEPTACLES. Section 605.2 shall hereby be amended by adding the following to the end of the section: *All receptacle outlets located above the kitchen counter top surface, in bathrooms, in garages and exterior shall be GFCI protected.*

162.31 SECONDARY STORM SEWER. The provisions for secondary storm sewers shall comply with Section 157.24 of the City of Altoona, Code of Ordinances, 2004, for all structures with habitable and/or useable space below grade.

162.32 VIOLATIONS. See Chapter 4 of this Code of Ordinances.

(Ch. 162 - Ord. 5-18-2009 #1 (303) – June 09 Supp.)

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CHAPTER 163

PROPERTY MAINTENANCE CODE

163.01 Title	163.07 Building Maintenance
163.02 Purpose	163.08 Refuse and Inoperable Vehicles
163.03 Interpretation	163.09 Residing and Reconstruction
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163.01 TITLE. This chapter may be referred to as the “Property Maintenance Code”, and is herein referred to as “this Code”.

163.02 PURPOSE. The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

163.03 INTERPRETATION. The provisions of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the Code of Iowa. Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by and for Federal and State Government.

163.04 ABROGATION AND GREATER RESTRICTIONS. It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

163.05 DEFINITIONS. Words used in this Code shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this Code.

1. **Abandoned Building.** Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has Housing Code or Building Code violations.
2. **Board of Appeals.** The Board established and appointed by the City to hear appeals from the Altoona Building Code, referred to herein as “the Board”.
3. **Deterioration.** A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
4. **Enforcement Officer.** The Director of Community Development or designee.
5. **Exposed to Public View.** Any premises or any part thereof, which may be lawfully viewed by the public or from adjoining premises.
6. **Exterior.** Yards and other open outdoor spaces on premises, and the external surfaces of any structure.
7. **Extermination.** The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination method.
8. **Farm.** A tract of land having an area of thirty five or more acres, devoted to raising of crops zoned and maintained in accordance with the A-1 zoned district as stated in the Altoona Zoning Ordinance.
9. **Infestation.** The presence of insects, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.
10. **Junk.** Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal. (See also Chapter 51 of the Municipal Code).
11. **Nuisance.** Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property. (See also Chapter 50 of the Municipal Code).

12. Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
13. Premises. A lot, plot, or parcel of land, easement or public way, including any structures thereon.
14. Public Authority. Any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning or building regulations, or other activities concerning property in the City.
15. Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including but not limited to junk; paper or cardboard; plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.
16. Responsible Party. Any person having possession, charge, care, or control of real or personal property, which with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.
17. Vehicle. Any device designed to transport a person or property by land, air, or water, and includes without limitation a motor vehicle, automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, campers or any combination thereof, except bicycles.
18. Vehicle, Inoperable. Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: Cannot legally travel on a public street due to broken, damaged, or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or

any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

163.06 MAINTENANCE STANDARDS.

1. General. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

2. Maintenance of Premises. Each and every premises shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestations. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

A. Weeds or grasses allowed to grow to a height greater than that which is listed in Chapter 52 of the Municipal Code or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property which is not within the jurisdiction of the County Weed Commissioner. This provision shall not apply to prairies, wetlands, or similar areas of naturalized perennial vegetation, which are certified by an Enforcement Officer to not constitute a nuisance.

B. Accumulation of refuse to the prejudice of others.

C. Any structure or piece of equipment which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure determined as an unsafe structure or piece of equipment by the most-current edition of the International Property Maintenance Code, as published by the International Code Council or any building that is defined as abandoned or a public nuisance by Chapter 657A, Code of Iowa, 2008.

D. Any inoperable vehicle that is exposed to public view, unless located on the premises of a lawfully operated junkyard or undergoing repairs in an expeditious manner at a vehicle repair business.

E. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon public property in a quantity judged by an enforcement officer to be a threat to public safety or to

cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations.

F. Failure to establish a permanent cover of perennial grasses or ornamental ground cover on any property as soon as practical after any construction, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control.

