

STANHOPE CODE OF ORDINANCES

2026

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TITLE 1 GENERAL PROVISIONS

CHAPTER 1: GENERAL PROVISIONS

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1-1-1 TITLE. This Code of Ordinances shall be known and may be cited as the Code of Ordinances of the City of Stanhope, Iowa, 2026.

1-1-2 DEFINITIONS. The following words and phrases, whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. “Building” means any man-made structure permanently affixed to the ground;
2. “City” means the City of Stanhope, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. “Clerk” means Clerk-Treasurer;
4. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. “Council” means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. “County” means the County of Hamilton, Iowa;
7. “Delegation of Authority” means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise;
8. “Fiscal Year” means July 1 to June 30;

9. “Law” denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
10. “May” confers a power;
11. “Month” means a calendar month;
12. “Must” states a requirement;
13. “Oath” shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” shall be equivalent to the words “swear” and “sworn”;
14. “Or” may be read “and” and “and” may be read “or” if the context requires it;
15. “Ordinance” means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
16. “Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;
17. “Person” means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;
18. “Personal property” includes money, goods, chattels, things in action and evidences of debt;
19. “Preceding” and “following” mean next before and next after, respectively;
20. “Property” includes real property, and personal property
21. “Real property” includes any interest in land;
22. “Shall” imposes a duty;
23. “Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
24. “State” means the State of Iowa;
25. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;
26. “Tenant” and “occupant” 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;

27. “Title of Office.” Use of the title of any officer, employee, board, or commission means that officer, employee, department, board, or commission of the City;
28. “Writing” and “Written” include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
29. “Year” means a calendar year;
30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;
31. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-3 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City:

1. Gender. Any gender includes the other gender;
2. Singular and Plural. The singular number includes the plural, and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-4 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-5 CONSTRUCTION. The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-6 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Stanhope Municipal Code of 20___, constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-7 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of

the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-8 CATCHLINES, TITLES, HEADINGS, AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor’s notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1-1-9 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection, or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.
2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: “That section _____ of the Code of Ordinances, City of Stanhope, Iowa is hereby amended to read as follows: ...” The new provisions shall then be set out in full as desired.
3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: “That the Code of Ordinances, City of Stanhope, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ...” The new section shall then be set out in full as desired.

(Amended in 2010)

TITLE 1 GENERAL PROVISIONS

CHAPTER 2: RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if such person can be located after reasonable effort, twenty four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE 1 GENERAL PROVISIONS

CHAPTER 3: PENALTY

1-3-1 Title

1-3-3 Scheduled Fines

1-3-2 Civil Penalty – Municipal Infractions

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)
(Amended in 2008)
(Amended in 2009)
(Amended in 2010)

1-3-2 CIVIL PENALTY – MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

1. Definitions.
 - a. Municipal Infraction. Except 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 Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Stanhope, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Stanhope, or any Ordinance or Code herein adopted by reference, is a “municipal infraction” and is punishable by civil penalty as provided herein.
 - b. Officer. The term “officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Stanhope.
 - c. Repeat offense. The term “repeat offense” shall mean a recurring violation of the same section of the Code of Ordinances.
2. Violations, Penalties, and Alternative Relief.
 - a. A municipal infraction is punishable by a civil penalty as provided in the following schedule unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense: Not more than seven hundred fifty dollars (\$750.00).

Repeat Offense: Not more than one thousand dollars (\$1,000.00)

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. 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.

3. Civil Citations

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
- c. The original of the citation shall be sent to the Clerk of the District Court. If the infraction involves real property, a copy of the citation shall be filed with the County Treasurer.
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1) The name and address of the defendant.
 - (2) The name or description of the infraction attested to by the officer issuing the citation.
 - (3) The location and time of the infraction.
 - (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5) The manner, location, and time in which the penalty may be paid.
 - (6) The time and place of court appearance.
 - (7) The penalty for failure to appear in court.
 - (8) The legal description of the affected property, if applicable.

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action.

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

Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, such violation will be subject to a contempt of court action.

5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code 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 the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of not less than \$65.00 but not to exceed \$625.00. No violation of the City Code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

(Code of Iowa, Sec.364.22(111))

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with Chapter 805, Code of Iowa unless another scheduled amount is provided in the City Code of Ordinances or the Iowa Code.

TITLE 1 GENERAL PROVISIONS

CHAPTER 4: PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

1-4-1 Purpose and Intent	1-4-4 Subpoenas
1-4-2 General	1-4-5 Conduct of Hearing
1-4-3 Form of Notice of Hearing	1-4-6 Method and Form of Decision

1-4-1 PURPOSE AND INTENT.

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.
2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.
2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.
3. Continuances. The City Council may grant continuances for good cause shown.
4. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:
 - a. The Mayor.
 - b. The Clerk.
 - c. Members of all boards, commissions, or bodies created by law.

(Code of Iowa, 1977, Sec 78.2)

5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

“You are hereby notified that an evidentiary hearing will be held before the Stanhope City Council at _____ on the _____ day of _____, 20____, at the hour

_____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefor with the City Clerk.”

1-4-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness’s possession or under the witness’s control. A subpoena need not be issued when the affidavit is defective in any particular.

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.
3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to relying upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.
6. Rights of parties. Each party shall have these rights, among others:
 - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - b. To introduce documentary and physical evidence;
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - d. To impeach any witness regardless of which party first called the witness to testify;

- e. To rebut the evidence against the party; and
 - f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.
7. Official notice.
- a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.
 - b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
 - c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.
8. Inspection of the premises. The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:
- a. Notice of such inspection shall be given to the parties before the inspection is made;
 - b. The parties are given an opportunity to be present during the inspection; and
 - c. The City Council shall state for the record, upon completion of the inspection, the material facts observed, and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.
2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A

copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 1: CITY CHARTER

2-1-1 Charter	2-1-5 Term of Mayor
2-1-2 Form of Government	2-1-6 Copies on File
2-1-3 Powers and Duties	2-1-7 Corporate Limits
2-1-4 Number and Term of City Council	

2-1-1 CHARTER. This chapter may be cited as the Charter of the City of Stanhope, Iowa.

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Stanhope, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES. The City 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 of Stanhope, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large, for overlapping terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE. The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

2-1-7 CORPORATE LIMITS. The corporate limits of the city are described as follows:
(Reserved for Future Use)

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 2: APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1 Creation of Appointive Officers	2-2-7 Bonds Required
2-2-2 Appointment and Compensation	2-2-8 Surety
2-2-3 Appointment of Officers	2-2-9 Blanket Position Bond
2-2-4 Terms of Appointive Officers	2-2-10 Bonds Filed
2-2-5 Resignations	2-2-11 Boards and Commissions
2-2-6 Vacancies in Office	2-2-12 Oaths

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, City Attorney, Maintenance Man, and Fire Chief (Director).

(Code of Iowa, 1977, Sec. 372.13 (3))

2-2-2 APPOINTMENT AND COMPENSATION. The city attorney shall be appointed by majority vote of the council.

(Code of Iowa, 1977, Sec. 372.13 (4))

2-2-3 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore with the consent of a majority of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

2-2-4 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-2-5 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))

2-2-6 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with State law.

2-2-7 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the

proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

The council shall provide by resolution for a surety 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, 1977, Sec. 64.13)

Bonds shall be approved by the council.

(Code of Iowa, 1977, Sec. 64.13)

2-2-8 SURETY. Any association or corporation which makes a business of ensuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

(Code of Iowa, 1977, Sec. 64.17)

2-2-9 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-2-10 BONDS FILED. All bonds when duly executed, shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor. 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. 64.23)

(Code of Iowa, 1977, Sec. 64.24(3))

2-2-11 BOARDS AND COMMISSIONS.

1. **Membership and Sections.** Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.
2. **Residency Requirements.** No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such

residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions. The City Council may remove any member of any board or commission, which it has established.

2-2-12 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:
 - a. City Clerk.
 - b. Fire Chief.
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 Stanhope as now or hereinafter required by law.”

(Code of Iowa, 1977, Sec. 63.10)

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 3: POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1 General Duties	2-3-5 Powers and Duties of the Mayor
2-3-2 Books and Records	2-3-6 Powers and Duties of the Clerk
2-3-3 Deposits of Municipal Funds	2-3-7 Powers and Duties of the City Attorney
2-3-4 Transfer of Records and Property to Successor	2-3-8 Powers and Duties of the Fire Chief

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. All monies or fees collected for any purpose by any city officer shall be deposited through the office of the clerk. If any said fees are due to an officer, they shall be paid to him by check drawn by the clerk and approved by the council only upon such officer making adequate reports relating thereto as required by law, ordinance or council directive.

(Code of Iowa, Sec. 721.2(2))

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents, and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

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

2-3-5 POWERS AND DUTIES OF THE MAYOR. The powers and duties of the mayor shall be as follows:

1. Chief Executive Officer. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall 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, Section 372.14(1))

2. Presiding Officer. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. Mayor's Veto. 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 City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City 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. If the Mayor takes no action on an Ordinance, amendment, or resolution, a resolution becomes effective fourteen days after the date of passage and an Ordinance or amendment becomes a law when the ordinance or a summary of the Ordinance is published, but not sooner than fourteen days after the date of passage, unless a subsequent effective date is provided within the Ordinance or amendment. (Code of Iowa. Sec. 380.6) (Amended during 2008)
4. Negotiations. The Mayor shall 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 or Ordinance.
5. Contracts. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
6. Special Meetings. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
7. Reports to Council. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ, or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

9. Professional Services. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council, the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

10. Licenses and Permits. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.
11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when the terms of such permits or licenses, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.
12. Nuisances. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.
13. Voting. The mayor is not a member of the council and may not vote as a member of the council.

2-3-6 POWERS AND DUTIES OF THE CLERK. The clerk, or in his absence or inability to act, the deputy clerk, shall have the powers and duties as provided in this article, the city code, and the law.

1. Recording and Publication of Meeting Minutes. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims. (Code of Iowa, Sec. 372.13(4) and (6))
2. Recording Measures Considered. The Clerk shall promptly record each measure taken considered by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto. (Code of Iowa, Sec. 380.7(1))
3. Publication and Authentication. The Clerk shall cause to be published all Ordinances and amendments enacted by the City. The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and manner of publication when required.

(Code of Iowa, Sec. 380.7(1) and (2))
4. Ordinances and Codes. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

(Code of Iowa, Sec. 380.7(4))
5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)
6. Certify Measures. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines, or limits to the recorder of the county containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

7. Finance Officer. The Clerk shall be the finance and accounting officer of the City and shall be responsible for the administration of the provisions of this article.
8. The Clerk shall keep separate accounts for every appropriation, department, public improvement, or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year by sending two copies each of the detailed budget as adopted, and of the tax certificate to the County Auditor and the County Board of Supervisors.

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

10. Monthly Reports. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.
11. Balancing of Funds. The Clerk shall balance all funds with the bank statement at the end of each month.
12. Annual Report. The Clerk shall prepare and publish the annual public report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, 1977, Sec. 384.22)

13. Records. Maintenance. The Clerk shall maintain all City records as required by law.

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

14. Custody. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

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

15. Deposit of Funds. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.
16. Provide Copy. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper, or public document under the Clerk's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of the Clerk, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

17. Attendance at Meetings. At the direction of the council, The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

19. Issue Licenses and Permits. The Clerk shall issue all licenses and permits approved by the City Council and keep a record of licenses and permits issued which shall show a 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))

20. Notify Appointees. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.

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

21. Elections. The Clerk shall preserve a complete record of every City election, regular or special, and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.

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

23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

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

25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services and give a receipt therefor.

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

26. Proposal Prepared. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

27. Fund Control. The Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds and retain the duplicate.

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

30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.

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

31. Depositories. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

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

2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. Attendance at Council Meetings. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

(Code of Iowa, 1977, Sec. 372.13 (4))

2. 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, 1977, Sec. 372.13 (4))

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the City Attorney accompanied by all proceedings relating to said actions.

4. Provide Legal Opinion. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor,

members of the City Council individually, municipal boards or the head of any municipal department.

(Code of Iowa, 1977, Sec. 372.13 (4))

5. Ordinance Preparation. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage of such Ordinances by the City Council and publication.

(Code of Iowa, 1977, Sec. 372.13 (4))

6. 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 City Council.

(Code of Iowa, 1977, Sec. 372.13 (4))

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

8. 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, 1977, Sec. 372.13 (4))

9. Review and Comment. The City Attorney shall, upon request, make a written report to the City Council and interested department heads giving his opinion on of the deficiencies in all contracts, documents, authorized power of any City officer, and resolutions, or Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

(Code of Iowa, 1977, Sec. 372.13 (4))

10. Opinion on Contracts. The City Attorney shall, upon at the request of the council, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before such contracts become binding upon the City or are published.

(Code of Iowa, 1977, Sec. 372.13 (4))

2-3-8 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

1. Command. The Fire Chief shall 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.

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.
3. Property. The Fire Chief shall 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.
4. Records. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of 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.
5. Reports. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile and submit to the mayor and council an annual report based upon the records maintained by the fire department and summarizing the status and activities of the fire department for the year as well as such other reports as may be requested by the mayor or council. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.
6. Enforce Laws. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:
 - a. Fire prevention.
 - b. Maintenance and use of fire escapes.
 - c. The investigation of the cause, origin and circumstances of fires.
 - d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories, and all other buildings in which the public congregates for any purpose.
 - e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
7. Right of Entry. The Fire Chief shall have the right, of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

(Code of Iowa, Sec. 100.12)
8. Recommendation. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.
9. Assist State Fire Marshal. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

10. 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 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)

11. Authority at Fires. 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. 100B.2)

12. 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.
13. Authority to Barricade. 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. 100B.3)

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 4: CITY COUNCIL

2-4-1 Powers and Duties

2-4-3 Meetings

2-4-2 Exercise of Power

2-4-1 POWERS AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

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

2. Wards. By ordinance, the City 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 City 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 City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings.

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

5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City 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 City 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 City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

8. Records. The council shall maintain records of its proceedings.

(Code of Iowa, Sec. 372.13)

2-4-2 EXERCISE OF POWER. The City 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. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty-five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment, or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

2. Over-riding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

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

3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:

- a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

- b. If the Mayor vetoes a measure and the City 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 published, unless a subsequent effective date is provided with the measure.

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

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

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

2-4-3 MEETINGS. Meetings of the Council shall be as follows:

1. **Regular Meetings.** The regular meetings of the City Council are on the 2nd Tuesday of each month at six o'clock (6:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or for other reason, the meeting will be held on such different day or time as determined by the City Council.
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 City Council submitted to the City 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 City Council. A record of the service of notice shall be maintained by the City Clerk.

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

3. **Meetings.** All meetings will be held in accordance with State Law.
4. **Quorum.** A majority of all City Council members is a quorum.

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

5. **Rules of Procedure.** The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

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

6. **Compelling Attendance.** Any three (3) members of the City 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.

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 5: SALARIES OF MUNICIPAL OFFICERS

2-5-1 Council Member
2-5-2 Mayor

2-5-3 Mayor Pro Tem
2-5-4 Other Officers

2-5-1 COUNCIL MEMBER. Effective January 1, 1998, The salaries of each City Council member shall be twenty (20) dollars for each meeting of the City Council, regular and special. In addition, each city council person is to be paid for any and all mileage while acting in the capacity of Council at the rate in effect at the time the mileage claim is presented for payment. (Amended by Ordinance No. 600)

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

2-5-2 MAYOR. The Mayor shall receive an annual salary of \$500 to be paid in equal monthly installments. The salary of the mayor shall be six hundred (600) dollars per year and twenty (20) dollars for each special meeting of the city council. In addition, the mayor is to be paid for any and all mileage at the rate in effect at the time the mileage claim is presented for payment. (Amended by Ordinance No. 600)

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

2-5-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City Council, based upon the Mayor Pro Tem's performance of the mayor's duties and upon the compensation of the mayor.

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

2-5-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 6: CITY FINANCE

2-6-1 Budget Adoption	2-6-7 Expenditures
2-6-2 Budget Amendment	2-6-8 Authorizations to Expend
2-6-3 Accounts and Programs	2-6-9 Accounting
2-6-4 Annual Reports	2-6-10 Budget Accounts
2-6-5 Council Transfers	2-6-11 Contingency Accounts
2-6-6 Budget Officer	2-6-12 Investment of Funds

2-6-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes in accordance with Section 384.16. (Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:
 - a. Expenditures for each program.
 - b. Income from sources other than property taxation.
 - c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation. The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year and actual levels of service provided by each program during the two preceding years.
2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide make available a sufficient number of copies of the detailed budget to meet reasonable demands of taxpayers and organizations, and have such copies of the budget available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices. (Amended in 2012)

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

3. 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 clerk for inclusion in the proposed city budget no later than February 1 of each year and in such form as may be required by the council.
4. Submission to Council. The clerk shall submit the completed budget proposal to the council no later than February 15 of each year.

5. 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.
6. The City Council shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of such publication must be filed with the county auditor.

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

7. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.
8. Adoption and Certification. After the hearing, the City Council shall adopt by resolution, a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following 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, unless an additional tax levy is approved at a City election. Two copies each of the complete budget as adopted and of the tax certificate shall be transmitted to the County Auditor.

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

2-6-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this section. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund.
5. The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in Section 2-6-1 of this chapter, except that the City Finance Committee may by rule provide that amendments of

certain types or up to certain amounts may be made without public hearing and without being subject to protest.

6. 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, 230-2.2(384,388))

7. Any transfer of appropriation from one sub-program to another must be approved by resolution of the council.

(IAC, 1977, 230-2.4(384.388))

8. The clerk shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however, that when such adjustments in any one activity aggregate one hundred (100) dollars or ten (10) percent of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the council. All such transfers shall be reported in writing at the next regular meeting of the council following the transfer and recorded in the minutes for the information of the council and general public.

(IAC, 1977, 230-2.4(384,388))

9. 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, 1977, 230-2.3(384,388))

The budget amendment shall be prepared and adopted in the same manner as the original budget and is subject to protest as provided in Section 2-6-3 of this chapter, except that the City Finance Committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

2-6-3 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee. The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-6-4 ANNUAL REPORTS. The clerk shall prepare and file the following financial reports: Not later than December first of each year the City shall publish 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 this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-6-5 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein, the City Clerk shall inform the City Council, or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-6-6 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-6-7 EXPENDITURES. No city official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law.

(Supplement to the Code, 1977, Sec. 721.2 (1))

2-6-8 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk

shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-6-9 ACCOUNTING. The accounting records of the city shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.
6. Utilities. The clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

2-6-10 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates

and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-6-11 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account, the Clerk shall set up in the accounting records, but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

2-6-12 INVESTMENT OF FUNDS. The clerk shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of Chapter 452, Code of Iowa, 1977.