G. Any nuisance as defined herein or described as such by Chapter 657 of the Code of Iowa, 2008.

H. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

I. Conditions which are conducive to the harborage or breeding of vermin.

J. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Polk County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools that are no longer in use shall be removed, or emptied and filled with clean dirt or sand.

K. Vehicles parked on the lawn or other unpaved surface in the yard exposed to public view.

L. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

M. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety or buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety

or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 14 feet above the traveled portion of any public street, or less than 8 feet vertically, or which protrudes into any public sidewalk.

N. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

163.07 BUILDING MAINTENANCE. Every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin. Basements, cellars, and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards.

163.08 REFUSE AND INOPERABLE VEHICLES. Inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises. All refuse shall be contained in suitable collection containers; kept free from infestation; and shall be removed weekly.

163.09 RESIDING AND RECONSTRUCTION. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of other properties in the vicinity of the premises. Their appearance, as judged under prevailing appraisal practices and standards, shall not depreciate the value of adjoining premises or the neighborhood.

163.10 VIOLATIONS.

1. Enforcement. The creation or maintenance of a violation of this chapter is prohibited and shall constitute a misdemeanor. Each day that a violation is permitted to continue constitutes a separate offense.

A. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who

may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premise(s) upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

B. If a violation is found to exist on an owner-occupied premise(s) and the owner(s) demonstrate that the cost of remedying such violation would exceed the household's annual disposable income and thereby cause a financial hardship, enforcement shall be held in temporary abeyance until a means of financing or assistance can be identified.

C. The objective of this Code being the abatement of violations, persons violating this Code shall be allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for a violation is undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.

D. Violations which are not voluntarily remedied may be abated by an administrative abatement process; the municipal infraction process; by court proceedings; or by City abatement and assessment of costs therefor against the responsible party, at the discretion of the City.

E. It is further provided by this Code that if the City judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

F. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a civil citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

2. Notice. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

A. By personal service upon the owner or other responsible party of the property upon which the nuisance exists, or upon the person or persons causing or maintaining the violation; or

B. Sending the notice by certified mail, return receipt requested to the last known address; or

C. Publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in the City of Altoona, Iowa; or

D. By posting the notice in a conspicuous place on the property or building deemed a nuisance.

3. Appeal. Any person affected by any notice to abate a violation of this Code may request a hearing on the matter before the Board of Appeals, provided that a written appeal shall be filed with the Enforcement Officer within ten days after the notice to abate was served. The appeal shall be filed on a form provided by the City for that purpose, and shall state the particular section of the chapter or interpretation thereof being appealed, and a brief statement of the grounds upon which such appeal is taken. Failure to file a timely appeal as prescribed herein shall constitute a waiver of the right to a hearing, and the notice shall become final. The Board's determination and order shall be appealable to the County District Court by writ of certiorari. Such appeal shall be filed within thirty (30) days from the date of the Board's decision. The Board's order shall not be carried out until the time for filing the writ of certiorari has expired.

4. Abatement Remedies and Penalties.

A. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by any of the following means:

(1) By undertaking such abatement and assessing the costs therefor against the property.

(2) By issuance of a civil citation charging the owner or responsible party with a municipal infraction.

B. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may

include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage, and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

C. Before the assessment of any charges for work done or caused to be done by the City, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the City Council. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.

D. The court may order any one or more of the following:

- (1) Place a judgment against the person and/or property of defendant for the costs of abatement.
- (2) Order abatement of the violation in any manner.
- (3) Assess costs of abatement against the premises.

5. Emergency Abatement Procedure. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the City Council in accordance with Section 50.07 of the Municipal Code. An appeal shall not stay the effect of a notice or order under the emergency provisions of this chapter unless so ordered by the Board.

163.11 BOARD OF APPEALS.

1. Authority. The Board is hereby empowered to hold hearings on appeals from the regulations of this Code.
2. Procedure. Upon receipt of a timely-filed appeal, the Enforcement Officer shall set a time and place for the Board to hear such appeal and shall publish notice thereof. The hearing shall be open to the public and shall be recorded either electronically or manually. All

parties shall be afforded an opportunity to respond and present evidence and argument. If the appellant fails to appear at such hearing, the Board may proceed with the hearing and made a decision in the absence of the appellant.