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 7: CITY ELECTIONS

2-7-1 Purpose	2-7-5 Preparation of Petition
2-7-2 Nominating Method to be Used	2-7-6 Filing, Presumption, Withdrawals, Objections
2-7-3 Nominations by Petition	2-7-7 Persons Elected
2-7-4 Adding Name by Petition	

2-7-1 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-7-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

2-7-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

2-7-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

2-7-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

2-7-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

(Code of Iowa, Sec. 45.4)

2-7-7 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

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

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 8: POSTING OF NOTICE

2-8-1 Purpose

2-8-3 Listing; Length of Notice

2-8-2 Notice Generally

2-8-4 Removal Unlawful

2-8-1 PURPOSE. The City of Stanhope, Iowa requires notice of elections, hearings, and/or other official actions per the terms of the City Code. This Chapter identifies how those notices may be posted and who may post and remove them.

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

2-8-2 NOTICE GENERALLY. Notice of elections, hearings, and/or other official acts as required by city code, must be published at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action.

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

Publications required by the City Code will be published in the local newspaper at least once weekly at the direction of the City Clerk and may be published by the City Clerk in three public places which are permanently designated by ordinance. The specific means of publication by the clerk, outside of publication in the newspaper, are found below:

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

All Ordinances: Ordinance amendments and official actions required to be published shall be posted by the City Clerk.

Notice of an election, public hearing, or other official action requiring notice shall be posted in the designated three public places and in the local newspaper, no less than four and no more than twenty days before the day of the election, hearing, or other official action requiring advance public notice.

(Code of Iowa, Sec. 362.3, 380.7, 372.13)

2-8-3 LISTING; LENGTH OF NOTICE. The City Clerk is hereby directed to post all Ordinances, amendments, and City Council actions promptly after passage and to post all such matters not less than four (4) nor more than twenty (20) days before the date of the election, hearing, or other action, or as otherwise required by State law.

(Code of Iowa, Sec. 380.7)

2-8-4 REMOVAL UNLAWFUL. It shall be unlawful for any person other than the City Clerk to remove any public notice. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE 2 POLICY AND ADMINISTRATION

CHAPTER 9: POLICE DEPARTMENT

2-9-1 Contract Law Enforcement

2-9-2 Department Established/Police Chief
Provided

2-9-3 Organization

2-9-4 Peace Officer Qualifications

2-9-5 Required Training

2-9-6 Oath

2-9-7 Compensation

2-9-8 Police Chief Appointed

2-9-9 Police Chief: Duties

2-9-10 Departmental Rules

2-9-11 Summoning Aid

2-9-12 Taking Weapons

2-9-1 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

(Code of Iowa, Sec. 28E.30)

2-9-2 DEPARTMENT ESTABLISHED/POLICE CHIEF PROVIDED. The City may establish the position of Police Chief to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

2-9-3 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 City Council.

2-9-4 PEACE OFFICER QUALIFICATIONS. In no case shall any person be recruited, 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)

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.
2. Age. Has reached his or her eighteenth birthday at the time of his or her appointment.
3. Driver's License. Has a current active Iowa driver's license.
4. Alcohol and Drugs. Is not addicted to drugs or alcohol.
5. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state, and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.
6. Physical Agility. Has successfully passed the physical agility test developed by the Iowa law enforcement academy.

7. Conscientious Objector. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill his duties.
8. Education. Is a high school graduate with a diploma, or possesses an equivalency certificate which meets the minimum score required by the state of Iowa as determined by the state department of public instruction.
9. Vision. Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20 and normal color vision. Normal color vision, as determined by the American Optical Company, Pseudo-Isochromatic Plates test, requires correct identification of fourteen out of the eighteen plates.
10. Hearing. Has normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz and 3000Hz averaged together.
11. Physical Exam. Is examined by a licensed physician or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.
12. Written Exam. Has performed satisfactorily in pre-employment cognitive or personality tests or both.

2-9-5 REQUIRED TRAINING. The police chief and any police 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))

2-9-6 OATH. The police chief and every police officer, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 2-2-12 of the Code of Ordinances.

2-9-7 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-9-8 POLICE CHIEF APPOINTED. The Mayor with the consent of a majority of the City Council may appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor, the other members of the department.

(Code of Iowa, Sec. 372.4(2))

2-9-9 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties, subject to the approval of the City 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 them.
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 City Council an annual report as well as such other reports as may be requested by the Mayor or City 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.
11. Uniform. Wear upon his outer garment and in plain view a metal badge engraved with the name of his office, and such uniform as may be specified by the council.

2-9-10 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

2-9-11 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

2-9-12 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, Sec. 804.18)

2-9-13 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

(Code of Iowa, Sec. 28E.30)

TITLE 3 COMMUNITY PROTECTION

CHAPTER 1: OFFENSES

3-1-1 Violations of Chapter	3-1-5 Public Safety and Health
3-1-2 Public Peace	3-1-6 Public Property
3-1-3 Public Morals	3-1-7 Private Property
3-1-4 Streets	

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Fighting. Engage in fighting or violent behavior or invite or provoke another person to fight 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. Willful Injury. No person shall do any act which is not justified and which is intended to cause and does cause serious injury to another.

(Supplement to the Code, 1977, Sec. 708.4)

3. Noise. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof. (Ord 540)

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

4. Willfully permit upon any premises owned, occupied, possessed, or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

5. Abusive Language. Direct abusive language 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))

6. Disrupt Lawful Assembly. Without lawful authority or order 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))

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

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

8. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

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

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge 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 highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing, or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice, and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall

onto a public sidewalk, or fail to remove snow, ice, and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.

(Code of Iowa, Sec. 364.12(2)(b and e))

4. Use of Parking. It shall be unlawful to temporarily or permanently park, store, or place any car, truck, vehicle, junk or any other goods, wares, and merchandise of any kind upon any street parking.
5. Use of Streets for Business Purposes. It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale.
6. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expectoating. No person shall expectorate on public property or on the floor of any public structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. Putting debris on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal, or vehicle.

(Code of Iowa, Sec. 321.369)

3. False alarms. No person shall give or cause to be given any false alarm of a fire, or cry or sound an alarm or by any other means without cause.
4. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as

a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

5. Fireworks. The sale, use or exploding of fireworks within the city shall be subject to the following:

- a. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by city authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:
 - i. Personal Injury: \$ 250,000.00 per person.
 - ii. Property Damage: \$ 50,000.00.
 - iii. Total Exposure: \$1,000,000.00.

(Supplement to the Code, 1977, Sec. 727.2)

- b. No person, firm, corporation, or other legal entity shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive, except as otherwise permitted by State statute or City ordinance.
- c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational, or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group, or individual.
- d. Exceptions. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

(Supplement to the Code, 1977, Sec. 727.2)

6. Abandoned Refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox, or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

7. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge, or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Supplement to the Code, 1977, Sec. 718.2)

8. Harassment of Public Officers and City Employees.
 - a. It shall be unlawful for any person to willfully prevent, resist, or obstruct or attempt to prevent, resist, or obstruct any public officer or City employee from the performance of any official duty.
 - b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

(Supplement to the Code, 1977, Sec. 718.4)

9. Antenna and Radio Wires. No person shall allow, locate, or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

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

10. Barbed Wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

11. Playing in Streets. No person shall coast, sled, or play games on streets or highways except in areas blocked off by the council for such purposes.

(Code of Iowa, Sec. 364.12)

12. Littering Prohibited.

- a. As used in this Code, “discard” means to place, cause to be placed, throw, deposit or drop, and “litter” means any garbage, rubbish, trash, refuse, waste material, and yard waste.
- b. No person shall discard any litter within the City of Stanhope, except as provided and approved by the City of Stanhope, by collecting and discarding such litter in approved areas or approved receptacles.
- c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.
- d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.
- e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one’s ownership, possession, or control. Yard waste may be retained more than ten (10) days if composting is being completed.
- f. Notwithstanding the above provisions, garbage, refuse, or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste containers are kept in place in the manner prescribed in this Code of Ordinances.

3-1-6 PUBLIC PROPERTY.

1. Defacing Public Grounds. No person shall cut, break, or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking, or injuring, except by the authority of the Mayor.

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

2. Damage New Pavement. No person shall damage new pavement in any street, alley, or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 364.12(2))

3. Destroying Park Equipment. No person shall destroy or damage any property or equipment in public swimming pools, playgrounds, or parks by willfully defacing, breaking, damaging, mutilating, or cutting.

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

4. Damage to public library books or property. No person shall willfully or recklessly tear, deface, mutilate, damage, or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

(Code of Iowa, Sec. 716.1)

5. Defacing or Destroying Proclamations or Notices. No person shall intentionally 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 of this State, or any proclamation, advertisement, or notification, set up at any place within the City by authority of 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)

6. Damage to Fire Apparatus. No person shall willfully destroy or damage any engines, hose carriage, hose, hook and ladder truck, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

7. Damage to ambulance or paramedic apparatus. No person shall willfully destroy or damage any ambulance or paramedic unit, equipment or other things used to administer medical care.

(Code of Iowa, Sec. 716.1)

8. Obstructing or defacing roads. No person shall obstruct, deface or damage any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

(Code of Iowa, Sec. 716.1)

9. Damage to roads, railways, and other utilities. No person shall damage, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or damage any public road or highway; or cut, burn, or in any way break down, damage or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or damage and deface any electric light,

telegraph or telephone instrument; or in any way cut, break or damage the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, damage, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

10. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

11. Obstructing Drainage Ditches and Breaking Levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

12. Public Buildings. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

(Supplement to the Code, 1977, Sec. 716.1)

13. Criminal Mischief. Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.

(Supplement to the Code, 1977, Sec. 716.1)

14. Unauthorized Entry. No person shall enter any public building or public enclosure unless authorized to do so. Any entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry.

3-1-7 PRIVATE PROPERTY.

1. Trespassing Prohibited. It shall be unlawful for a person to commit one or more of the following acts:
 - a. Enter Property Without Permission. Enter upon or in property without justification or without the implied or actual 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.

(Supplement to the Code, 1977, Sec. 716.7(2a))

- b. Vacate Property When Requested. Enter or remain 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.

(Supplement to the Code, 1977, Sec. 716 . 7(2b))

- c. Interfere with Lawful Use of Property. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Supplement to the Code, 1977, Sec. 716.7(2c))

- d. Use of Property Without Permission. Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession. (Supplement to the Code, 1977, Sec. 716.7(2d))

- 2. Electronic and Mechanical Eavesdropping. No person, having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept a conversation or communication of any kind; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

(Supplement to the Code, 1977, Sec. 727.8)

- 3. Damage to Property. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing, or other property.

(Supplement to the Code, 1977, Sec. 716.1)

- 4. Theft. No person shall take possession or control of the property of another~ or property in the possession of another, with the intent to deprive the other thereof.

(Supplement to the Code, 1977, Sec. 714.1(1))

5. Riot. It shall be unlawful for three (3) or more persons to assemble together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against another person, or causing property damage. No person shall willingly join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such.

(Supplement to the Code, 1977, Sec. 723.1)

6. Unlawful Assembly. It shall be 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.

(Supplement to the Code, 1977, Sec. 723.2)

7. 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.

(Supplement to the Code, 1977, Sec. 723.3)

8. Terrorism. No person shall shoot, throw, launch, or discharge a dangerous weapon at or into any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person, and thereby place the occupants thereof in reasonable apprehension of serious injury.

(Supplement to the Code, 1977, Sec. 708.6(1))

9. Nuisance Driving. Any person operating any vehicle who executes turning movements, accelerates or decelerates in such a manner as to cause the tires to produce loud and unusual noises, except when necessary to prevent an accident is guilty of nuisance driving.

10. Stalking. No person shall stalk another person.

- a. As used in this section, unless the context otherwise requires:

- (1) “Accompanying” means any public offense committed as part of the course of conduct engaged in while committing the offense of stalking.
- (2) “Course of conduct” means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

- (3) “Immediate family member” means a spouse, parent, child, sibling, or any other person who regularly resides in the household of a specific person, or who within the prior six months regularly resided in the household of a specific person.
 - (4) “Repeatedly” means on two or more occasions.
- b. A person commits stalking when all of the following occur:
- (1) The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person's immediate family.
 - (2) The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person's immediate family by the course of conduct
 - (3) The person's course of conduct induces fear in the specific person of bodily injury to or the death of the specific person or a member of the specific person's immediate family.

(Code of Iowa, Sec. 708.11)

- 11. Sale of Tainted Food. It shall be unlawful for a person, to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or, other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.
- 12. 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.

(Supplement to the Code, 1977, Sec. 727.1)

- 13. False Reports to or Communications with Public Safety Entities. No person shall do any of the following: (Code of Iowa, Sec. 718.6)
 - a. 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.

- b. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
- c. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

(Amended by Ordinance No. 593)

14. False Reports of Destructive Substance. No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered.

(Supplement to the Code, 1977, Sec. 712.7)

15. Interference with Official Acts. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, basic emergency medical care provider, advanced 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.

(Amended by Ordinance No. 594)

(Code of Iowa, Sec. 719.1)

16. 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.

(Supplement to the Code, 1977, Sec. 719.2)

17. Reckless Use of Fire or Explosives. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property or safety of another.

(Supplement to the Code, 1977, Sec. 712.5)

18. Bomb Threats. No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property.

(Supplement to the Code, 1977, Sec. 712.8)

19. Discharging Weapons. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or firearms of any kind within the city limits except by authorization of the council.

20. Throwing and Shooting. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk, or public place, except when under proper supervision of persons authorized by the council.

(Code of Iowa, 1977, Sec. 364.12 (2))

21. Carrying Weapons. No person shall go armed with a dangerous weapon concealed on or about his person, or shall, within the limits of the city, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section shall not apply to any of the following:

(Supplement to the Code, 1977, Sec. 724.4)

- a. Own Premises. A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person.
- b. Peace Officer. Any peace officer, when his or her duties require the person to carry such weapons.
- c. Armed Forces. Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such.
- d. Within Container. Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.
- e. Within Vehicle. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

- f. Target Practice. Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area.
 - g. Valid Permit. Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.
 - h. Correctional Officer. Any correctional officer, when his or her duties require, serving under the authority of the division of adult corrections.
22. Storage and Use of Explosives. No person shall purchase, possess, transport, store, or detonate explosive materials without first obtaining a use permit from the county sheriff except when the explosives are possessed for the sole purpose of transporting them through the city.

(Code of Iowa, Sec. 101A.3)

TITLE 3 COMMUNITY PROTECTION

CHAPTER 2: NUISANCES

3-2-1 Enforcement Officer	3-2-11 Abatement by Municipality
3-2-2 General Definition of Unsafe	3-2-12 Collection of Cost of Abatement
3-2-3 Definitions	3-2-13 Costs
3-2-4 Nuisances Prohibited	3-2-14 Installment Payment of Cost of Abatement
3-2-5 Other Conditions Regulated	3-2-15 Condemnation of Nuisance
3-2-6 Notice to Abate Nuisance or Condition	3-2-16 Posting of Signs
3-2-7 Contents of Notice to Abate	3-2-17 Right to Demolish
3-2-8 Method of Service	3-2-18 Failure to Abate
3-2-9 Request for Hearing and Appeal	3-2-19 Conduct of Hearing
3-2-10 Abatement in Emergency	

3-2-1 ENFORCEMENT OFFICER. The mayor shall be responsible for the enforcement of this chapter.

3-2-2 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter or any other ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, 1985, Sec. 657.1 & 364.12(3a))

3-2-3 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. **Dangerous Building.** The term “dangerous building” shall include, but not be limited to, any building, structure, manufactured or mobile home that meets any or all of the following criteria:
 - a. **Structural Instability.** any building or structure that becomes dilapidated, decays, or part or portion of the building may collapse, become dislodged, or detached causing injury or health hazards, including but not limited to exterior walls with the below structural issues:
 - (1) Exterior walls that lean, list, or buckle;

- (2) Exterior walls which contain holes or openings that are not boarded up.
- b. **Damaged Building.** a building or structure that has been damaged by fire, earthquake, wind, flood or by any other cause resulting in deteriorated structural stability, is manifestly dilapidated, unsafe, or subject to significant deterioration.
 - c. **Various Inadequacies.** Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
 - d. **Health Hazard.** where a building or structure is inadequately maintained, becomes dilapidated, decays, becomes unsanitary or unfit for human habitation such that it is likely to cause disease or sickness.
 - e. **Fire Hazard.** where a structure or building that is dilapidated, obsolete, damaged, has inadequate exits, lacks fire resistive construction, has faulty electrical wiring, or faulty heating apparatuses or gas connections. This condition is to be determined by the Fire Chief.
 - f. **Wind Resistance.** Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.
 - g. **Manifestly Unsafe.** Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 - h. **Exterior Walls.** Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
 - i. **Deterioration.** Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
 - j. **Damaged Structurally.** Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants,

criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

- k. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
 - l. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 - m. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
2. Nuisances Declared. The term “nuisance” shall mean whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below:

(Code of Iowa, Sec. 657.1)

- a. Offensive Smells. The 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))

- b. Filth or Noisome Substance. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

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

- c. Impeding Passage of Navigable River. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

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

- d. Water Pollution. The polluting 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))

- e. Blocking Public and Private Ways. The 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))

- f. Houses of Ill Fame Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances 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))

- g. 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, especially near intersecting streets.

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

- h. Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

- i. Airport Air Space. Any object or structure hereafter erected within 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(8))

- j. Storing of Inflammable Junk. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, within the fire limits of the city, unless it be in a building of fire-resistant construction.

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

- k. Air Pollution. The emission of dense smoke, noxious fumes, or fly ash.

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

- l. Weeds, Brush. Any condition relating to weeds which is described as a nuisance in the Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

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

- m. Dutch Elm Disease. Trees infected with Dutch elm disease.

(Code of Iowa, Sec. 657.2(12))

- n. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

(Code of Iowa, Sec. 716.1)

- o. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

(Code of Iowa, Sec. 657.2)

- p. Obstructing View at Intersections. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

- q. Diseased or damaged trees or shrubs. Any dead, diseased, or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

- r. Any ditch, drain, or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basin not maintained in an appropriate manner so as to allow its proper function.

- s. Stagnant water standing on any property, container, or material kept in such condition that water can accumulate and stagnate.

- t. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches, or flies.

- u. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspool or septic tank which does not comply with the Calhoun County Department of Health regulation.
- v. Unoccupied buildings or unoccupied portions of buildings which are unsecured.
- w. Abandoned buildings.
- x. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.
- y. The storage, parking, leaving, or permitting the storage, parking, or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Stanhope Municipal Code of Ordinances.
- z. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Stanhope Municipal Code of Ordinances.
- aa. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council, provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.
- bb. Any accumulations of ice, water, and/or snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance, and shall be abated pursuant to the provisions specified in the Stanhope Municipal Code of Ordinances.