3. Decision of The Board. No hearing shall be valid unless a majority of the Board is present, and no appeal shall be granted unless reached by a majority of all members of the Board. The Board shall render a decision based upon the record, at the conclusion of the hearing or within a reasonable time thereafter. The Board may affirm, modify or reverse any action, interpretation, notice or order which has been issued in connection with the enforcement of this Code. Following the decision of the Board, all parties shall be notified of the decision personally or by general mail service delivered to the address provided by the party. Any party to the hearing, including the City, may seek judicial review by filing a petition in the County District Court within thirty (30) days after the issuance of the decision by the Board.

(Ch. 163 - Ord. 03-21-2011 #1 (332) – June 11 Supp.)

CHAPTERS 165 - 171

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CHAPTER 175

SUBDIVISION REGULATIONS

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175.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

175.02 JURISDICTION. This chapter is adopted by the City governing the subdivision of all lands within the corporate limits of the City, and pursuant to the provisions of Section 354.9 of the Code of Iowa, the City reserves the right to review each and every subdivision plat and plat of survey which is proposed to be developed on any and all land in the unincorporated area outside the corporate boundaries of the City, but within two miles of those corporate boundaries. These subdivision plats will be reviewed by the same standards and conditions used for review and approval of subdivisions within the City limits. In the alternative, the City reserves the right granted by Section 354.9(2) of the Code of Iowa and approval pursuant to Chapter 28E Agreements entered into and recorded between any county or city which has also adopted ordinances regulating the division of land which lies within the area of review established by the City. As required in Section 354.9(1) of the Code of Iowa, the City will record the ordinance codified in this section in the office of the County Recorder and file it in the office of the County Auditor of each county wherein land reserved in this section for review of subdivision plats and plats of survey by the City is located. *(Ord. 10-16-06 #1 (233) – Dec. 06 Supp.)*

175.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined.

1. “Access street” means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or by streets,

highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

3. “Building line” shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building line shall not be less than required by the Zoning Code. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

4. “Commission” means the Planning and Zoning Commission.

5. “Collector streets” means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

6. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

7. “Easement” means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

8. “Engineer” means a registered engineer authorized to practice civil engineering, as defined by the registration act of the State.

9. “Half street” means a one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the City; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.

10. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

11. “Major thoroughfare” means a street used primarily for fast, large volume traffic.

12. “Minor street” means a street used primarily for access to the abutting properties.

13. “Performance bond” means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.

14. “Plat” means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.

15. “Roadway” means that portion of the street available for vehicular traffic, and where the curbs are laid, the portion from back to back of curbs.

16. “Subdivision” means the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

17. “Surveyor” means a registered surveyor authorized to practice surveying, as defined by the registration act of the State.

175.04 PROCEDURE – PLATS OF SURVEY. The following regulations shall apply to any plats of survey which create new parcels within the jurisdiction of the City:

1. Recording. No plats of survey for any land within the jurisdiction of the City shall be recorded in the County Recorder’s office or have any validity until the City Council has adopted a resolution approving and releasing the plat of survey for recordation.

2. Application and Processing. Any person, firm or entity, proposing the division or subdivision by means of a plat of survey of any land into two (2) or more parts or the creation of a new lot or parcel within the jurisdiction of the City, including any area outside the City’s boundaries pursuant to Section 354.9 of the Code of Iowa, shall submit an application to the Community Development Department, on the prescribed forms, for review for compliance with City Code requirements. The City staff shall review the proposal and formulate a recommendation to the City Council, which shall be presented to the City Council in a written report.

3. Approval or Denial. The City Council may at their full discretion, approve, deny or modify, wholly or partly, any application for approval of a plat of survey. The City Council may impose such conditions and limitations as it deems necessary to assure that the general purpose and intent of this Title and all other ordinances or policies enacted or followed by the City Council will be observed, and that the public interest, health, safety, convenience and welfare will be served.