- cc. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.
- dd. The sounding of any horn or other signaling device on any vehicle on any street, public, or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.
- ee. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.
- ff. Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
- gg. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 p.m. and 9:00 a.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.
- hh. No person shall obstruct, deface, destroy, or damage any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.
- ii. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, or any other debris or like substance which may damage any person, animal, or vehicle or which may annoy, damage, or become dangerous to the health, comfort or property of individuals or the public.
- jj. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk, or salvage materials to be collected or to remain in any place to the disturbance of others.
- kk. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, or lot, vacant or occupied.
- ll. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

- mm. Pipes, lumber, drywall, flooring, roofing shingles, and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.
- nn. Rusty, deteriorated, dilapidated, or unusable play equipment visible from any adjoining property.
- oo. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.
- pp. No person shall perform maintenance or repairs on any vehicle or machinery while in the public right-of-way or public street or alley. This provision does not apply when repairs are made in the case of an emergency repair in order to make the vehicle or machinery operable in order to remove it from the street, alley, or right-of-way.
- qq. Animal Waste. Spreading or storage of animal wastes in the city is prohibited.
- rr. Violation of Load and Weight Restrictions of the City Code.

3-2-4 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance public or private, may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)

3-2-5 OTHER CONDITIONS REGULATED . The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

(Code of Iowa, Sec. 364.12(3)(b))

2. The removal, repair, or dismantling of dangerous buildings or structures.

(Code of Iowa, Sec. 364.12(3)(c))

3. The numbering of buildings.

(Code of Iowa, Sec. 364.12(3)(d))

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

(Code of Iowa, Sec. 364.12(3)(e))

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

(Code of Iowa, Sec. 364.12(3)(g))

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-6 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer. Notice and opportunity to abate the nuisance is not required prior to bringing legal action.

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

3-2-7 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance or other condition.
2. Location of Nuisance. The location of the nuisance or condition.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance or condition.
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.

3-2-8 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

1. Notice Served. Such notice shall be served by sending by Registered Certified Mail to owner of record, according to Section 364.12(h) of the Code of Iowa, if he shall be found within the city limits. If he is not found within the city limits such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date he receives such notice.
2. Hearing. Such notice shall also advise the owner that he may request a hearing before the council on the notice by filing a written request for hearing within the time provided in the notice.

3-2-9 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the council as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the clerk within the time stated in the notice or the right to a hearing shall be waived. If an appeal is not filed as set forth herein, it will be conclusively presumed that a nuisance or prohibited condition exists, and it must be abated as ordered. The hearing will be before the council at a time and place fixed by the council.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-10 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and the city shall assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-6, 3-2-12, and 3-2-13, and hearing as provided in Section 3-2-19. (Code of Iowa, Sec. 364.12(3)(h))

3-2-11 ABATEMENT BY MUNICIPALITY. 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 City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-12 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-13 COSTS. Costs incurred under Section 3-2-11 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Auditor for collection in the manner provided for other taxes.

(Code of Iowa, 1985, Sec. 364.12(3h))

3-2-14 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-15 CONDEMNATION OF NUISANCE. The City may condemn a residential, commercial, or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

3-2-16 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: ‘DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF STANHOPE, IOWA.’ Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-2-17 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

(Code of Iowa, 1985, Sec. 364.12(3h))

3-2-18 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove within the reasonable time required and specified in the notice to abate is in violation of this City Code.

3-2-19 CONDUCT OF HEARING. If requested, the council shall conduct a hearing in accordance with the following:

1. Nature. The owner shall be served with written notice specifying the date, time, and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The council shall make and record findings of fact and may issue such order as it deems appropriate.

TITLE 3 COMMUNITY PROTECTION

CHAPTER 3: TRAFFIC CODE

3-3-1	Short Title	3-3-29	Authority to Restrict Direction of Movement on Streets During Certain Periods
3-3-2	Definitions		
3-3-3	Traffic Accident Reports		
3-3-4	Investigation of Traffic Accidents	3-3-30	Through Highways
3-3-5	Traffic Accidents: Studies	3-3-31	Authority to Erect Stop Signs
3-3-6	Habitual Traffic Violators	3-3-32	Stops at Intersecting Through Highways and Other Intersections
3-3-7	Annual Safety Reports		
3-3-8	Authority of Police and Fire Department Officials	3-3-33	Stop When Traffic is Obstructed
3-3-9	Required Obedience to Provisions of this Chapter and State Law	3-3-34	Prohibited Crossing
3-3-10	Authority to Install Traffic Control Devices	3-3-35	Pedestrians on Left
3-3-11	General	3-3-36	Standing or Parking Close to Curb
3-3-12	Business District	3-3-37	Standing or Parking on the Left-Hand Side of One-Way Streets
3-3-13	Minimum Speed	3-3-38	Signs or Markings Indicating Angle Parking
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		3-3-52	Driving through Funeral or Other Procession
		3-3-53	Drivers in Procession

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		3-3-100	Parking Violations: Vehicle Unattended
		3-3-101	Arrest or Citation

3-3-1 SHORT TITLE. This chapter may be known and cited as the “Stanhope Traffic Code.”

3-3-2 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

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

2. “Stand or standing” means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. “Stop” when required means complete cessation of movement.
4. “Stop or stopping” when prohibited, means 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 police peace officer or traffic-control sign or signal.
5. “Business districts” means: the territory contiguous to and including a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business. (Code of Iowa, 1985, Sec. 321.1(57))
6. “Residential districts” means the territory within a city contiguous to and including a highway, not comprising a business, suburban, or school district, where 40% or more of the frontage on such highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business. (Code of Iowa, 1985, Sec. 321.1(58))
7. “Peace Officer” shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
(Code of Iowa, 1985, Sec. 321.1(45))
8. “Traffic Control Device” shall mean all signs, signals, chapter, markings, and devices not inconsistent with this lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
(Code of Iowa, 1985, Sec. 321.1(62))
9. “Vehicle” shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.
(Code of Iowa, 1985, Sec. 321.1 (11))

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this 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. All such reports shall be for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver during the most recent three (3) year period. Such reports shall be filed alphabetically under the name of the driver concerned.

(Code of Iowa, Sec. 321.266)

(Code of Iowa, 1977, Sec. 372.13 (4))

3-3-4 INVESTIGATION OF TRAFFIC ACCIDENTS. A law enforcement official shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

(Code of Iowa, 1985, Sec. 372.13 (4))

3-3-5 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, a law enforcement official shall conduct studies of such accidents and propose remedial measures.

(Code of Iowa, 1977, Sec. 372.13 (4))

3-3-6 HABITUAL TRAFFIC VIOLATORS. A law enforcement official shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.

(Code of Iowa, 1977, Sec. 321.201-321.215)

3-3-7 ANNUAL SAFETY REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor and council. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data, including the plans and recommendations for future traffic safety activities.

(Code of Iowa, 1977, Sec. 372.13 (4))

3-3-8 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the law enforcement officers. The officers of the police department are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

(Code of Iowa, 1985, Sec. 372.13 (4))

(Amended by Ordinance No. 546)

3-3-9 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.

1. 321.98 Operation without registration.
2. 321.180 Violations of instruction permit limitations.
3. 321.193 Violation of conditions of restricted license.
4. 321.194 Violation of conditions of minor's school license.
5. 321.216 Unlawful use of license.
6. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
7. 321.219 Permitting unauthorized minor to drive.
8. 321.220 Permitting unauthorized person to drive.
9. 321.229 Failure to comply with lawful order of peace officer.
10. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11. 321.232 Radar jamming devices.
12. 321.234 Failure to observe seating requirements.
13. 321.236 (Parking) Violation of local ordinance (not a state offense).
14. 321.256 Failure to obey traffic control device.
15. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
16. 321.260 Unlawful possession of, or interference with traffic control device.
17. 321.264 Striking unattended vehicle.
18. 321.265 Striking fixtures upon a highway.
19. 321.275 Motorcycle and motorized bicycles violations.
20. 321.277 Reckless driving.
21. 321.278 Drag racing prohibited.
22. 321.285 Speed restrictions.
23. 321.286 Truck speed limits (highway).
24. 321.287 Bus speed limits (highway).
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.

38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.
70. 321.361 Parking too far from curb/angular parking.
71. 321.362 Parking without stopping engine and setting brake.
72. 321.363 Driving with obstructed view or control.
73. 321.365 Coasting upon downgrade.
74. 321.366 Improper use of median, curb, or controlled access facility.
75. 321.367 Failure to maintain distance from fire-fighting vehicle.
76. 321.368 Crossing unprotected fire hose.
77. 321.369 Putting debris on highway/roadway.

78. 321.370 Removing injurious material.
79. 321.371 Clearing up wrecks.
80. 321.372 School bus provisions.
81. 321.377 Excessive speed of school bus.
82. 321.381 Driving or towing unsafe vehicle.
83. 321.382 Operating underpowered vehicle.
84. 321.383 Failure to display reflective device on slow-moving vehicles.
85. 321.384 Failure to use headlamps when required.
86. 321.385 Insufficient number of headlamps.
87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
88. 321.387 Improper rear lamp.
89. 321.388 Improper registration plate lamp.
90. 321.389 Improper rear reflector.
91. 321.390 Reflector requirements.
92. 321.391 Improper type of reflector.
93. 321.392 Improper clearance lighting on truck or trailer.
94. 321.393 Lighting device color and mounting.
95. 321.394 No lamp or flag on rear-projecting load.
96. 321.395 Parking on certain roadways without parking lights.
97. 321.397 Improper light on bicycle.
98. 321.398 Improper light on other vehicle.
99. 321.402 Improper use of spotlight.
100. 321.403 Improper use of auxiliary driving lights.
101. 321.404 Improper brake light.
102. 321.408 Back-up lamps.
103. 321.409 Improperly adjusted headlamps.
104. 321.415 Failure to dim.
105. 321.419 Improper headlighting when night driving.
106. 321.420 Excessive number of driving lights.
107. 321.422 Lights of improper color-front or rear.
108. 321.423 Special light/signal provision.
109. 321.430 Defective braking equipment.
110. 321.431 Brake performance ability.
111. 321.432 Defective audible warning device.
112. 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
113. 321.434 Use of siren or whistle on bicycle.
114. 321.436 Defective or unauthorized muffler system.
115. 321.437 Mirrors.
116. 321.438 Windshields.
117. 321.439 Defective windshield wiper.

- 118. 321.440 Defective tires.
- 119. 321.441 Unauthorized use of metal tire or track.
- 120. 321.442 Unauthorized use of metal projection on wheels.
- 121. 321.444 Failure to use safety glass.
- 122. 321.445 Failure to maintain or use safety belts.
- 123. 321.446 Failure to secure child.
- 124. 321.449 Special regulations.
- 125. 321.450 Hazardous materials.
- 126. 321.454 Width and length violations.
- 127. 321.455 Excessive side projection of load – passenger vehicle.
- 128. 321.456 Excessive height.
- 129. 321.457 Excessive length.
- 130. 321.458 Excessive projection from front of vehicle.
- 131. 321.459 Excessive weight – dual axels (each over 2000 lb. or over).
- 132. 321.460 Spilling loads on highways.
- 133. 321.461 Excessive tow-bar length.
- 134. 321.462 Failure to use required towing equipment.
- 135. 321.463 Maximum gross weight.
- 136. 321.466 Gross weight in excess of registered gross weight (for each 2000 lb. or over).

3-3-10 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. The Mayor shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Mayor shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

SPEED REGULATIONS

3-3-11 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 him 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)

3-3-12 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

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

3-3-13 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)

3-3-14 EMERGENCY VEHICLES. The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the driver's 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)

3-3-15 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 hereinbefore 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 thereat.

(Code of Iowa, Sec. 321.290)

3-3-16 SPECIAL 25 MPH SPEED ZONES. A speed in excess of twenty-five (25) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Iowa Highway No. 17 from Station 285+15 to Station 297+00.

3-3-17 SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Iowa Highway No. 17 from Station 275+00 to Station 285+15
2. Iowa Highway No. 17 from Station 297+00 to Station 309+5.

3-3-18 SPECIAL 45 MPH SPEED ZONES. A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Iowa Highway No. 17 from Station 262+00 to Station 275+00.

2. Iowa Highway No. 17 from Station 309+50 to Station 318+00.

3-3-19 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's operator or chauffeur license, 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.

(Code of Iowa, Sec. 321.492)

3-3-20 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.

3-3-21 CHIEF OF POLICE OR MAYOR TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES.

1. The mayor is hereby authorized, subject to approval of the council by resolution, To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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, 1977, Sec. 372.13 (4); 321.255)

2. The mayor is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where 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 a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. 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.

(Code of Iowa, 1977, Sec. 321.256, 372.13 (4), 321.255)

3-3-22 PLAY STREETS. The Council has the authority to declare any street or part thereof a play street and to place 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 the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

(Code of Iowa, Sec. 321.255)

3-3-23 TURNING, MARKERS, BUTTONS AND SIGNS. The mayor 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 by the State law 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 the markers, buttons, or signs, including right hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-24 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-25 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-26 “U” TURNS. It shall be unlawful for a driver to make a “U” turn except at an intersection. “U” turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

(Code of Iowa, 1977, Sec. 321.255)

3-3-27 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Chief of Police shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

3-3-28 ONE WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction.

(Code of Iowa, 1977, Sec. 321.236 (4))

3-3-29 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section.

3-3-30 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways.

(Code of Iowa, Sec. 321.345 and 321.350)

3-3-31 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-32 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazards exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-33 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.

3-3-34 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-35 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, pedestrians walking on or along a roadway, shall walk on the left side of the roadway at all times.

(Code of Iowa, Sec. 321.326)

3-3-36 STANDING OR PARKING CLOSE 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 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)

3-3-37 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. 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 provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-38 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-39 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

(Code of Iowa, 1977, Sec. 321.361)

3-3-40 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic-control device, in any of the following places:

1. Sidewalks. On or across a sidewalk.
2. Driveway. In front of a public or private driveway.
3. Center Parkway.. On the center parkway or dividing area of any divided street (Code of Iowa, 1977, Sec. 321.236)
4. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.
5. Fire Hydrant. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
6. Crosswalk. On a crosswalk at an intersection.
7. 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.
8. 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.

9. 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.
10. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
11. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
12. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
13. Alley. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary, in obedience to traffic regulations or traffic signs, or signals of an officer. 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.
14. Center Parkway. On the center parkway or dividing area of any divided street

(Code of Iowa, 1977, Sec. 321.236)

15. At any place where official signs or curb markings prohibit stopping, standing, or parking.
16. Within ten (10) feet of the crosswalk at all intersections within the City.
17. In an alley under any fire escape at any time.
18. 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, 1977, Sec. 321.236 (1))

3-3-41 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbs to be painted with a yellow or orange color and erect “no parking” or “standing” signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign posted. It shall be unlawful for any person, other than after having first

secured the permission of the Chief of Police, to paint any curbing, sidewalk, or street with yellow or orange colored paint or to erect “no parking” signs.

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

3-3-42 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. Parker Street (Iowa Highway 17), on the east side from north city limit to Iowa Street.
2. Parker Street (Iowa Highway 17), on the west side from north city limit to just north of Iowa Street.
3. Parker Street (Iowa Highway 17), on the east side from CNW Railway to south city limits.
4. Parker Street (Iowa Highway 17), on the west side from CNW Railway to south city limits.

3-3-43 AUTHORITY TO IMPOUND VEHICLES. A law enforcement officer or the Mayor 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 following circumstances:

1. Disabled Vehicle. When a vehicle is upon a roadway and 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.
2. Illegally Parked Vehicle. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
3. Parked Over Seventy-two Hour Period. When any vehicle is left parked upon a street for a continuous period of seventy-two (72) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
5. Costs. In addition to the standard penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing charges and storage.

3-3-44 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed, or parking is prohibited on designated streets or portions of streets, it shall be the duty of the mayor to erect or cause to be erected appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-45 PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor or snow removal operations unless the snow has been removed or plowed from said street, alley, or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Chief of Police is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

3-3-46 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, and/or persons certified as residing in adjacent single and/or multi-family dwelling units, shall park a vehicle on any of the following named streets or the City parking, that area described as being between the sidewalk and the street, between the hours of 2:00 a.m. and 6:00 a.m. of any day.

1. Parker Street from Iowa Street to Railway Street.
2. City parking on the north side of the 500 block of Railway Street between Parker Street and the City-owned alley.
3. City parking on the north side of the 400 block of Railway Street between Parker Street and the City-owned alley.
4. City parking on the south side of the 400 block of Main Street between Parker Street and the City-owned alley
5. City parking on the south side of the 500 block of Main street between Parker Street and the City-owned alley

6. City parking on the north side of the 500 block of Main Street between Parker Street and the City-owned alley (Amended by Ordinance No. 573)

3-3-47 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-up, light delivery, or panel delivery trucks.

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the following designated streets. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. A. Parker Street, on the west side from Iowa Street to CNW Railway. B. Parker Street, on the east side from Iowa Street to CNW Railway.
2. All Night. No such vehicle shall be left unattended or parked upon any street or alley between the hours of ten (10) o'clock p.m. and six (6) o'clock a.m. of any day.
3. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than thirty (30) minutes.

3-3-48 TRAILERS. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.

3-3-49 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

3-3-50 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-51 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Sale. Displaying such vehicle for sale.
2. Advertising. Displaying advertising.
3. Merchandise Sales. Selling merchandise from the vehicle except in a duly established marketplace or when so authorized or licensed under the Ordinances of this City
4. Storage. Storage or as junk or dead storage for more than forty-eight (48) hours.

(Code of Iowa, 1977, Sec. 321.236 (1))

3-3-52 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code of Iowa, 1985, Sec. 321.236 (3))

3-3-53 DRIVERS IN PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Code of Iowa, 1985, Sec. 321.236 (3))

3-3-54 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the mayor.

(Code of Iowa, 1985, Sec. 321.236 (3))

3-3-55 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets or parts of streets: (NONE)

(Code of Iowa, 1977, Sec. 321.473 & 475)

3-3-56 TRUCK ROUTES. Truck route regulations are established as follows:

1. Every motor vehicle licensed for five (5) tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other:

(Code of Iowa, 1977, Sec. 321.473)

- a. Adam Street. Adam Street from Main Street to Railway Street.
 - b. Bute Street. Bute Street from Main Street to Railway Street.
 - c. Howard Street. Howard Street from Main Street to Railway Street.
2. Any motor vehicle licensed for five (5) tons or more, 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 the designated route.

(Code of Iowa, 1977, Sec. 321.473)

3. 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, 1977, Sec. 321.473)

3-3-57 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue, or cause any disturbing, excessive, or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player, or similar sound device in a motor vehicle.
2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player, or similar sound device in such a manner so as to be audible at a distance of two hundred feet (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-58 ENGINE AND COMPRESSION BRAKES.

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

BICYCLES

3-3-59 DEFINITIONS. For the purpose of this Chapter, the following terms are defined:

1. "Bicycles" shall mean either of the following: (Code of Iowa, Sec. 321.1)
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A low-speed electric bicycle.