(Section Added and Remaining Sections Renumbered by Ord. 10-16-06 #1 (233) – Dec. 06 Supp.)

175.05 PROCEDURE – SUBDIVISION PLATS.

1. Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit twelve (12) copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 175.07 hereof.

2. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine said plat as to its compliance with this Code of Ordinances, the existing street system, and good engineering practices, and shall, as soon as possible, submit findings to the Commission.

3. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity thereof to those regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plan, the Commission may (at its discretion) hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within forty-five (45) days after the date of submission of said plat to the Commission. Upon receiving recommendations of the Commission, the Council shall consider the same and if the plat is found to conform to the provisions of this chapter, the Council shall approve the preliminary plat.

4. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one hundred eighty (180) days after date of said preliminary plat approval.

5. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined in Section 175.06(5) of this chapter.

175.06 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

1. Streets.

A. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.

B. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.

C. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as well as may be required by the Commission. Permanent, dead-ended "cul-de-sac" streets may be utilized as part of a street system layout, but deference is given to street segments that allow "through" traffic. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.

(Ord. 2-00#1(44) – Mar. 00 Supp.)

D. Street Intersections. Street intersections shall be as nearly at right angles as possible.

E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty (130) feet in the case of residential subdivisions. The right-of-way width of

the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line(s) at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than one hundred fifty (150) feet; or equal straight approach lines. A turnaround diameter greater than one hundred thirty (130) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

F. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

G. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

H. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract of land to be subdivided, the other half shall be platted if deemed necessary by the Commission.

I. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

J. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easements shall be approved by the City Engineer. The total width of the easement shall be adequate to

provide for these purposes, and said easement shall be a minimum of fifty (50) feet on each side of the centerline of the stream or water course.

K. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

L. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

M. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the trafficway.
- (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the trafficway.

N. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

O. Railroads. If a railroad is involved, the subdivision plan should:

- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use.

(3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.

P. Street Widths. Streets shall have a width and cross-section as shown in the Comprehensive Plan for the type of street involved.

Q. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares, or ten (10) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary to the City Engineer; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

2. Blocks.

A. Length. No block shall be longer than one thousand three hundred and twenty (1,320) feet. The distance of 1,320 may be reduced by the City if it is considered to be excessive in its particular application.

B. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet, unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

3. Lots.

A. Corner Lots - Widths. Corner lots shall have a minimum width of eighty (80) feet in order to permit adequate building setbacks on both front and side streets.

B. Double Frontage Lots - Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots. In addition, no fence or other structure shall be closer than fifteen (15) feet from the major street or highway right-of-way. The yard between the major street or highway right-of-way and the 15-foot setback shall include one hardwood deciduous tree (Ash: "Autumn Purple,"

Green [seedless]; Maple: Crimson King, Norway, Sugar; Oak: Burr, English, Northern Red) and three (3) shrubs for every twenty-five (25) linear feet, or major fraction thereof, of lot width along the major street or highway. The trees shall be at least one and one-half inch (1½") caliper and the shrubs shall be at least eighteen (18) to twenty-four (24) inches in height. The developer is required to install the tree and shrub improvements before the final plat is approved. Thereafter, the property owner is required to maintain the plantings and replace them as necessary with approved materials. Whenever practical, existing trees and shrubs should be preserved and incorporated into the overall design. This section does not replace the screening requirements for commercial and industrial properties. *(Refer to Chapter 165, General Provisions: Figure L.) (Ord. 07-02#1(104) – 2004 Update)*

C. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.

D. Lot Size - Public Sewer Not Available. For the purpose of complying with minimum health standards, lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

4. Improvements.

A. General. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements under the supervision of the Council and to its satisfaction. Inspection shall be provided by the City, at the subdivider's expense, as deemed necessary to assure quality workmanship on all portions of the construction to be dedicated to the City. Said inspection costs shall be paid by the subdivider before final approval will be given. These requirements shall also apply to the unincorporated area up to two (2) miles beyond the limits of the City of Altoona.

(Ord. 2-01 #1(77) – Feb. 01 Supp.)