3-3-60 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties

applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

3-3-61 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-62 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-3-63 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-64 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-65 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

3-3-66 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-67 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district. When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs. Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-68 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein: Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet (50') to three hundred feet (300') to the rear

when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

3-3-69 SNOWMOBILE DEFINITIONS. For use in this chapter the following terms are defined:

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis, or runners. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-70 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows: The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

3-3-71 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas, and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary, or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless, or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

3-3-72 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached, and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut out, by pass or similar device on said vehicle.
2. Adequate brakes in good operating condition and at least one headlight and one taillight in good operating condition.
3. A safety or so-called “dead-man” throttle in operating condition; a safety or “dead-man” throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-73 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-74 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-75 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

3-3-76 OFF ROAD VEHICLE DEFINITIONS. For use in this Chapter the following terms are defined:

1. “All-terrain vehicle” (ATV) means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain. Off-road motorcycles shall be considered all-terrain vehicles for the purposes of registration. All off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling. An operator of an off-road motorcycle is subject to the provisions governing the operation of all-terrain vehicles.
3. “Off-road utility vehicle (UTV)” means a motorized vehicle with no less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of

bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control as defined in Section 321I.1(17), Iowa Code.
(Code of Iowa, Sec. 321I.1(1))

3-3-77 PROHIBITIONS. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle in the City in violation of this Chapter of the City Code.

3-3-78 OPERATION OF OFF ROAD VEHICLES. The operation of ATV, UTV, or off-road motorcycles shall comply with the following restrictions.

3-3-79 STREETS. Only on such streets as may be designated by the City Council. (Code of Iowa 321.234A) (Code of Iowa 321I)

3-3-80 PROHIBITED OPERATION. Shall not be operated on sidewalks, trails, railroad right-of-way, parks, or other City land or property, except as set forth in Paragraph 1 above.

3-3-81 TIME OF OPERATION. Shall only be operated between sunrise and sunset.

(Code of Iowa 321I.13)

3-3-82 COMPLIANCE WITH STATE CODE. All operation shall comply with Iowa Code Chapter 321I.

Use of any ATV or UTV within the City must first be registered with the proper State authority. The operator must carry the registration certificate whenever the ATV or UTV is in use. The State registration decal must be displayed on the ATV or UTV and remain clearly visible. All ATVs and UTVs operated within the City must have operational headlights, taillights, break lights, horn, brakes, muffler, and rearview mirrors.

ATVs and UTVs operating within the City must not exceed a maximum speed of 35 miles per hour.

An individual operating an ATV or UTV within the City must be at least 18 years old with a valid driver's license and valid proof of insurance.

3-3-83 DEFINITIONS.

1. For use in this ordinance "golf cart" is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-84 OPERATION OF GOLF CARTS. The operator of a golf cart shall comply with the following restrictions:

1. Age. Golf carts shall not be operated by anyone under the age of 18.
2. License. No person shall operate a golf cart without a valid state issued motor vehicle operator's license.

3. Railroad Right-of-Way. Golf carts shall not be operated on an operating railroad right-of-way. A golf cart 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.
4. Parks and Other City Land. Golf carts shall not be operated in any park, playground, trail, or upon any other City-owned property without the express permission of the City.
5. Sidewalk or Parking. Golf carts 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.
6. Private Property. It is unlawful for any person to operate a golf cart on the private property of another without the express permission to do so by the owner or occupant of said property.
7. Passengers. No golf cart shall carry more passengers than the golf cart has seating for. Passengers must be seated inside the golf cart.
8. Manner. No person shall operate a golf cart in a careless, reckless, or negligent manner endangering person or property of another or causing injury or damage to the same.
9. Alcohol. No golf cart shall be operated while the operator is under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
10. Open Container. No golf cart shall be operated with an open container of alcohol as referred to in Section 321.284 and 321.284A of the Code of Iowa.
11. Traffic Code Observed. Any operator of any golf cart must observe all State and City traffic control regulations and devices.
12. Speed. No golf cart shall be operated at a speed in excess of 25 miles per hour or at the posted speed whichever is less.

3-3-85 PROHIBITED STREETS. It shall be unlawful to operate a golf cart on the following streets:

1. Highway 17 within the City limits of Stanhope. Exception: A golf cart may cross a street(s) set forth in Subparagraph 1 above as follows:
 - a. Such crossings shall be at a 90 degree angle only;
 - b. Golf carts must come to a complete stop before making a crossing; and
 - c. Golf carts must yield to all on-coming traffic and pedestrians.

3-3-86 EQUIPMENT. Golf carts operated upon City streets shall be equipped with a minimum of the following safety features:

1. A slow-moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five feet from the ground level.
3. Adequate brakes.
4. Headlights and taillights.
5. Rearview mirror on the driver's side of the golf cart.

3-3-87 HOURS OF OPERATION. Golf carts may be operated on City streets only between sunrise and sunset.

3-3-88 INSURANCE. The owner or operator of any golf cart must maintain and provide current proof of financial responsibility including liability insurance covering the operation of the golf cart in the same limits as required of automobiles by Chapter 321A of the Code of Iowa upon request of any law enforcement officer or City official upon request.

3-3-89 ACCIDENT REPORTS. Whenever a golf cart is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321.266)

3-3-90 NEGLIGENCE. The owner and operator of a golf cart is liable for any injury or damage occasioned by the negligent operator of a golf cart. The owner of a golf cart shall be liable for any such injury or damage only if the owner was the operator of the golf cart at the time the injury or damage occurred or if the operator had the owner's consent to operate the golf cart at the time the injury or damage occurred.

3-3-91 PERMITS. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a City permit to operate a golf cart on City street, issued by the City Clerk under the following process:

1. Golf cart owners may apply for a permit from the City Clerk on forms provided by the City.
2. The Clerk shall not issue a permit until the owner/operator has provided the following:
 - a. Evidence that the operator is at least 18 years of age and possesses a valid Iowa driver's license.

- b. Proof that owner/operator has liability insurance covering operation of golf carts on City streets in the amount required by the Code of Iowa.
 - c. Payment of the permit fee as outlined in Subsection 4 of this section.
3. All permits shall be issued for a specific golf cart. Permit holders will be issued a permit decal that must be affixed to the left rear fender of the golf cart. A copy of the permit shall be carried by the operator and shall be made available to any law enforcement officer or City official upon request.
4. The fee for such permits shall be \$25.00. Permits will be granted for one year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.
5. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.
6. All permits issued shall uniquely identify the name and address of the owner/operator of the golf cart.

3-3-92 CITY CELEBRATION WAIVER. The permit requirements of Section 3-3-91 shall be waived for golf carts used by officials, workers, and volunteers while carrying out duties related to and during a City celebration. All such operators must be at least 18 years of age and possess a valid driver's license.

3-3-93 PENALTY. In addition to the scheduled fine under Chapter 805 of the Code of Iowa the owner/operator may be subject to the suspension or revocation of their permit.

3-3-94 EFFECTIVE. If any provision of the Code of Ordinance is in conflict with this ordinance, the terms of this ordinance shall prevail. Severability Clause. If any section, provision, or part of this Ordinance shall be judged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

3-3-95 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-96 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or

parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-97 LOCAL PARKING FINES. Local parking fines shall be as established by the City. Fines shall be payable at City Hall.

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

3-3-98 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the time period specified, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

3-3-99 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of five dollars (\$5.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

(Ord. 661-Dec. 09 Supp.)

(Code of Iowa, Sec. 321.236(Ja) & 32JL.4(2))

3-3-100 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

(Code of Iowa, Sec. 753.13)

3-3-101 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter 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 and

deliver the original and copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6 & 321.485)

TITLE 3 COMMUNITY PROTECTION

CHAPTER 4: RAILROAD REGULATION

3-4-1 Definitions

3-4-2 Warning Signals

3-4-3 Street Crossing Obstructions

3-4-4 Maintenance of Crossing

3-4-5 Flying Switches

3-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. “railroad train” shall mean an engine or locomotive with or without cars, coupled thereto, operated on rails, but does not include inter-urbans and street cars.

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

2. “operator” shall mean any individual, partnership, corporation or other association that owns, operates, drives, or controls a railroad train.

3-4-2 WARNING SIGNALS. Operators shall sound a bell or horn at least 1,000 feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least 1,000 one hundred (100) feet before reaching every intersection of the track and street, sidewalk, alley, or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-4-5 of this chapter.

(Code of Iowa, Sec. 327G.13)

3-4-3 STREET CROSSING OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances: (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 an 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.

Any officer or employee of a railroad corporation violating any provision of this section shall be guilty of a misdemeanor. An employee is not guilty of a violation 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.

3-4-4 MAINTENANCE OF CROSSING. Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(Code of Iowa, Sec. 327G.15)

3-4-5 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car or cars' approach.

TITLE 3 COMMUNITY PROTECTION

CHAPTER 5: FIRE PROTECTION

3-5-1 Establishment and Purpose	3-5-5 Liability Insurance
3-5-2 Volunteer Fire Fighters	3-5-6 Fires Outside City Limits
3-5-3 Fire Fighter's Duties	3-5-7 Compensation
3-5-4 Worker's Compensation and Hospitalization Insurance	

3-5-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-5-2 FIRE FIGHTERS. The department shall consist of the fire chief and such other officers and personnel as may be authorized by the council.

3-5-3 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

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

3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer fire fighters shall be covered by the contract.

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

3-5-5 LIABILITY INSURANCE. The City 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. 613A.2 & 517A.1)

3-5-6 FIRES OUTSIDE CITY LIMITS. 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 or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

3-5-7 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, 1977, Sec. 372.13 (4))

TITLE 3 COMMUNITY PROTECTION

CHAPTER 6: CURFEW FOR MINORS

3-6-1 Preamble	3-6-4 Offenses
3-6-2 Findings and Purpose	3-6-5 Defenses
3-6-3 Definitions	3-6-6 Enforcement

3-6-1 PREAMBLE. The City of Stanhope recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies. (Code of Iowa, Sec. 364.1)

3-6-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Stanhope; and Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Stanhope has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-6-3 DEFINITIONS. In this chapter:

1. Curfew. Curfew hours means 12:01 a.m. until 5:00 a.m.
2. Emergency. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian. Guardian means: a. A person who, under court order, is the guardian of the person of a minor; or b. A public or private agency with whom a minor has been placed by a court.
5. Minor. Minor means any person under age 17 years of age.
6. Operator. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. Parent. Parent means a person who is: a. A biological parent, adoptive parent, or step-parent of another person; or b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. Public Place. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. Remain. Remain means to: a. Linger or stay; or b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
10. Serious Bodily Injury. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-6-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.
2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-6-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;

- b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Stanhope, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Stanhope, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT. Enforcement. Any peace officer of this city while on duty is hereby empowered to arrest any minor who violates any of the provisions of Section 3-6-4. Upon arrest, the minor shall be returned into the custody of the parent, guardian or other person charged with the care and custody of the minor.

TITLE 3 COMMUNITY PROTECTION

CHAPTER 7: REGULATING PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

3-7-1 Definitions	3-7-7 Bond Required
3-7-2 Exemptions	3-7-8 Obstruction of Pedestrian or Vehicular Traffic
3-7-3 Permits	3-7-9 Display of Permit
3-7-4 Requirements	3-7-10 Permit Not Transferable
3-7-5 Hours of Solicitation	3-7-11 Revocation of Permit
3-7-6 Consumer Protection Law	

3-7-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows: The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

1. “peddler” is any person carrying or transporting 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” is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date. For the purposes of this chapter, “solicitor” does not include a person who contacts another person at such person’s residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.
3. “transient merchant” includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any such person, firm, or corporation from being considered a transient merchant.

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of Sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$5.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7- of this chapter must file with the City Clerk an application in writing that gives the following information:

1. Name. Application shall set forth the applicant's name
2. Permanent and local addresses, business address if any, and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale. 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
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.
8. The following license fees shall be paid to the clerk prior to the issuance of any license.
 - a. 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.
 - b. Peddlers or Transient Merchants.

For one day - - - - -\$ 5.00.

For one week- - - - - \$ 10.00.

For up to six (6) months -\$ 20.00.

For one year or major part thereof-\$ 25.00.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7- except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and comply with the other requirements of the law.

3-7-7 BOND REQUIRED. Before a permit under this chapter is issued each person subject to this Ordinance shall post with the Clerk a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-7-9 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-7-2 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-7-10 PERMIT NOT TRANSFERABLE. Permits 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.

3-7-11 REVOCATION OF PERMIT. The City Council after notice and hearing, may revoke any permit issued under this Ordinance where the permitted in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

TITLE 3 COMMUNITY PROTECTION

CHAPTER 8: DRUG PARAPHERNALIA

3-8-1 Definitions

3-8-3 Prohibition

3-8-2 Exemption

3-8-1 DEFINITIONS. As used in this Section, “Drug Paraphernalia” means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

3-8-2 EXEMPTION. “Drug paraphernalia” does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa. Sec. 124.414)

3-8-3 PROHIBITION. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE 3 COMMUNITY PROTECTION

CHAPTER 9: NOISE CONTROL

3-9-1 Definitions	3-9-5 Waivers
3-9-2 Measurement of Noise and Sound	3-9-6 Maximum Sound to be Permitted
3-9-3 Test Measurement and Requirements for Determination and Classification of Sound	3-9-7 Exceptions
3-9-4 Vehicle Noise Limits	3-9-8 Penalties for Offenses Pertaining to Noise Control

3-9-1 DEFINITIONS. All terminology used in this chapter and not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body.

1. A weighted sound level (sound level means the sound pressure level in decibels as measured on a sound level meter using an A weighting network. The level so read shall be designated dB (A) or dBA.
2. “Decibel” means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
3. “Emergency work” means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent danger.
4. “Emergency vehicle” means a motor vehicle used in response to a (public) calamity, or to protect persons or property from imminent danger.
5. “Gross vehicle weight” means the value specified by the manufacturer as the loaded weight of a vehicle.
6. “Person” means any individual, association, partnership, corporation, or officer thereof.
7. “Sound” means temporal and spatial oscillation of pressure, or the other physical quantity, in a medium with internal forces that compression and rarefaction of that medium, and which propagates at finite speed to distant points.
8. “Sound level meter” means an instrument, including a microphone, amplifier, output meter and. weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publications S1.4 I971, or its successor publication.

3-9-2 MEASUREMENT OF NOISE AND SOUND. The measurement of sound or noise shall be made with the sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A weighted, slow response sound level.

3-9-3 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND.

1. No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the City heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued pursuant to this chapter.
2. It shall be the duty of persons in a position of ownership, possession, or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
3. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings, and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
4. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:
 - a. The sound shall be measured at the edge of the City street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park or agriculturally zoned area, approximately 25' from the source of the sound, When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.
 - b. The sound shall be measured on a sound level meter of standard design and quality operated in the "A" slow response weighing scale.
 - c. A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

Neighborhood Characteristic	Maximum Permitted
Residential	60 between 7a.m. to Midnight 55 between Midnight to 7 a.m.
Commercial	65
Industrial	80
Park or Agriculturally Zoned	65

3-9-4 VEHICLE NOISE LIMITS. It shall be unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in this City, any motor vehicle which emits a noise in excess of the dB(A) level established in this section.

1. The maximum allowable noise levels for motor vehicles shall be 75 dB(A) measured at a distance of twenty-five feet.
2. This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this ordinance.
3. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle or operate any such vehicle or device in this City in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicles as originally manufactured. Muffler cutouts, by-passes, or other devices which increase sound emitted shall be unlawful.
4. The sound shall be measured on a sound level meter of standard design and quality operated on the "A" slow response weighting scale.

3-9-5 WAIVERS. Applications for a waiver for relief from the provisions of this ordinance may be made to the City or a duly authorized representative, pursuant to the following procedure:

1. All waivers must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date(s) and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.
2. Waivers granted shall state with reasonable specificity the date(s), location(s), time(s), nature of the sound, devices permitted, number of people in attendance, and the persons responsible for the activity.
3. Waivers shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
4. The City may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

3-9-6 MAXIMUM SOUND TO BE PERMITTED. When a waiver has been issued pursuant to this chapter the sound levels listed in the following table shall be the maximum levels permitted:

Sound Level Limit in dB(A)*	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
90	1.5 hours

3-9-7 EXCEPTIONS. The requirements, prohibitions, and terms of this chapter shall not apply to emergency work or to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency. The terms of this section shall not apply to those activities of a temporary duration, permitted by law and for which a license or waiver therefore has been granted by the City, including but not limited to parades, fireworks displays, and the outdoor warning system, and all other authorized activities occurring on government property. Also excepted are. nonprofessional athletic contests and all construction work.

3-9-8 PENALTIES FOR OFFENSES PERTAINING TO NOISE CONTROL.

1. A violation of any provision of chapter Noise Control shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.
2. Alternatively, a violation of any provision of chapter Noise Control can be charged by a peace officer of the City as a simple misdemeanor.

(Ord 692 – May 2017 Supp.)

TITLE 3 COMMUNITY PROTECTION

CHAPTER 10: ALCOHOLIC BEVERAGES

3-10-1 Purpose	3-10-3 Public Consumption or Intoxication
3-10-2 Required Obedience to Provisions of this Chapter and State Law	3-10-4 Action by Council
	3-10-5 Transfers

3-10-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

3-10-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses – Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender – Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical
Test -Notifications – Exoneration
16. 123.47 Persons Under Legal Age – Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine, or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and
Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year’s Day

- 25. 123.171 through 123.182 Wine Provisions (Division V)
- 26. 321.284 Open Containers in Motor Vehicles – Drivers.
- 27. 321.284A Open Containers in Motor Vehicles – Passengers

3-10-3 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. A person violating this subsection is guilty of a simple misdemeanor.
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)

3-10-4 ACTION BY COUNCIL. The City Council shall either approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division of the State Department of Commerce for further action as provided by law.

(Code of Iowa, Sec. 123.32(2))

3-10-5 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE 3 COMMUNITY PROTECTION

CHAPTER 11: JUNK AND JUNK VEHICLES

3-11-1 Purpose	3-11-7 Auction or Disposal of Abandoned Vehicles
3-11-2 Definitions	3-11-8 Junk Vehicles Declared a Nuisance
3-11-3 Removal of Abandoned Vehicles	3-11-9 Notice to Abate
3-11-4 Notification of Owners and Lienholders	3-11-10 Abatement by Municipality
3-11-5 Impoundment Fees and Bond	3-11-11 Collection of Cost of Abatement
3-11-6 Hearing Procedures	3-11-12 Exceptions
	3-11-13 Interference with Enforcement

3-11-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 364.1)

3-11-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. “Abandoned vehicle” means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the police authority and has not been reclaimed for a period of ten days; or
 - e. Any vehicle parked on the street determined by a police authority to create a hazard to other vehicular traffic. (Code of Iowa, Sec. 321.89(1)(b))
2. “Private property” means any real property within the City which is not public property as defined in this section.

3. “Public property” means any public right-of-way open for the purposes of vehicular travel.
4. “junk vehicle” means any vehicle without current license plates or which has any one of the following characteristics:
 - a. Broken Glass. Any vehicle with a broken or cracked windshield, or window or headlight or tail light, or any other cracked or broken glass.
 - b. Broken, Loose or Missing Part. Any vehicle with a broken or loose or missing fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe or tires in a condition that would impair the safe operation of the vehicle.
 - c. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
 - d. Inoperable. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.
 - e. 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.
 - f. Any vehicle left unattended on jacks, blocks, or elevated in any way constituting a safety hazard or threat to the public health or welfare. (Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)
 - g. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
5. “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 shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-11-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-11-2 (1). The Chief of Police or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or Mayor if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow. (Code of Iowa, Sec. 321.89(2))
4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-11-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the police authority or Mayor if the police authority is unavailable, shall notify, within twenty (20) days, by certified mail with five-days return receipt, 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:
 - a. Describe the year, make, model, and vehicle identification number of the vehicle.
 - b. Describe the personal property found in the vehicle.
 - c. Describe the location of the facility where the vehicle is being held.
 - d. Inform the persons receiving notice:
 - (1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice
 - (2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice;
 - (3) The notice shall also state that failure of the owner or 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 and all lienholders and claimants of all right, title, claim, and interest in the vehicle;

(4) 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.

2. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity, or the assessment of fees and charges provided by this chapter may request a evidentiary hearing before the police authority to contest these matters in accordance with the provisions of Section 3-11-6.
3. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten-day reclaiming period.
4. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-11-5.
5. The owner, lienholders or any person receiving notice may, by written request received by the Chief of Police prior to the expiration of the ten-day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

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

6. If it is impossible to determine with reasonable certainty the identity and address of the last registered owner and all lienholders. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:
 - a. the identity of the last registered owner cannot be determined, or
 - b. the registration contains no address for the owner, or

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

7. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders, or claimants of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

8. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders or claimants after the expiration of ten-day reclaiming period.

(Code of Iowa, Sec. 321.89(3))

3-11-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police or Mayor if the Chief of Police is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:
 - a. an impoundment fee
 - b. towing charges
 - c. preservation charges
 - d. storage charges
 - e. notice charges

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

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-11-4(1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of: a. the fees required by Section 3-11-5(1)
4. b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-11-6 HEARING PROCEDURES. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment, and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

(Code of Iowa, Sec. 321.89(3))

3-11-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-11-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Stanhope, Iowa, 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 vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-11-9 NOTICE TO ABATE.

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-11-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:
 - a. the owner of the property.
 - b. the occupant of the property.
2. The notice to abate shall:
 - a. describe, to the extent possible, the year, make, model, and color of the vehicle.
 - b. describe the location of the vehicle.
 - c. state that the vehicle constitutes a nuisance under the provisions of this chapter.
 - d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-11-10 ABATEMENT BY MUNICIPALITY. 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 City Clerk who shall pay such expenses on behalf of the municipality.

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

3-11-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-11-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefore, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-11-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE 3 COMMUNITY PROTECTION

CHAPTER 12: FIREWORKS ORDINANCE

3-12-1 Definitions	3-12-5 Restrictions on the Use of Consumer
3-12-2 Violations	Fireworks
3-12-3 Prohibitions	3-12-6 Permits Required
3-12-4 Sale of Consumer Fireworks	3-12-7 Seizure of Fireworks
	3-12-8 Emergency

3-12-1 DEFINITIONS. The following words, terms, and phrases, when used in this Chapter, shall have the meaning as set forth in this section, except where the context clearly indicates a different meaning:

1. “Consumer Fireworks” means First-Class Consumer Fireworks and Second-Class Consumer Fireworks described in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 and Chapter 727 of the Iowa Code. Consumer Fireworks do not include Novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or Display Fireworks enumerated in Chapter 4 of the American Pyrotechnics Association’s Standard 87-1.
2. “Display Fireworks” include any explosive composition, or combination of explosive substances, or article prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display Fireworks does not include Novelties or Consumer Fireworks enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1.
3. “Fireworks” means Consumer Fireworks and Display Fireworks. Fireworks does not include Novelties as defined in American Pyrotechnics Association’s Standard 87-1, Chapter 3, and that comply with the labeling regulations promulgated by the United States Consumer Products Safety Commission.

3-12-2 VIOLATIONS.

1. Any person who fails to perform an act required by the provisions of this Chapter, or who commits an act prohibited by the provisions of this Chapter, shall be punishable as a municipal infraction civil penalty as set forth in this Code.
2. A person who sells Consumer Fireworks to a person who is less than eighteen (18) years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3. A person who is less than eighteen (18) years of age who purchases Consumer Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
4. A person who uses or explodes Consumer Fireworks in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
5. A person who uses or explodes Display Fireworks while the use of such device is in violation of this Article commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
6. A person who is less than eighteen (18) years of age who uses or explodes Consumer Fireworks or Display Fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.

3-12-3 PROHIBITIONS.

1. It shall be unlawful to manufacture fireworks within the City limits.
2. It shall be unlawful to sell Display Fireworks within the City limits.
3. It shall be unlawful for a person to possess, use, or explode Display Fireworks, except in possession of and in compliance with all requirements of a permit issued by the City under this Ordinance.

3-12-4 SALE OF CONSUMER FIREWORKS.

1. It shall be unlawful for a person to offer for sale, expose for sale, or sell Consumer Fireworks, unless the person is a retailer or community group as defined in Chapter 100, Iowa Code, and possesses and complies with all requirements of a Consumer Fireworks seller license issued by the State Fire Marshal.
2. Consumer Fireworks may only be sold during the dates and times as established by the Iowa Code.

3-12-5 RESTRICTIONS ON THE USE OF CONSUMER FIREWORKS.

1. A person shall not use or explode Consumer Fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year (all dates inclusive) and at times other than between the hours of 9:00 a.m. and 10:00 p.m., with the exception of July 3, July 4, and December 31, when times are determined by the Iowa Code.
2. A person shall not use Consumer Fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of Consumer Fireworks on that property.

3. Persons using or exploding Consumer Fireworks must be at least eighteen (18) years of age or older.
4. Persons using or exploding Consumer Fireworks are prohibited from being under the influence of alcohol or other drugs or a combination of such substances, while having a blood alcohol concentration of .08 or more, or while having any amount of a controlled substance in the person's body.
5. No use or explosion of Consumer Fireworks is allowed on any public property, including parks, cemeteries, public rights-of-way, public parking lots, or sidewalks.
6. A person who violates this subsection commits a simple misdemeanor punishable as a municipal infraction civil penalty.

(Code of Iowa, Sec. 727.2)

3-12-6 PERMITS REQUIRED.

1. A permit must be obtained from the City in order to use or explode Display Fireworks. In order to obtain a permit, the applicant must comply with City permitting and insurance requirements.
2. Application for a permit must be made in writing, and filed at the Office of the City Clerk.

3-12-7 SEIZURE OF FIREWORKS. The Fire Chief may seize, take, remove, or cause to be removed, at the expense of the owner, all Consumer Fireworks or Display Fireworks, offered or exposed for sale, used, stored, possessed, or held in violation of this Chapter.

3-12-8 EMERGENCY. When, in the opinion of the Fire Chief, weather and soil conditions create a safety emergency so that the use of Consumer Fireworks and/or Display Fireworks creates a danger to the public or property, the Fire Chief may suspend, cancel, or prohibit the use of Consumer Fireworks and/or Display Fireworks.

TITLE 4 MENTAL AND PHYSICAL HEALTH

CHAPTER 1: ANIMAL CONTROL

4-1-1 Definitions	4-1-11 Owners Duty
4-1-2 Prohibited Animals	4-1-12 Confinement
4-1-3 Neglect, Injuries and Cruelty to Animals	4-1-13 Damage to Property or Interference
4-1-4 License	4-1-14 Tethering of Animals
4-1-5 Immunization	4-1-15 Number of Animals
4-1-5 Impounding	4-1-16 Unhealthful or Unsanitary Conditions
4-1-6 At Large Prohibited	4-1-17 Kennels
4-1-7 Animal Nuisances	4-1-18 Pigeon and Dove Lofts
4-1-8 Impounding	4-1-19 Peace Officer's Right to Euthanize
4-1-9 Dangerous Animals	4-1-20 Disposition of Other Animals
4-1-10 Vicious Dogs	4-1-21 Interference with Enforcement

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. “dogs” shall mean both male and female animals of the canine species whether altered or not.
2. “at large” means found off the premises of his owner or custodian, not on a leash or under the control of a competent person.
3. Owner means any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal.
4. Abandon means failure to provide adequate care for a period of twenty-four (24) hours or to cease to provide control over and shelter, food, and water for an animal without having made satisfactory arrangements for care, custody, and physical control of such animal.
5. Adequate food means providing at suitable intervals of not more than twenty-four (24) hours if the dietary requirement of the species so require, a quantity of wholesome foodstuff, suitable for the physical condition and age of the animal, served in a clean container, sufficient to maintain an adequate level of nutrition for such animal.
6. Adequate shelter means a structurally sound and weatherproof shelter made up of solid sides, a roof and a floor off the ground, which provides access to shade from direct sunlight and protection from exposure to weather conditions.

7. Adequate sanitation means cleaning or sanitizing of enclosures and housing facilities to remove excreta and other waste materials and dirt so as to minimize health hazards, flies, and odors.
8. Adequate space means primary enclosures and housing facilities constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.
9. Adequate veterinary care means prompt and reasonable care provided to a sick, diseased, or injured animal with a proper program of continuing care by a veterinarian or euthanized in a manner deemed appropriate by the City.
10. Adequate water means reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner.
11. Animal means any living creature, domestic or wild, except a human being.
12. Animal acts or exhibitions means any display containing one or more live animals that are exposed to public view for entertainment, instruction, or advertisement.
13. Cat shall mean both male and female animals of the feline species regardless of sex.
14. Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous and immediate death or a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during the loss of consciousness.
15. Kennel means any lot, building, structure, enclosure, or premises where five (5) or more dogs or five or more cats over the age of twelve (12) months are kept or maintained for any purpose.
16. Guard/attack dog means a dog trained to attack persons upon command of its master or custodian or upon the actions of an individual.
17. Leash means a rope, line, chain, or other similar restraint, not more than ten (10) feet in length, or a retractable leash of not more than twenty-five feet when fully extended, of sufficient strength to hold the animal in check.
18. Livestock means any domestic animal commonly raised solely for food or commerce, and shall include, but not be limited to any cattle, horses, swine of all varieties including “potbellied pigs”, sheep, llamas, goats, guinea fowl, ostriches, emus, poultry (chickens, turkeys, geese, and ducks) or other similar animals or fowl or any other animals not commonly considered to be household pets, and bees kept for any purpose.

19. Molest includes not only biting or scratching a human or other animal, but also any annoyance, interference with or meddling with any such human or animal.
20. Pet shop means any place of business or other commercial establishment where animals are bought, sold, exchanged, or offered for sale.
21. Pigeon or dove loft means any cage, loft or enclosure or combination thereof where five (5) or more pigeons or doves are kept or maintained.
22. Private property areas means all buildings or other property owned by a private person, including buildings yards and service and parking.
23. Public property means buildings, streets, parks, parking lots, right of way, or other public property owned or dedicated to the use of the City and other governmental agencies.
24. Wild, Exotic, or Dangerous Animal mean:
 - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition; and which is capable of killing inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as species to do so;
 - b. Any animal declared to be dangerous by the County Board of Health, City Council, or any other governing body.
 - c. All wild animals indigenous to the State of Iowa as defined in Chapter 481 A, Code of Iowa as amended.
 - d. The following animals shall be deemed to be dangerous per se:
 - i. Cats, including lions, tigers, jaguars, leopards, cougars, lynx, and bobcats, except those species of cat falling within the categories of ordinarily domesticated house cats; wolves, coyotes and foxes; gorillas, orangutans, baboons, monkeys, and chimpanzees; bats; alligators and crocodiles; venomous spiders, scorpions,; all snakes and reptiles that are venomous, constrictors, or any non-venomous snake over ten (10) feet in length; Gila monsters.
25. Vicious animal means any animal, that without provocation, bites, attacks humans or any other animals, or in a vicious or terrifying manner approaches any person or other animal in an apparent attack posture, whether or not the attack is consummated; or any dog that has been trained for dog/animal fighting, or any dog that is kept as a guard or attack dog except as otherwise provided by State or Local law; or any animal that has been deemed vicious by the Council, County Board of Health, City Council, or any other governing body.

4-1-2 PROHIBITED ANIMALS. No person shall harbor, keep, or shelter within the City as a pet, or act as temporary custodian for such an animal, or harbor, keep, or shelter any livestock,

(Code of Iowa, Sec. 717.2)

4-1-3 NEGLECT, INJURIES AND CRUELTY TO ANIMALS:

1. No person shall confine an animal without adequate food, adequate water, adequate shelter, adequate space, adequate sanitation, or adequate veterinary care; or fail to supply adequate food, adequate water, adequate sanitation, or adequate veterinary care to an unconfined animal owned or cared for by the person; or cause unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.
2. No person, having no right to do so, shall maliciously harass, torture, torment, mutilate, kill, maim, or disfigure any animal or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.
3. No person shall expose any poison, poisonous meat, or poisonous substance anywhere within the City. The use of poison other than one specifically produced for exterminating insects, mice, or rats shall be prima facie evidence of a violation of this section.

4-1-4 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-5 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large. It shall be unlawful for the owner or custodian of any animal or fowl to fail to keep the same from running at large within the corporate limits of the city. Every animal or fowl shall be under the control of a competent person outside a structure, kennel, or wholly enclosed yard. When a competent person is not in control then the animal must be on a leash of sufficient strength to restrain the animal and to prevent it from reaching public property and becoming a possible threat. It is the owner's responsibility to reimburse the City for boarding costs.

(Code of Iowa, Sec. 351.41)

4-1-6 ANIMAL NUISANCES.

1. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:
2. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
3. Causes unsanitary, dangerous, or offensive conditions.
4. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals. (Code of Iowa, Sec. 657.1)
5. It shall be unlawful for the owner of any animal to fail to keep such animal from causing serious annoyance or disturbance to any person or persons by disrupting the peace and good order of the community by making loud noises including regular, frequent, continual or habitual barking, yelping, yowling, or howling, or by running after or chasing persons, bicycles, automobiles or other vehicles.

4-1-7 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large, or any licensed dog found at large in violation of Sections 4-1-5 and 4-1-6 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.
3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-4. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council. (Code of Iowa, Sec. 351.37)
4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor. (Code of Iowa, Sec. 351.39)
5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person. (Code of Iowa, Sec 351.39)

4-1-8 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.
2. Definitions. A dangerous animal is:
 - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
 - b. The following are animals which shall be deemed to be dangerous animals per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
 - (2) Wolves, coyotes, and foxes;
 - (3) Badgers, wolverines, weasels, skunks and mink;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys, chimpanzees, and apes;
 - (7) Alligators and crocodiles;
 - (8) Scorpions; Gila monsters;
 - (9) Snakes that are venomous or constrictors;
 - c. Any animals declared to be dangerous by the City Council.
3. Dangerous Animals Exceptions. The keeping of dangerous animals shall be permitted only under the following circumstances: a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study, and has obtained the written approval of the City Council.

4-1-9 VICIOUS DOGS. Keeping a vicious animal is prohibited. An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

1. An animal is deemed vicious under the following circumstances:

- a. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.
- b. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.
- c. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.
- d. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.
- e. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

4-1-10 OWNERS DUTY. It shall be the duty of the owner of any animal that has bitten or attacked a person or any person, having knowledge of such bite or attack, to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the Hamilton County Health Department and the City of Stanhope the existence of any animal known or suspected to be suffering from rabies.

4-1-11 CONFINEMENT. When a Peace Officer, Employee, City Council Member, or Mayor of the City of Stanhope receives information that an animal has bitten any person or an animal that is suspected of having rabies, the owner shall be ordered to confine such animal in the manner directed. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City of Stanhope and after ten days the City may euthanize the animal. Regardless of the disposition of the animal, the owner shall pay the cost of impoundment.

4-1-12 DAMAGE TO PROPERTY OR INTERFERENCE. No person shall fail to keep their animal from causing damage, injury, or destruction of or to any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property thereby causing damage to; or from interfering with the use of the premises.

4-1-13 TETHERING OF ANIMALS. No person shall stake or otherwise tie or fasten an animal to pass onto, over, or across any public property, sidewalk, street or alley, or private property other than the property of the owner, unless the animal and competent person are on public property together.

4-1-14 NUMBER OF ANIMALS. No person shall keep or maintain at anyone location within the City more than five (5) dogs, cats, or ferrets, and of those no more than three shall be of the same species over 12 months of age. This limitation shall not apply to a bona-fide pet store in an area appropriately zoned, nor to a licensed kennel or veterinary hospital or clinic. No person shall harbor or maintain such a number of animals as to create unhealthful or unsanitary conditions for

the humans or animals occupying the premises or create any other conditions constituting a nuisance.

4-1-15 UNHEALTHFUL OR UNSANITARY CONDITIONS REGULATED.

1. Solid Waste Removal. Any competent person in control of an animal on public or private property (other than the owners) shall provide for the disposal of the solid waste material excreted by the animal by immediate removal of the waste, except for animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity.
2. Confinement area maintenance. An owner shall maintain all structures, pens, kennels, pounds, lofts, coops, or yards wherein animals are confined in a clean and sanitary condition, devoid of vermin, and free of odor arising from feces and urine.
3. Animals prohibited in food establishments. No person shall take, allow, or permit an animal to enter any building, store, restaurant, or tavern where food or food products are sold, prepared, or dispensed to humans other than the owners thereof, except for animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity, or for working dogs under the control of law enforcement or the military while acting within the scope of their duties.

4-1-16 KENNELS. Kennels are prohibited in districts zoned Residential. Kennels shall be allowed only in Agricultural, or Industrial zoned areas and must comply with State rules and regulations.

4-1-17 PIGEON AND DOVE LOFTS. Pigeon and dove lofts are prohibited in districts zoned residential. Lofts shall be allowed only in areas zoned Agricultural, or Industrial. Pigeon and dove lofts located in areas zoned residential that were in operation prior to the date of adoption of the ordinance may remain in place and in operation with a permit from the City of Stanhope. After a permitted loft is abandoned, the permit is void and shall not be renewed.

4-1-18 PEACE OFFICER'S RIGHT TO EUTHANIZE. Notwithstanding any other provision of this ordinance, it shall be the right of any peace officer in the corporate limits of the City of Stanhope to euthanize any animal, wild, or domestic, exclusive of whether the animal is tagged or licensed, restrained, or "At-large," the animal presents an imminent danger to himself or the citizens of the City of Stanhope because the animal is ill, injured or vicious. The animal may be euthanized either by shooting it, or by other human means immediately at the officer's disposal.