B. Grades. All streets, alleys, and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

C. Paving. All paving of roadways constructed for public use will be installed in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements and at grades approved by the City Engineer. Pavement type may be based on characteristics of the roadway.

D. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades approved by the City Engineer.

E. Water and Sewers. Water mains, sanitary sewer lines and storm sewers and their appurtenances shall be constructed and installed in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements and the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot. At a minimum, water mains shall be eight (8) inches in size, hydrants shall not be farther apart than 350 feet, and storm sewers shall be designed for 5-year storms.

F. Underground Utilities. Improvements such as cable TV, telephone and electric lines, street lights, gas mains, and similar facilities in any subdivision shall be installed where necessary in any subdivision addition to the City and all utility lines except electric lines of nominal voltage in excess of 15,000 volts, shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in accordance with the latest published versions of the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements and in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental

appurtenances shall be in accordance with the standards and specifications of the City Engineer.

(Ord. 11-01 #3 (94) – Nov. 01 Supp.)

G. Horizontal and Vertical Survey Control. The City of Altoona requires all projects that modify or add to the City’s infrastructure to be tied into the horizontal and vertical control system as adopted on June 19, 2006.

(1) Vertical Control - A project’s vertical datum must tie into the vertical control points provided in the City of Altoona’s Horizontal and Vertical Control Network with a minimum of one of the points being a Primary Control Point, other points may be Secondary Points.

(2) Horizontal Control - A project may use an existing basis of bearing and assumed coordinates that meet the project’s on the ground needs and as may be required by practical and accepted survey methods. Although an assumed horizontal coordinate system can be used, a project’s horizontal control must also be tied into the City of Altoona’s Horizontal Control Network by labeling at least two points. The basis of the tie must be from a minimum of one of the Primary Control Points listed in the City of Altoona’s Horizontal and Vertical Control Network with a listing of the points used to make the relationship.

(Ord. 6-19-06 #4 (220) – Dec. 06 Supp.)

5. Approval of Final Plat and Final Acceptance of Improvements.

A. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of contractors who have done the work. Maintenance bonds shall be in effect from passage of resolution of acceptance by the Council, then for the following number of years:

- (1) Concrete paving..... 4 years
- (2) Storm sewers and appurtenances 4 years

- (3) Sanitary sewers and appurtenances 4 years
- (4) Water mains and appurtenances 4 years

This requirement for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check with the Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. The performance bond shall include the costs of sediment and erosion control measures for the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

(Ord. 2-3-03#1(120) – 2004 Update)
(Ord. 11-21-05#3[199] – Dec. 05 Supp.)

B. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

175.07 PRELIMINARY PLAT REQUIREMENTS. (See example of preliminary plat in the Appendix.) The preliminary plat of a subdivision is not intended to serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or any representative of the subdivider may call at the City offices in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Twelve (12) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.

2. Contents of Preliminary Plat.
 - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
 - B. Name and address of recorded owner and of developer.
 - C. Name and address of Engineer and/or Land Surveyor.
 - D. Existing buildings, railroads, underground utilities, and other right-of-way.
 - E. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
 - F. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
 - G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
 - H. Areas dedicated for public use, such as schools, parks and playgrounds.
 - I. Contour lines at intervals of not more than five (5) feet.
 - J. Building setback lines.
 - K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
 - L. Zoning classification of the area.
 - M. Proposed utility service:
 - (1) Source of water supply;
 - (2) Provision for sewage disposal;
 - (3) Provision for storm water drainage.
 - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
 - O. Lot numbers.
 - P. Proposed street widths.
 - Q. Location of cluster-style mailboxes.

(Ord. 8-15-05#6 [189] – Dec. 05 Supp.)
 - R. Ties to the City of Altoona’s Horizontal and Vertical Control Network.

(Ord. 6-19-06 #4 (220) – Dec. 06 Supp.)