4-1-19 DISPOSITION OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog or cat, cannot be located after a reasonable effort by local authorities, such animal maybe euthanized or otherwise disposed of in accordance with the law.

4-1-20 INTERFERENCE WITH ENFORCEMENT. No person shall interfere with, hinder, willfully prevent, or attempt to prevent any police officer, animal control officer, or other person authorized by the City of Stanhope to enforce the provisions of the Ordinance and the referenced provisions of Code of the State of Iowa.

TITLE 5 HUMAN DEVELOPMENT – EDUCATION AND CULTURE

CHAPTER 1: LIBRARY SERVICES

5-1-1 Purpose	5-1-7 Power to Contract with Others for the Use of the Library
5-1-2 Public Library	
5-1-3 Library Trustees	5-1-8 Non-Resident Use of the Library
5-1-4 Qualifications of Trustees	5-1-9 Expenditures
5-1-5 Organization of the Board	5-1-10 Annual Report
5-1-6 Powers and Duties	

5-1-1 PURPOSE. The purpose of this chapter is to provide for the appointment of a city library board of trustees, and to specify that board's powers and duties.

5-1-2 PUBLIC LIBRARY. The public library for the city shall be known as the Stanhope Public Library. It shall be referred to in this chapter as the library.

5-1-3 LIBRARY TRUSTEES. The board of trustees of the Stanhope Public Library, hereinafter referred to as “The Board,” consists of four (4) (resident) members from the city and one (1) (nonresident) member from the surrounding rural area. All resident board members shall be appointed by the Mayor with the approval of the City Council. The nonresident member shall be appointed by the Mayor with the approval by the Hamilton County Board of Supervisors.

(Code of Iowa, Sec. 392.5)

5-1-4 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the City of Stanhope, except one member from the surrounding rural area of Stanhope. All members shall be over the age of eighteen (18).

5-1-5 ORGANIZATION OF THE BOARD. The organization of the board shall be as follows:

1. Terms 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 the total number as near as possible, to stagger the terms. (Code of Iowa Sec. 336.5)
2. Vacancies. The position of any resident trustee shall be vacant if said trustee moves permanently from the area. The position of any trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City or County. Vacancies in the board shall be filled in the same manner as an original appointment except that, and the new trustee shall fill out the unexpired term for which the appointment is made. (Code of Iowa Sec. 336.6)

3. Compensation. Trustees shall receive no compensation for their services. (Code of Iowa Sec. 336.7)

5-1-6 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 Clerk shall serve as Board Treasurer.

(Code of Iowa Sec. 336.8(1))

2. Physical Plant. To have charge, control and supervision of the public library, its appurtenances, fixtures, and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

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.

(Code of Iowa Sec. 336.8(3))

5. Removal of Personnel. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.

(Code of Iowa Sec. 336.8(4))

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.

(Code of Iowa Sec. 336.8(5))

7. Use by Non-Residents. To authorize the use of the library by non-residents of the City and to fix charges therefore.

(Code of Iowa Sec. 336.8(6))

8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with 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.

(Code of Iowa Sec. 336.8(7))

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

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.

(Code of Iowa, Sec. 336.8(9))

11. Record of Proceedings. To keep a record of its proceedings.

12. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions of gifts, donations, devises, and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

13. County Historical Association. To have authority to make agreements with the local County historical associations, 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.

(Code of Iowa Sec. 336.17)

5-1-7 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

The board shall have 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, any other City, school corporation, private or semi-private 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. 336.18(1))

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 no less than five (5) percent in number of electors who voted for governor in the territory of the 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 who is seeking to terminate the contract.

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-8 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. Lending. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the city, or upon payment of a special non-resident library fee.

(Code of Iowa, Sec. 392.5)

2. Depository. By establishing depositories of library books or other materials to be loaned to non-residents.

(Code of Iowa, Sec. 392.5)

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

(Code of Iowa, Sec. 392.5)

4. Branch Library. By establishing branch libraries for lending books or other library materials to non-residents.

(Code of Iowa, Sec. 392.5)

5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-9 EXPENDITURES. All money appropriated by the City Council from the general fund 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. The warrant writing officer is the City Clerk.

(Code of Iowa, Sec. 384.20 & 392.5)

5-1-10 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines and funds

collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

(Code of Iowa, Sec. 392.5)

TITLE 5 HUMAN DEVELOPMENT – EDUCATION AND CULTURE

CHAPTER 2: PARK REGULATIONS

5-2-1 Purpose

5-2-2 Use of Drives Required

5-2-3 Fires

5-2-4 Littering

5-2-5 Beer or Alcoholic Liquors

5-2-1 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, 1977, Sec. 392.1)

5-2-2 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive 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.

5-2-3 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.

5-2-4 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.

5-2-5 BEER OR ALCOHOLIC LIQUORS. It is unlawful for any person to consume or possess beer or alcoholic liquors in the park.

TITLE 5 HUMAN DEVELOPMENT – EDUCATION AND CULTURE

CHAPTER 3: TREES – GENERAL PROVISIONS

5-3-1 Purpose	5-3-5 Assessment
5-3-2 Definitions	5-3-6 Trimming Trees to be Supervised
5-3-3 Planting Restrictions	5-3-7 Removal of Trees
5-3-4 Duty to Trim Trees	

5-3-1 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by regulating and providing for the planting, care, and removal of trees.

5-3-2 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Parking”: shall mean 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.
2. “Superintendent”: shall mean the superintendent of streets or such other person as may be designated by the council.

5-3-3 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall hereinafter plant in any street, any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, Chinese elm, or evergreens.

5-3-4 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 fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks.

(Code of Iowa, 1977, Sec. 364.12 (2c))

5-3-5 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees 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, 1977, Sec. 364.12 (2d & e))

5-3-6 TRIMMING TREES TO BE SUPERVISED. It shall be 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.

5-3-7 REMOVAL OF TREES. The superintendent shall remove, on the order of the council~ any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, 1977, Sec. 364.12 (2c) & 372.13 (4))

TITLE 5 HUMAN DEVELOPMENT – EDUCATION AND CULTURE

CHAPTER 4: TREES – DUTCH ELM DISEASE CONTROL

5-4-1 Trees Subject to Removal

5-4-4 Removal from City Property

5-4-2 Duty to Remove

5-4-5 Removal from Private Property

5-4-3 Inspection

5-4-1 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch Elm Disease hereby declares the following shall be removed: (Code of Iowa, 1977, Sec. 364.12 (3b))

1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.).
2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

5-4-2 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in Section 5-4-1 to remain on the premises owned, controlled, or occupied by him within the city.

(Code of Iowa, 1977, Sec. 364.12 (3b))

5-4-3 INSPECTION. The superintendent shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 5-4-1 exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

5-4-4 REMOVAL FROM CITY PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

5-4-5 REMOVAL FROM PRIVATE PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger

to other elm trees within the city is imminent, he shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition 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 thereof, the council may cause the nuisance to be removed and the cost assessed against the property as provided in Title 1, Chapter 2. (Code of Iowa, 1977, Sec. 364.12 (3b & h)) If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, he is authorized to remove or cut specimens from said tree and obtain a diagnosis of such specimens.

TITLE 5 HUMAN DEVELOPMENT – EDUCATION AND CULTURE

CHAPTER 5: MOSQUITO SPRAYING SERVICES

5-5-1 Rates and Charges

5-5-3 Lien for Nonpayment

5-5-2 Billing Process

5-5-4 Accounting Process

5-5-1 RATES AND CHARGES. There shall be and there are hereby established charges for the service supplied by the City of Stanhope, Iowa, as follows:

5-5-2 BILLING PROCESS.

1. Billings for mosquito spraying will be in the form of a one-time charge for the billing period of August 15-September 15 and will not be billed at any other time during the calendar year. All bills become due and payable on or before 5:00 p.m. on the 20th of each and every month, unless the 20th shall fall on a Saturday, Sunday, or Legal Holiday, and in such case the bills shall be due and payable the next business day following said Saturday, Sunday, or Legal Holiday. Any charges for mosquito spraying services not paid by the 20th day of the month by 5:00 p.m. in which it becomes due and payable, will be charged the sum of one-and-one-half percent (1.5%) of the amount of the bill and will be added thereto and collected therewith.
2. The owner of the premises served and the occupant thereof and the user of the mosquito spraying service provided by the City of Stanhope, Iowa, shall be jointly and severally liable for the mosquito spraying services provided said premises.
3. It is hereby made the duty of the City Clerk, designated by the City Council, to render bills for mosquito spraying services and all other charges in connection therewith and to collect all money due there from.

5-5-3 LIEN FOR NONPAYMENT. All mosquito spraying charges levied pursuant to this chapter constitute a lien upon the premises served and if not paid within sixty days after due date, the charges shall be certified to the Hamilton County Auditor and shall be collectible in the same manner as taxes.

5-5-4 ACCOUNTING PROCESS.

1. All revenues and moneys derived from mosquito spraying services of the City of Stanhope, Iowa, shall be paid to and held by the City of Stanhope in a line account within the GENERAL FUND separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the providing of said services, as may be delivered to the City, shall be deposited in the GENERAL FUND in a specifically labeled line account entitled: "MOSQUITO SPRAYING," and the City

Council shall administer said fund in the manner provided by the Code of Iowa and other laws pertaining thereto.

2. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the mosquito spraying line account, and, at regular intervals, the City Council shall cause to be made, an audit, by an independent auditing concern or the State of Iowa of the books to show the receipts and disbursements of said GENERAL FUND, including, but not limited to said MOSQUITO SPRAYING account. The City shall be required to annually prepare a budget of the general fund, of which the mosquito spraying line account is a part thereof. The total amount billed for mosquito spraying services provided by the City of Stanhope, Iowa, shall be equal to the total amount charged the City of Stanhope, Iowa, for mosquito spraying services divided by the total number of dwellings/utility accounts for work performed by any individual partnership or corporation engaged to legally perform said services for the City of Stanhope, Iowa, or a minimum amount equal to the sum of \$10.50 per dwelling/utility account not to exceed the sum of \$15.00 per dwelling/utility account.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 1: URBAN REVITALIZATION AREA

6-1-1 Urban Revitalization Area

6-1-3 Tax Abatement

6-1-2 Compliance with Revitalization Plan

6-1-1 URBAN REVITALIZATION AREA. The following area of the City is hereby declared to be an Urban Revitalization Area: All residentially used property within the corporate limits of Stanhope, Iowa, that is property used according to current zoning practices, restricted residence district guidelines and according to the Future Land Use Plan.

6-1-2 COMPLIANCE WITH REVITALIZATION PLAN. The benefits of revitalization shall be only to the extent provided by the Revitalization Plan as heretofore adopted by the Council and any person seeking to utilize the benefits of revitalization shall comply with the requirements set forth in that Revitalization Plan.

6-1-3 TAX ABATEMENT. Property assessed as residential and for commercially assessed property used for residential purposes with three (3) or more separate living quarters with at least seventy-five percent (75%) of the space used for residential purposes: Years one (1) through (5) - one hundred percent (100%) of the added value.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 2: MOBILE HOME REGULATION

6-2-1	Definitions	6-2-6	Emergency and Temporary Parking
6-3-2	Location of Mobile Homes		
6-2-3	Mobile Home Parks	6-2-7	Traffic Code Applicable
6-2-4	Inspection of Plans	6-2-8	Building Requirements
6-2-5	Special Permits for Location of Mobile Homes Outside Mobile Home Parks	6-2-9	Mobile Home Hookups
		6-2-10	Fire Protection
		6-2-11	Permit Not Transferrable
		6-2-12	Change of Plans

6-2-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home,” and “modular home.”

(Code of Iowa, Sec. 103A.3(8))

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.

(Code of Iowa, Sec. 435.1(3))

3. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.

4. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976, and were not built to a mandatory building code, and contain no State or Federal seals.

(Code of Iowa, Sec. 435.1(5))

5. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

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

6. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

6-2-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer’s or a manufacturer’s stock not used as a place for human habitation.

6-2-3 MOBILE HOME PARKS. Any person desiring to construct a mobile home park shall first file with the Clerk written application in duplicate on a form furnished by the City for a mobile home park permit. Applications shall be accompanied by a plat and other documents showing the following information:

1. The name and address of the applicant.
2. A legal description of the mobile home park area, and extent of area to be used for mobile home park purposes.
3. The location and legal description of the mobile home park.
4. Location and site of mobile home lots.
5. Location, number, and type of service buildings.
6. Plans and specifications of all other buildings and improvements constructed or to be constructed within the mobile home park.
7. Method and plan of sewage disposal.
8. Public water supply taps and facilities.

9. Method and plan of garbage disposal.
10. Plan of electric lighting including the location of exterior park lights and the electric facilities provided for mobile homes.
11. Incinerator and burning space.
12. Children's play area.
13. Drainage facilities.
14. Fire protection facilities. All accompanying plans and specifications, as set out in this section, shall also be filed in duplicate.

(Code of Iowa, Sec. 414.28)

6-2-4 INSPECTION OF PLANS. The City Clerk and Fire Chief shall inspect the proposed plans. If it is found that the proposed mobile home park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, such report shall be made to the Council which shall review the application for issuance of a permit.

6-2-5 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile homeowner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

(Code of Iowa, Sec. 414.28)

6-2-6 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-2-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-2-7 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-2-8 BUILDING REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

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

6-2-9 MOBILE HOME HOOKUPS. No mobile home park shall be located in the City unless it is connected to the City's water system and unless it is connected with the City's sanitary sewer system, if available, or proper sanitary facilities if sewer connection is not so available. All individual mobile homes located therein shall be connected to the City's water and sewer systems.

6-2-10 FIRE PROTECTION. Each mobile home shall be within three hundred (300) feet of a fire hydrant.

6-2-11 PERMIT NOT TRANSFERRABLE. Once approved, a permit shall not be transferable from one location to another.

6-2-12 CHANGE OF PLANS. Any change to be made in a mobile home park plan after a permit to construct a mobile home park has been obtained shall be filed with the Clerk and the approval thereof secured from the Council.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 3: HOUSE MOVERS

6-3-1	Definitions	6-3-13	Reserved
6-3-2	Time Limit	6-3-14	Moving Permit Required
6-3-3	Moving of Certain Buildings Prohibited, Safety of Route	6-3-15	Moving Permit Application
6-3-4	Responsibility for Injuries or Damage	6-3-16	Filing of Consents to Route
6-3-5	Report of Damage	6-3-17	Filing of Consents to Trimming of Trees
6-3-6	Parking on Private Property	6-3-18	Applicant to Show that Owner of Building is Apprised of Total Cost of Move
6-3-7	Use of Streets; Hours for Movement; Emergency Storage on Streets	6-3-19	Fee
6-3-8	Temporary No Parking Zones	6-3-20	Issuance
6-3-9	Inspection of Streets	6-3-21	Insurance Required
6-3-10	Removal of Utility Poles and Wires	6-3-22	Bond Required
6-3-11	Clearing and Filling of Old Building Site; Abandonment of Utility Connections	6-3-23	Denial
6-3-12	Compliance with Building and Zoning Regulations	6-3-24	Transfer of Permit
		6-3-25	Revocation of Permit
		6-3-26	Reserved

6-3-1 DEFINITIONS. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. “Building” means a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, or mercantile storage or commercial, industrial, institutional, assembly, educational or recreational purposes, which when loaded on any carrier of any kind has a loaded width exceeding eight feet.
2. “Building mover” means any person who engages in the work of moving in any way, or raising, lowering, or supporting by shoring, or upon temporary blocking, jacks, or wedges, any building or other structure, or any part thereof, upon or across the public streets, alleys, walks, or property.

(Code 1996, § 162.01)

6-3-2 TIME LIMIT. Time limit for installation of building on new site; building permit required.

No licensee under this chapter shall move any building to any lot unless he shall have first obtained, in addition to the moving permit required under 6-3-14 of this article, a building permit for the building on the lot from the building official, and no permit for moving a house to a lot in the city shall be granted by the building official if there has not been issued a building permit for the building on the lot. No building shall be moved to a lot in the city for the purpose of storing the building on the lot. A building moved to a lot shall be permanently installed on its new foundation within 60 days of the date moved on the lot.

(Code 1996, § 162.15)

6-3-3 MOVING OF CERTAIN BUILDINGS PROHIBITED, SAFETY OF ROUTE.

1. No building shall be moved upon or through the streets of the city which exceeds 34 feet, including overhang, in width, or which exceeds 30 feet loaded height without prior approval by the city council of the city.
2. No building shall be moved on any route which in the opinion of the police chief, public works director, and building official endangers other buildings, individuals, or property.

(Code 1996, § 162.05)

6-3-4 RESPONSIBILITY FOR INJURIES OR DAMAGE. Any injury done to any street, highway, boulevard, alley, public ground, sidewalk, curb, crossing or pavement when a building is moved shall be promptly repaired to the satisfaction of the public works director, and the cost of any injury or damage done to any person or to any property, either public or private, shall be promptly paid, and the bond provided for in section 6-3-22 shall stand as security therefor.

(Code 1996, § 162.06)

6-3-5 REPORT OF DAMAGE. The house mover shall report any damage done to any street, highway, boulevard, alley, sidewalk, curb, tree or telephone or light pole or wires, or to any other public or private property, except property owned by the house mover or the structure being moved, to the building official, within 24 hours from and after the occurrence causing the damage.

(Code 1996, § 162.07)

6-3-6 PARKING ON PRIVATE PROPERTY. It is unlawful for any person moving a building to stop, stand or park a house, equipment, material, or structure upon privately-owned property without first having obtained the consent of the owner or person in charge of the privately-owned property. Upon complaint of the owner or person in charge of the privately-owned property, failure of the person to obtain the consent is declared to be an offense.

(Code 1996, § 162.08)

6-3-7 USE OF STREETS; HOURS FOR MOVEMENT; EMERGENCY STORAGE ON STREET.

1. In no case shall paved streets, alleys, avenues, or public grounds be used for the purpose of moving any building unless they are in the most practical direct route from the place of origin to the place of destination. The route chosen shall cause the least damage to electrical wires, telephone wires, trees, and other property or public service corporations or private individuals. The movement, when commenced, shall be continued, day by day, until completed, with the least possible obstruction to the thoroughfares occupied.
2. No building being moved shall be stored on the streets of the city unless authorized by the city. No such authorization shall be granted unless application for the occupancy is made to the building official, in writing, setting forth the reasons therefor. The occupancy shall be granted only if the applicant demonstrates that an emergency exists which was not the making of the individual moving the building or to which the mover did not contribute. Before authorization for street occupancy can be granted, the applicant must sign a statement assuming liability for any damage to persons and property, including property of the city, and indemnify the city for any claims against the city arising out of the occupancy. Barricades of a type meeting the public works department specifications as to size and illumination shall be kept in a conspicuous place at each end and side of the building during the night, which shall be between sunset and sunrise.
3. Every house mover shall report to the fire chief, police chief, ambulance, and E911 if stored on public property.
4. When in the judgment of the public works director it is necessary to protect streets or street improvements, the building mover may be required to properly and adequately plank such streets and all rollers, trucks or other devices used in conveying and moving the same shall run upon and rest upon such planks at all times.