3. Accompanying Material. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

175.08 FINAL PLAT REQUIREMENTS. (See example of final plat in Appendix.)

1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit twelve (12) copies of the final plat for review by the Commission. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Final Plat.
 - A. Name of subdivision.
 - B. Scale.
 - C. Compass point.
 - D. Curve data including delta angle, length of arc, degree of curve, tangent.
 - E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles; and a table showing mathematical closure of the subdivision boundaries, and also coordinate points of all interior lot corners with reference to one corner of the subdivision if the subdivision contains curve linear lot lines.
 - F. Exact name, location, width, lot designation, and centerline of all streets within the subdivision.
 - G. Easements for public utilities showing width and use intended.
 - H. Building setback lines with dimensions.
 - I. Official legal description of the property being subdivided.
 - J. Lot numbers and addresses.
 - K. Certification of Registered Engineer and/or Land Surveyor.
 - L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners

and ties to the City of Altoona's Horizontal and Vertical Control Network. *(Ord. 6-19-06 #4 (220) – Dec. 06 Supp.)*

M. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's office.

N. Cluster-style mailboxes shall be installed or bonded for and in all cases shall be in place prior to any occupancy permit being issued within the plat.

(Ord. 8-15-05#6 [189] – Dec. 05 Supp.)

3. Accompanying Material.

A. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the South end of the profile shall be at the left side of the drawing.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

D. The following certificates:

(1) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.

(2) A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.

(3) 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.

- (4) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- (5) Performance bond, if any.
(Ord. 08-15-2011 #1 [336] – Dec. 11 Supp.)

175.09 SUBDIVISION PLAT FEES.

1. Preliminary Plat Fees. Preliminary plat fees — minor plats (no proposed streets and less than four lots) will be \$75.00 plus \$10.00 per lot; major plats (new streets proposed or four or more lots) will be \$150.00 plus \$10.00 per lot.
2. Final Plat Fees. Final plat fees — minor plats (no proposed streets and less than four lots) will be \$75.00; major plats (new streets proposed or four or more lots) will be \$150.00.
3. Construction Plan and Inspection Fee. A fee for the submittal and review of construction plans and inspection of construction projects shall be paid by the developer to the City in the amount set forth in the Engineering Schedule of Fees as adopted by the City Council. No construction plans shall be accepted from any person or entity that has fees outstanding as required by this code or any other laws or ordinances of the City.
4. IDNR Construction Permit Application Fees. If developer elects to do local permitting of minor water main extensions and wastewater collection systems through the City, the fee for the submittal of the IDNR Construction Permit Application forms shall be paid by the developer to the City in the amount set forth in the Engineering Schedule of Fees as adopted by the City Council. No construction permits shall be issued to any person who has fees outstanding as required by this code or any other laws or ordinances of the City.
(Ord. 03-21-2011 #2 [333] – June 11 Supp.)

175.10 ENFORCEMENT.

1. No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein, and accepted by the Council as a public street.

175.11 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

175.12 CONSTRUCTION DRAWINGS AND AS-BUILTS/RECORD DRAWINGS.

1. Procedure. Construction drawings and as-builts/record drawings are required for all plats that have public streets and/or any of the following public utilities: water, sanitary sewer, or storm sewer. Construction drawings shall be submitted and approved by the City before construction begins. As-builts/record drawings shall be submitted and approved by the City before the public improvements will be accepted.

2. Design Standards.

A. All proposed developments for which construction plans are required shall conform to the preliminary plat for the development and SUDAS.

B. Horizontal and Vertical Survey Control. The City of Altoona requires all projects that modify or add to the City's infrastructure to be tied into the horizontal and vertical control system as adopted on June 19, 2006.

(1) Vertical Control. A project's vertical datum must tie into the vertical control points provided in the City of Altoona's Horizontal and Vertical Control Network with a minimum of one of the points being a Primary Control Point, other points may be Secondary Points.

(2) Horizontal Control. A project may use an existing basis of bearing and assumed coordinates that meet the projects on the ground needs and as may be required by practical and accepted survey methods. Although an assumed horizontal coordinate system can be used, a project's horizontal control must also be tied into the City of Altoona's Horizontal Control Network by labeling at least two points. The basis of the tie must be from a minimum of one of the Primary Control Points listed in the City of Altoona's Horizontal and Vertical Control Network with a listing of the points used to make the relationship.