(Code 1996, § 162.09)

6-3-8 TEMPORARY NO PARKING ZONES. Parking shall be prohibited on streets included in the routing for the moving of a building if deemed necessary by the city. At least 48 hours in advance of the time of moving, the person moving the building shall post signs provided by the city designating the streets included in the routing as no parking zones. It is unlawful for any person to park a motor vehicle in such no parking zones when the temporary no parking signs are posted. If any automobile is parked illegally in violation of the provisions of this section, and a summons has been issued by the police department, the person moving the building shall be responsible for the expense of towing the vehicle away. The person moving the building shall assume all risk of damage to any vehicle either towed away or parked in the route. The person moving the building

shall remove all temporary no parking signs on the streets included in the routing immediately after the building being moved has passed the street assigned for no parking. The person moving the building shall return the no parking signs to the city after their removal, and shall pay the city for any signs lost, damaged, or destroyed.

(Code 1996, § 162.10)

6-3-9 INSPECTION OF STREETS. The party moving any building shall, within one day after the building reaches its destination, report such fact to the building official, who shall thereupon notify the public works director, who shall immediately inspect the streets and alleys or public grounds over which the building was moved and ascertain the condition of the streets, alleys, or public grounds. If the moving of such building has caused any damage to the streets, alleys or public grounds or electric light wires or cables or other property belonging to the city, the city shall repair the damage done at the expense of the party taking out the permit and shall hold the sureties on the bond given by the house mover responsible for the payment of the expense.

(Code 1996, § 162.11)

6-3-10 REMOVAL OF UTILITY POLES AND WIRES. Whenever, in moving any building, it shall be necessary to cut or move any electric light, telephone, traffic or other wire, pole or fixture, the owner of the wire, pole or fixture shall have the right to cut or move it or supervise the cutting or moving, and a written notice shall be given by the moving permittee to the owner at least 48 hours before the time required for cutting or moving, specifying the place, the person who requests the cutting or removal, and the time when the cutting or removal will be required. The expense of cutting or removing the wires, poles or fixtures or supervising the cutting or removal shall be paid by the moving contractor, if the owner of the wires, poles or fixtures has done the work in accordance with the provisions of this Code or other ordinances of the city relating thereto. If the owners of the wires, poles or fixtures have failed to comply with the provisions of this Code or other ordinances of the city relating thereto, then the owner shall bear all expenses of cutting or removing the wires, poles, or fixtures.

(Code 1996, § 162.12)

6-3-11 CLEARING AND FILLING OF OLD BUILDING SITE; ABANDONMENT OF UTILITY CONNECTIONS.

1. After a building is moved, all abandoned water, sewer, electrical and other service connections shall be plugged and filled in. In addition, all abandoned septic tanks and dry wells shall be pumped out and filled with sand. Permission to so abandon utilities, septic tanks and dry wells shall first be obtained from the city, and any other necessary release shall be obtained from the utility companies. The releases and permission must be filed with the application for a permit to move the building.

2. Every permittee under this article shall remove all rubbish and materials and fill all excavations to existing grade at the original building site within 60 days after the building is moved, so that the premises are left in a safe and sanitary condition. Within 90 days after the building is moved, but no less than 30 days after final grading of the site, or at the earliest opportunity during the growing season that is conducive to plant germination, the site shall be seeded with grass or similar acceptable vegetative ground cover. The owner of the property shall make reasonable efforts to ensure proper germination of the planted vegetation, and the property owner shall thereafter maintain the property in compliance with all applicable city ordinances.
3. The city shall proceed to do all work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this article, and the cost thereof shall be charged against the general surety bond of the permittee.

(Code 1996, § 162.13)

6-3-12 COMPLIANCE WITH BUILDING AND ZONING REGULATIONS.

1. After a change of use has been made in a building, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the provisions of the building code and the city zoning ordinance and all other applicable provisions of this Code or other city ordinances are complied with. A change from one prohibited use to another prohibited use shall be deemed a violation of the building code and of the city zoning ordinance.
2. Each moved building shall be made to comply with all the provisions of the city building codes.
3. All work required to bring the building moved up to the standards required by subsections (1) and (2) of this section shall be completed prior to occupancy.

(Code 1996, § 162.14)

6-3-13 RESERVED.

6-3-14 MOVING PERMIT REQUIRED. No person shall move any building over, along or across any highway, street, or alley in the city without first obtaining a permit from the building official pursuant to this chapter.

(Code 1996, § 162.16)

6-3-15 MOVING PERMIT APPLICATION.

1. A building mover shall submit his application for a permit to move a building to the office of the building official at least 14 days prior to the proposed time of moving. The building owner or his representative must be present during the move.
2. The application for the permit shall be made in writing on forms provided by the building official and shall be filed in his office.
3. The application shall set forth:
 - a. Name and address of the building mover and the building owner.
 - b. A description of the building proposed to be moved including its maximum height and width when loaded.
 - c. Present and proposed location of the building to be moved.
 - d. The route over which the building is to be moved.
 - e. The proposed moving date and hours.
 - f. Locations of trees abutting the proposed route which would require trimming.
 - g. Any additional information which the building official shall find necessary to determine whether a permit shall be issued.

(Code 1996, § 162.17)

6-3-16 FILING OF CONSENTS TO ROUTE. With the application for a permit to move a building, there shall be filed the consents to the routing by the telephone company, cablevision company, the city utilities, the fire department, the police department, and the public works department, and, where the route crosses railroad property, consent must be obtained from the railroad involved. Final consent of the city clerk must be obtained.

(Code 1996, § 162.18)

6-3-17 FILING OF CONSENTS TO TRIMMING OF TREES. If there are trees which do not have branches that extend into the public right-of-way but need to be trimmed because of the moving of a building, the permit applicant shall secure and file the written consent of the owner of the trees. If the trees extend into the public right-of-way, the additional written consent of the city clerk must be obtained. The consent shall be based on the fact of whether or not serious damage or injury will result to the trees.

(Code 1996, § 162.19)

6-3-18 APPLICANT TO SHOW THAT OWNER OF BUILDING IS APPRISED OF TOTAL COST OF MOVE.

1. The building mover, if other than the owner, shall, when applying for a permit to move a building, submit evidence that the owner of the building to be moved is aware of the total of all costs and charges that will be incurred as a result of the moving, either through a signed agreement or a copy of a notification to the owner signed by both the mover and the owner.
2. The applicant shall deposit with the city clerk a check covering 50 percent of the anticipated costs to be incurred by the city relating to the moving procedure. The costs shall be determined by the electric line distribution supervisor and the public works director. When the move has been completed and final costs have been determined, the remaining costs shall be paid within 30 days.

(Code 1996, § 162.20)

6-3-19 FEE. The application for a permit to move a building shall be accompanied by a permit fee in such amount as established by the city council from time to time.

(Code 1996, § 162.21)

6-3-20 ISSUANCE. Upon the filing of the application for a permit to move a building, payment of the fee, proof of insurance, and filing of bond, and upon approval of the proposed move by the city clerk, the public works director, and the police chief, the permit sought shall be issued by the building official. The permit shall state the length of time and the extent to which any street, highway or alley may be occupied for moving of the building.

(Code 1996, § 162.22)

6-3-21 INSURANCE REQUIRED. Before any permit required by this chapter shall be issued, the applicant shall obtain and furnish to the city an insurance policy for public liability and property damage in the amount of \$100,000.00 per person injured, \$300,000.00 for each accident, and \$50,000.00 property damage. The insurance policy shall name the city and the applicant as named insured, and shall provide that the policy cannot be revoked, cancelled, or modified in any way until the city has been notified by certified mail at least ten days prior to the proposed action.

(Code 1996, § 162.23)

6-3-22 BOND REQUIRED. The applicant for a permit required by this chapter shall file with his application a bond with an approved corporate surety in the penal sum of \$20,000.00, conditioned that all work done under the license shall be done in a good and workmanlike manner, in accordance with all provisions of this Code and all other ordinances of the city relating to house moving, and that the applicant will pay to the city, to the city utilities or to any person all costs incurred or all damages for injuries to person or property, including, but not limited to, damages to any street, curb or sidewalk or to any other public property caused by negligence, fault or mismanagement of the applicant or person in his employ, or due to any other cause, in doing any work under the permit for such work.

(Code 1996, § 162.24)

6-3-23 DENIAL.

1. When, in the judgment of the city clerk, after recommendation by the police chief and the public works director, the proposed building movement will result in an undue hazard to traffic, or undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees or other public or private property, or where it is determined by the building official that the relocation of the building is not in the best interests of the surrounding property owners due to age of the structure or the structure's architecture not being compatible with the existing buildings, the permit sought shall be denied, and the reasons therefore endorsed upon the application.
2. The permit to move a building shall also be denied if the structure will not comply with the provisions of this Code or other ordinances of the city or state law relating to electrical and plumbing requirements of new structures, unless the owner has obtained a permit to correct the violations, or if the power or telephone company refused to consent to the operations, or if the structure will not comply with the zoning ordinances within the proposed location.

(Code 1996, § 162.25)

6-3-24 TRANSFER OF PERMIT. No permit issued pursuant to this chapter shall be transferable.

(Code 1996, § 162.03)

6-3-25 REVOCATION OF PERMIT. Any person who shall, in the application for a permit required by this chapter, make any false or untrue statement, who shall violate the provisions of this chapter, who shall fail to pay any cost or expense incurred by the city as a result of his operations, or whose bond or insurance as required by this chapter has been cancelled or otherwise terminated, shall, upon such finding, have his permit revoked.

(Code 1996, § 162.04)

6-3-26 RESERVED.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 4: UTILITIES – SANITARY SYSTEM

6-4-1 Definitions	6-4-5 Use of the Public Sewers
6-4-2 Use of Public Sewers Required	6-4-6 Protection from Damage
6-4-3 Private Sewage Disposal	6-4-7 Powers and Authority to Inspectors
6-4-4 Building Sewers and Connections	6-4-8 Penalties

6-4-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter or parts per million.
2. “Building Drain” shall mean that part of the lowest horizontal 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, beginning five (5) feet (1.5 meters) outside the inner face of the building wall. (IAC 567-69.3(1))
3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal. (IAC 567-69.3(1))
4. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
5. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. “Natural Outlet” shall mean any outlet into watercourse, pond, ditch, lake, or other body of surface or groundwater.
8. “Person” shall mean any individual, firm, company, association, society, corporation, or group.
9. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. “Properly Shredded Garbage” shall mean the waste from the preparation, cooking, dispensing of food that has 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 (1.27 centimeters) in any dimension.

11. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
13. “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
14. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
15. “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. “Sewer” shall mean a pipe or conduit for carrying sewage.
17. “Sewer inspector” shall mean the City of Stanhope’s authorized deputy, agent, or representative.
18. “Slug” shall mean 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 of flows during normal operation.
19. “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
20. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
21. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-4-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, 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 said City, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage, or other polluted waters, except where

suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

3. 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.
4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

6-4-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-4-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the sewer inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the sewer inspector. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the City at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the sewer inspector. The sewer inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the sewer inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the sewer inspector.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State

of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen hundred (1500) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-4-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-4-4 BUILDING SEWERS AND CONNECTIONS.

1. Supervision. A Sewer Inspector shall be appointed pursuant to the laws of the City and State and shall, under the direction of the governing elective officers of the City, supervise all building sewer connections and excavations for the purpose of installing or repairing the same.
2. Use of Public Sewers Required. Where a public sewer is accessible in an easement, street, or alley adjacent to a lot with a building or premises abutting thereon, the liquid wastes from any plumbing system in said building shall discharge into the public sewer as provided by the sanitary sewer rules and regulations and/or rate ordinances.
3. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer inspector.
4. Connection to the Main Public Sewer. Before any connection is made to a public sewer, an approved permit for such connection must be obtained from the governing body or its designated representative. Each connection to the main sewer shall be made to the fitting designated for that property. If a fitting in the main sewer is not available for the

designated property, the connection shall then be made under the direct supervision of the sewer inspector.

5. **Application Process.** Applications for sewer service shall be completed by all future customers on a City-supplied form entitled: STANHOPE MUNICIPAL UTILITIES – APPLICATION FOR SERVICE. The application shall state the name of the applicant along with the address for service and billing. All applications filed after the commencement of the operation of the system and after final passage of Ordinance No. 681 shall be accompanied by a fee of \$75.00, payable to the City in one lump sum along with any fees for water and electric service and will be referred to as “SEWER UTILITY DEPOSIT FEE.” For new construction and newly established sewer service, a \$75.00 fee, payable to the City of Stanhope, shall accompany the Sewer Utility Deposit Fee. (Ord. 681 – Feb. 14 Supp.)
6. All cost and expense 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.
7. **Independent System.** 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
8. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the sewer inspector, to meet all requirements of this Ordinance approved for use by the sewer inspector. The sewer inspector may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located and drained in a manner approved by the sewer inspector and removed or filled with sand, crushed rock or any other solid material approved by the sewer inspector, except as exempted by the sewer inspector. Watertight couplings with stainless steel shields shall be used to connect different materials.
9. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9.
 - a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated

property, the connection shall then be made under the direct supervision of the sewer inspector. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

- b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

Pipe and Fittings – ASTM C 700 “Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated.”

Coupling and Joints – ASTM C 425 “Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings”.

Extra Heavy Cast Iron Soil Pipe

Pipe and Fittings – ASTM A 74 “Standard Specification for Cast Iron Soil Pipe and Fittings.

Joints – ASTM C 564 “Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings.”

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers’ recommendations and shall conform to:

Pipe – A.S.T.M. D 3034, “Type P.S.M. Poly (PVC) and Fittings.”

Minimum wall thickness:

1. 4” – 0.125”
2. 6” – 0.180”
3. 8” – 0.240”
4. 10” – 0.300”

Joints – A.S.T.M. D 1869, A.S.T.M. D 1312, “Flexible Elastomeric Seals.”

- c. Size of Building Sewer. Building sewers shall be sized to meet capacity requirements, but no building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

- d. Grades for Building Sewers. Unless otherwise authorized, all building sewers shall have a grade of not less than one – eighth (1/8) inch per foot. A grade of one fourth (1/4) inch per foot shall be used wherever practical.
 - e. Trenching and Backfilling. All excavation shall be open trench work unless authorized by the sewer inspector. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand, or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the sewer inspector. Building sewers shall be laid straight at uniform grade between connections or fittings.
 - f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.
 - g. A “Y,” “T” or “clean-out” fitting may be installed near the building foundation to provide for clean-out purposes.
10. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said sewer inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the sewer inspector or the sewer inspector’s representative. 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 approved means and discharged to the building sewer.
11. Rain Water Leaders. Roof leaders, surface drains, or ground water drains shall not be connected to the sanitary sewer. No person shall make connection of roof downspouts, 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.
12. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code except as modified herein or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall

be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the sewer inspector before installation.

13. Each and every part of the building sewer shall be inspected and approved by the sewer inspector before being concealed or back filled. The applicant for the building sewer permit shall notify the sewer inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the sewer inspector or the sewer inspector's representative.
14. All excavations for building sewer installation 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.
15. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
16. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.
17. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair, and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-4-5 USE OF THE PUBLIC SEWERS.

1. Storm Water. No person shall discharge or cause to be discharged any stormwater, 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. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
 - a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
 - b. Non-payment of bills.
 - c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the sewer inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the sewer inspector, to a storm sewer, combined sewer, or natural outlet.
3. Prohibited Discharges. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - c. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand 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, shall be subject to the review of the sewer inspector. Where necessary in the opinion of the sewer inspector, the owner shall provide at the 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 sewer inspector and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. Restricted Discharges. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the sewer inspector 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 sewer inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
 - b. Any water or wastes containing fats, wax, grease, 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 (32) and one hundred fifty (150 F) (0 and 65 C).
 - c. 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 (0.76 hp metric) or greater shall be subject to the review and approval of the sewer inspector.
 - d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the sewer inspector for such materials.
 - f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the sewer inspector as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the sewer inspector in compliance with applicable State or Federal regulations.

- h. Any waters or wastes having a pH in excess of 9.5.
 - i. Materials which exert or cause:
 - i. 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).
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - iv. Unusual volume of flow or concentration of waters constituting “slugs” as defined herein.
 - j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
5. 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 6-5-5(4), and which in the judgment of the sewer inspector, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the sewer inspector may:
- a. Reject the wastes,
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - c. Require control over the quantities and rates of discharge, and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-5-5(10) of this article.
 - e. If the sewer inspector 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 sewer inspector, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the sewer inspector, they are necessary 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 sewer inspector and shall be located as to be readily and easily accessible for cleaning and inspection.
7. Preliminary Treatment. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
8. Control Manholes. When required by the sewer inspector, 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 sewer inspector. 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.
9. Testing of Wastes. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls where pH's are determined from periodic grab samples).
10. No statement contained in this article shall be construed as preventing any 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, therefore, by the industrial concern.

6-4-6 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-4-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The sewer inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The sewer inspector or the sewer inspector's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in 6-5-7(1), the sewer inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-4-5(8).
3. The sewer inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-4-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-4-6 shall be served by the City with written notice stating the nature of the violation and

providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations. Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 5: SEWER EXTENSIONS

6-5-1 Purpose

6-5-2 “Builder” Defined

6-5-3 Construction by City

6-5-4 Construction by Owner

6-5-5 Others Required to Connect

6-5-6 Builder Reimbursed

6-5-7 Building Sewers Installed

6-5-1 PURPOSE. The purpose of this article is to provide a means and method for the extension of sewers to serve property not served by an existing sewer line so as to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of the city.

(Code of Iowa, Sec. 364.1)

6-5-2 “BUILDER” DEFINED. For the purpose of this article, the owner of land who causes a sanitary sewer to be installed under the provisions of this article shall be referred to as the “builder,” and such term shall mean the heirs, successors, or assigns of such owner.

6-5-3 CONSTRUCTION BY CITY. An owner of land abutting or adjoining a public street where no sanitary sewer has been installed, may make application to the council for the installation of a sanitary sewer in said street for the purpose of serving said property in accordance with the following:

1. **Application and Deposit.** A written request for such installation, and a sum equal to the cost as estimated by the city of construction from the point where the sanitary sewer is presently installed and terminates to the point where the most distant boundary of the owner's lot abuts the said public street shall be submitted to the council.
2. **Construction.** Upon receipt of the tender of the said sum, the city shall construct the said sanitary sewer for the purpose of serving the property of the applicant (builder) as soon as such construction can reasonably be accomplished.
3. **Additional Cost.** In the event the actual cost to the city of installation of the sanitary sewer is in excess of the estimated costs, the builder agrees to reimburse the city for such actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.
4. **Lien Authorized.** In the event of the failure of the builder to reimburse the city, as specified in subsection 3 above, the total of the additional cost shall be certified to the county treasurer as a special assessment lien against the builder's real estate. In his written request for installation of the sanitary sewer the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.