3. Construction Plan Requirements.
 - A. Construction drawings shall consist of the following, as a minimum: Title sheet, grading sheet, utility sheet(s), paving sheet(s) and detail sheet(s). Depending on the size and scope of the project, separate plan sheets may be required for each of the utilities with the utility of interest in bold and the other utilities in a lighter shade. All utility sheets should show all of the utilities on plan & profile sheets.
 - B. The City is to receive 7-copies (24"x36") of the construction plans for initial review, 3-copies (24"x36") for subsequent reviews, and 4-copies (11"x17") and 1-electronic copy (PDF format) of the final approved construction plans.
4. As-Built/Record Drawing Requirements.
 - A. Record drawings shall consist of the final approved construction plans marked up to show all changes.
 - B. Record drawings shall show all utility locations including flow and rim elevations.
 - C. Record drawings shall show final grading elevations by "spot" elevation checks shown on the grading sheet. At a minimum, each lot corner and at least one other point on each lot are to be shown. Additional "spot" elevation checks should show all drainage ways, storm water BMPs, and any features that differ from the original design.
 - D. Record drawings shall be maintained by the contractor and kept up to date as the work progresses.
 - E. The original record drawings shall be provided to the developer's engineer upon completion of construction. The City is to receive record drawings (full set of construction drawings) as follows: 1- electronic copy; 1-Mylar copy (24"x36") and 7-copies (24"x36"). The drawings shall be submitted prior to final plat acceptance. Add ties to the City of Altoona's Horizontal and Vertical Control Network as set forth in Section 175.06(4)(G).

5. Expiration of Approval. All construction plan approvals shall expire and terminate within one hundred eighty (180) days after date of said approval unless the project construction has begun and continues in earnest.

(Ord. 03-21-2011 #2 [333] – June 11 Supp.)

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CHAPTER 176

CONDITIONAL EXTENSION OF UTILITY SERVICES

176.01 Purpose

176.02 Compliance with Zoning and Building Codes

176.03 Inspection

176.04 Discontinuance

176.05 Consent to Annexation

176.01 PURPOSE. The purpose of this chapter is to assist in the orderly growth and development of the City by providing conditions and procedures governing the extension of municipal utility services beyond the corporate limits.

176.02 COMPLIANCE WITH ZONING AND BUILDING CODES. The owner or owners of residential property and outbuildings constructed outside the corporate limits of the City, when requesting the use of water or sewer facilities of the City, are required to show evidence of compliance with the ordinance requirements of the City and in particular, the Zoning Code and Subdivision Regulations.

176.03 INSPECTION. Upon request to the City for water or for permission to connect with the City sewer system, or any one of said services, the owner of said property shall pay to the City an inspection fee of twenty-five dollars (\$25.00), said fee to defray the expense of inspections of the premises. Inspection is to be made by person designated by the Council who shall report any findings to the Council.

176.04 DISCONTINUANCE. Should the owner of any property as set forth in Section 176.02 hereof, after complying with the requirements of the City for obtaining service of one or more of said utilities and after acquiring the use of the same, later cause or permit construction on said owner's premises which does not comply with the ordinance requirements of the City then in effect, said owner shall then be subject to immediate discontinuance of said service or services, without notice. The City may discontinue the furnishing of any municipal utility or service to any user without the corporate limits of the City by serving a thirty (30) day notice showing good cause for said discontinuance upon the user.

176.05 CONSENT TO ANNEXATION. Prior to being furnished municipal utilities of the City, the owner of any premises requesting such service shall, in accordance with the Code of Iowa, prepare and execute an application for annexation to the City, describing the premises to be served together with a plat of said premises attached, the said plat conforming to and complying with the

Zoning Code and Subdivision Regulations requirements, and deliver the same to the Clerk. The Council is not required to act on said application, but may accept or reject the same at any time. In the event of discontinuance of said municipal utility service, said application will be deemed withdrawn, and shall be returned by the Clerk to the applicant.

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