5. Connecting Property. The expense of connecting the property of the builder to the sewer laid in the public street shall be borne by him, in addition to the cost of constructing said sewer, but such connection shall be under the supervision of the city.

6-5-4 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a public street in which no sewer has been previously installed desires to construct said sewer at his own expense, he may do so, after making proper application to the city and receiving a permit to install such a sewer in accordance with the following:

1. City Supervision. The installation of such a sewer by a landowner at his own expense shall be under the strict supervision of the city and shall, in all ways, conform to the requirements and specifications of the city.
2. Surety Bond. When making application to the city for a permit to install such a sewer, the applicant shall post with the city a surety bond in an amount to be set by the council and made a matter of record in the minutes of said council which shall be an amount equal to not less than 110% of the estimated cost as approved by the council for construction for the full distance from the termination point of the presently existing sewer to the point where the furthest boundary of the applicant's land abuts the public street and which bond shall guarantee the installation of the sewer in as short a time as reasonably possible, and shall further indemnify the city for the cost of completing the said project in the event the applicant fails to complete the same within a reasonable time, and shall further indemnify the city for all damages to the public street incurred in such installation, and shall further hold the city harmless for any and all other damages arising from the installation of the said sewer.
3. Ownership of Sewer Line. After the said sewer has been installed, the same shall become the property of the city.

6-5-5 OTHERS REQUIRED TO CONNECT. Following the installation of a sanitary sewer under the provisions of this article, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewerage generating facilities into said sanitary sewer, as required by Chapter 4.

6-5-6 BUILDER REIMBURSED. Upon receipt by the city of a connection charge in an amount equal to one-half of the actual per foot construction cost of said sewer for the full frontage of each lot so connected, the city shall deduct and retain the sum of one hundred dollars (\$100.00) and shall remit to the builder the balance of said connection charge. As successive sewerage generating facilities are connected to the said sanitary sewer installation, like sums from each connection charge shall be remitted by the city to said builder, until said builder has been reimbursed for the expense of such installation of sewer, less the non-refundable connection charge provided herein.

6-5-7 BUILDING SEWERS INSTALLED. Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the city or by a private party shall include a stub to each

abutting or adjoining lot line of the street or right-of-way on which the sewer is installed. Each party responsible for installing such sewer shall provide the city with an accurate map showing the location of each of such stubs within thirty (30) days of the completion of the installations.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 6: UTILITIES – WATER SYSTEM

6-6-1 Enforcement/Purposes	6-6-20 Right to Shut off Water
6-6-2 Definition of Terms	6-6-21 Responsibility in Turning on Water
6-6-3 Service Connections	6-6-22 Discontinue Use of Water
6-6-4 Mandatory Connections	6-6-23 Water Meters
6-6-5 Application for Service	6-6-24 Unnecessary Waste
6-6-6 Permit	6-6-25 Owners to Protect Meters
6-6-7 Classes of Permits and Fees	6-6-26 Other Supply than City Water
6-6-8 Application for Water Service Connections	6-6-27 Inspection of Meters, Pipes, and Fittings
6-6-9 Water Supply Control	6-6-28 Fire Hydrants Not to be Used
6-6-10 Making the Connection	6-6-29 Water Works Property
6-6-11 Excavations	6-6-30 Special Terms of Use
6-6-12 Inspection and Approval	6-6-31 Estimated Readings
6-6-13 Completion by the City	6-6-32 Construction Use
6-6-14 Meter Accuracy and Test	6-6-33 Service Interruptions
6-6-15 Service Pipes Not to be Laid Across Private Property	6-6-34 Boilers and Pressure Vessels
6-6-16 Separate Connections	6-6-35 Use of Water Restricted
6-6-17 Service Cut Off	6-6-36 Line Extensions
6-6-18 Breaks in Service of Fixtures	6-6-37 Service Refused
6-6-19 Abandoned Service Pipes	6-6-38 Rule Changes
	6-6-39 Complaints

6-6-1 ENFORCEMENT/PURPOSES.

1. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.
2. The Superintendent of public utilities shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had. (Code of Iowa, Sec. 372.13(4))

6-6-2 DEFINITION OF TERMS.

1. In this ordinance the words Water Works of City shall mean the City of Stanhope acting through its qualified officers or employees.
2. A water main shall be defined as any pipe laid by the City of Stanhope or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.
3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.
4. A consumer shall be any person using water furnished by the City of Stanhope, Iowa.

6-6-3 SERVICE CONNECTIONS.

1. The City is responsible only for costs and expenses related to the maintenance of the water service line from the public water source to the main connection. All costs and expenses incident to the installation, connection, disconnection, or maintenance of the water service line from the main to the individual building served shall be borne by the property owner.
2. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.
3. A residential, commercial, or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.
4. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.
5. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the water main shall be turned off at the corporation stop and made absolutely watertight.
6. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

7. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and provision is made so that each house, building or premises may be shut off independently of the other.

6-6-4 MANDATORY CONNECTIONS. The owner of all houses, buildings or structures used for human occupancy, employment, recreation or other purposes, situated within the City of Stanhope 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 water main or service line of the Municipal Waterworks System of the city is hereby required to connect such building, house or other structure to the Municipal Waterworks System within sixty (60) days after the date of official notice to do so, provided that the property line of the property on which such building, house or structure is located is within one hundred (100) feet of such water main or service main.

6-6-5 APPLICATION FOR SERVICE. Applications for water service shall be completed by all future customers on a City-supplied form entitled: STANHOPE MUNICIPAL UTILITIES - APPLICATION FOR SERVICE. The application shall state the name of the applicant along with the address for service and billing. All applications filed after the commencement of the operation of the system and after final passage of Ordinance No. 682 shall be accompanied by a fee of \$100.00, payable to the City in one lump sum along with any fees for sewer and electric service and will be referred to as "WATER UTILITY DEPOSIT FEE." For new construction and newly established water service, a \$100.00 fee, payable to the City of Stanhope, shall accompany the Water Utility Deposit Fee.

6-6-6 PERMIT. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit application from the City of Stanhope. Before a permit application may be issued, the person applying for such permit application shall have executed unto the City of Stanhope and deposited with the city clerk a corporate surety in the sum of estimated cost conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the City of Stanhope pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the City of Stanhope and the owner of the premises against all damage, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, waterworks, or appurtenances as prescribed in this chapter.

6-6-7 CLASSES OF PERMITS AND FEES. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penal ties, claims and demands that may have accrued thereunder prior to such expiration.

There shall be two (2) classes of permit applications: one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application

on a special form furnished by the said City of Stanhope. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of ten (10) dollars for a residential service connection and ten (10) dollars for a commercial or industrial service connection shall be paid to the City of Stanhope at the time the permit application is filed. Service lines and appurtenances shall be constructed of either of the following materials and in accordance with this article and/or the State Plumbing Code.

1. Steel. Steel complying with AWWA standard specifications 7A.3(1) and 7A.4(2), ASTM A 120-62T.
2. Flexible Polyethylene Plastic. Polyethylene plastic complying with commercial standards CS 255-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce minimum rating 125 psi, minimum size 3/4 inch I.D.
3. Polyvinyl-Chloride (PVC). PVC complying with commercial standards 256-63, National Sanitation Foundation approved and stamped as published by United States Department of Commerce, High Impact (type 2) for service lines.
4. Acrylonitrile-Butadiene-Styrene. ABC complying with commercial standards 254-63, National Sanitation Foundation approved and stamped.
5. Copper. Copper complying with ASTM specifications B-88 for type K seamless annealed.

6-6-8 APPLICATION FOR WATER SERVICE CONNECTIONS.

1. Service Applications. Property owner or his agent, hereinafter called customer, must make written application for water service at the city office of the municipality, and said application including service received thereunder is unassignable by the customer.
2. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

6-6-9 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water service pipe near the curb 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.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that

the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

6-6-10 MAKING THE CONNECTION.

1. Tapping Mains. All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with the provisions of this article.
2. Installation of Service Line. The municipality shall install and maintain at its expense that portion of the service from the main to the Jot or easement line, including the necessary tap, fittings, and shut-off valve; and the customer shall install and maintain at its expense that portion of the service from said lot or easement line to his premises, including a stop and waste cock at the end of the house side of his service. The minimum earth cover of the customer's service shall be five (5) feet. The company shall determine the size and kind of service to be installed.
 - a. Service Pipes
 - i. No water service pipe or tap for any building shall be less than three-quarter ($\frac{3}{4}$) inches in diameter. All pipe up to and including one and one-half ($1\frac{1}{2}$) inch inside diameter shall be "Type K." All pipe over one and one-half ($1\frac{1}{2}$) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.
 - ii. All water service pipes and their connections to the water system must be inspected and approved by the Public Works Director, before they are covered, and the Director shall keep a record of such approvals. If the Director 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 Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.
 - iii. No Connection Between Different Services. When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

- iv. Depth of Service Pipe. Service pipe must be laid at least five and one-half (5 ½) feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.
- v. Maintenance of Service Pipes. All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains (except corporation cocks put in during the initial water installation period) shall be installed and maintained at the expense of the owners, and any leaks or other defects in the same shall be promptly repaired by the owner. If not promptly repaired, the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner and must be paid before water shall be turned on again. If such repair is not made within three (3) days of written notification by the City, the property owner shall be charged the sum of Fifteen dollars (\$15.00) per day for each day after said three (3) day period of grace, during which the said water wastage shall continue. (Code of Iowa, Sec. 372.13(4))

6-6-11 EXCAVATIONS.

- 1. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement, or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.
- 2. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk a affidavit of their insurance in the amount of \$ _____ of liability approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

6-6-12 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal 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 owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority. (Code of Iowa, Sec. 372.13(4))

6-6-13 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12(3)(h))

6-6-14 METER ACCURACY AND TEST. Upon the written request of any customer, the meter serving said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise a charge of two dollars (\$2.00) will be made and then only if the test indicates meter accuracy within the limits of two percent (2%).

6-6-15 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

6-6-16 SEPARATE CONNECTIONS. There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and connections made within two lines drawn parallel to the sides of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

6-6-17 SERVICE CUT OFF.

1. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City

property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

2. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.
3. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box or turn on or off the water. Provided, however, that approved plumbers may turn off or on the water for testing plumbing or making repairs, but whenever so used to shut off must be left closed if found closed, and open if found open, by the plumber who uses it.
4. The stop box in every service must be kept flush with the surrounding ground or surface and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused, the payment thereof may be enforced in the same manner as that provided in the case of delinquent water bills.
5. 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 customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

6-6-18 BREAKS IN SERVICE OF FIXTURES. The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

6-6-19 ABANDONED SERVICE PIPES. When an old 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 water tight.

6-6-20 RIGHT TO SHUT OFF WATER.

1. The City reserves the right to at any time, when necessary, without notice, to shut the water off its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.
2. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

6-6-21 RESPONSIBILITY IN TURNING ON WATER. The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruptions of service which in the opinion of the municipality may be deemed necessary.

6-6-22 DISCONTINUE USE OF WATER. A customer may discontinue water service to his premises for periods in which the house, building or other structure so serviced is not used for human occupancy, employment, recreation, or other purposes. Owners or consumers desiring to discontinue the use of water shall give notice thereof in writing at the business office of the waterworks system, who shall then cause the water to be turned off, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality. A service charge of Twenty-five Dollars (\$25.00) shall be made to shut off and reconnect the service. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full. If for any reason, a meter is removed from a house temporarily because of an owner's absence or danger of the meter freezing, a charge of Twenty-five Dollars (\$25.00) shall be made to cover the cost of removing and reconnecting the meter.

6-6-23 WATER METERS.

1. Water furnished consumers shall be measured through meters furnished, installed, and maintained by the city. The full cost of any meter larger than that required for a single family residence shall be paid to the city by the property owner or consumer prior to

the installation of any such meter by the city, or, at the sole option of the city, the property owner or consumer may be required to purchase and install such meter in accordance with requirements established by the city.

2. The piping system shall be so constructed and the meters placed so that all water supplied by the City to be used in or about the premises shall pass through the water meter, and the owner of the premises shall be responsible for compliance with this provision of this Ordinance, and he or she shall be liable for the payment for water used in violation of this Ordinance. The first offense for violating this provision will be a fine of up to Five Hundred Dollars (\$500.00). For each subsequent offense, a civil penalty of up to Seven Hundred Fifty Dollars (\$750.00) shall be imposed. The amount of such water used shall be determined by the City, but in every case where City water is used in violation hereof, the water bill shall be increased not less than one and a half (1½) times the average monthly usage.
3. There shall be a stop and waste between the meter and the wall, and a suitable place provided for the meter so as to keep it safe and clean and readily accessible at all times to the meter reader and inspectors of the City. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served. In case that two or more meters are desired for measuring water to two different tenants in the same building from one service connection, they shall be so placed that neither of the meters shall measure water which has passed through another one.
4. All newly installed meters or meters replaced after the effective date of these Ordinances must be installed on the exterior of the building serviced, or be fitted with an outside reader, and be accessible for reading without entering the premises.

6-6-24 UNNECESSARY WASTE. The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

6-6-25 OWNERS TO PROTECT METERS.

1. The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary

wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be added to the consumer's water bill and payment thereof enforced as provided for delinquent water bills. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

2. No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal. The owner of the property may be charged a civil penalty of up to Five Hundred Dollars (\$500.00) for the first offense and up to a Seven Hundred Fifty Dollar (\$750.00) civil penalty for each subsequent violation of this section.
3. Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such meter, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.
4. Whenever a water meter owned by the city is found to be out of order the city shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, or the meter is not owned by the city, then the property owner shall be liable for the cost of repairs.

6-6-26 OTHER SUPPLY THAN CITY WATER. On premises where water is supplied from two (2) sources, the City water being one of them, the piping system of the City water must be entirely separated from that of the other source.

6-6-27 INSPECTION OF METERS, PIPES, AND FIXTURES. The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

6-6-28 FIRE HYDRANTS NOT TO BE USED. No person, save and except members of the Fire Department of the City of Stanhope, Iowa, or employees of the City acting in regular performance

of their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

6-6-29 WATER WORKS PROPERTY. It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

6-6-30 SPECIAL TERMS OF USE. Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc.

6-6-31 ESTIMATED READINGS. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of normal water usage expected during the period in which the meter failed to register.

6-6-32 CONSTRUCTION USE. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being ten (10) dollars; and the amount to be determined by the municipality depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

6-6-33 SERVICE INTERRUPTIONS. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers, affected by such interruption will be notified in advance whenever it is possible to do so.

6-6-34 BOILERS AND PRESSURE VESSELS. Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.

6-6-35 USE OF WATER RESTRICTED. Water furnished by the municipality may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person.

6-6-36 LINE EXTENSTIONS. The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make such installations unless the customer pays to the municipality the entire cost of the installation and subject to the following provisions:

1. Contract. All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.
2. Calculation of Refunds. If refund of the advance is to be made, the following method shall apply: twenty (20) percent of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five (5) years, provided that the aggregate payments do not exceed the total amount deposited.
3. Refund Not Available. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.
4. Rights of City. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title, or interest therein.

6-6-37 SERVICE REFUSED. The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities will not permit such service.

6-6-38 RULE CHANGES. These rules may be changed or amended.

6-6-39 COMPLAINTS. Complaints may be made to the operator of the system and may be appealed to the city council within ten (10) days.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 7: UTILITIES – REFUSE COLLECTION

6-7-1 Purpose	6-7-10 Open Dumping Prohibited
6-7-2 Findings	6-7-11 Health Hazard
6-7-3 Definitions	6-7-12 Fire Hazard
6-7-4 Duty to Provide Cans	6-7-13 Sanitary Disposal Required
6-7-5 Administration	6-7-14 Sanitary Landfill
6-7-6 Storage	6-7-15 Anti-Scavenging
6-7-7 Collections	6-7-16 Hazardous Waste
6-7-8 Necessity of Permit	6-7-17 Prohibited Practices
6-7-9 Burning of Refuse	

6-7-1 PURPOSE. The purpose of this Ordinance is to insure that solid waste generated within the Community of Stanhope, Hamilton County, Iowa will be collected, transported, and deposited in an environmentally safe manner and to ensure that the mandated reduction goals set out by state codes will be met.

6-7-2 FINDINGS. By Enacting Ordinance 637 the City of Stanhope makes the following specific findings:

1. The collection of solid waste from commercial, residential, and other establishments and premises within the City of Stanhope, is a matter of serious concern to the health, welfare, and safety of the citizens of the City of Stanhope; and
2. The mishandling of solid waste from commercial, residential, and other establishments and premises in the collection and disposal process can result in conditions which adversely affect the health, safety, and welfare of the citizens of the City of Stanhope and may have serious detrimental impact on the quality of the environment; and
3. The collection of solid waste within the City of Stanhope is an essential public service; and
4. To better assure compliance with the requirements of Iowa Code Chapters 455.B301a; 455.302; 455B.307; 455/307a; and 455D.4, it is necessary for the City of Stanhope to assume the overall responsibility for the collection of all waste generated within its corporate boundaries and to limit collection of said waste to those capable and willing to collect said solid waste in a manner deemed by the City of Stanhope to be responsible, sound and consistent with the sanitation and environmental practices and policies established by the State of Iowa and other regulatory agencies; and
5. The City of Stanhope has determined that it can best achieve the goals and objectives of the City as set out in the findings above by one of the following methods:

- a. City Direct Service. The City of Stanhope may choose to provide service directly with city owned and provided equipment and City of Stanhope employees.
 - b. Selected Hauler Service. The City of Stanhope may designate a zone of the city as a selected hauler zone. Under this option, the City of Stanhope may receive proposals, on terms provided by this Ordinance, for one or a limited number of selected haulers.
 - c. Multiple Contract Hauler Service. The City of Stanhope may determine to offer standard contracts to haulers, for an initial contract period determined by the City of Stanhope, under which, any qualified hauler, may, for the contract period, enter into a nonexclusive uniform contract with the City of Stanhope to provide some of the City's service within the zone. The City of Stanhope may choose to offer Contract Hauler service for residential and commercial service, or any combination of the two. The City of Stanhope may enter into contracts with multiple haulers for the same type of service within the same zone.
 - d. Combination of City Service and Private Hauler Service. The City of Stanhope may determine to provide services directly with City of Stanhope equipment and City of Stanhope employees for a portion of the waste stream and offer standard contracts to haulers as outlined above.
6. The City of Stanhope has a duty to encourage recycling and the proper management of household hazardous waste.
 7. The City of Stanhope has a desire to ensure that commercial and industrial hazardous wastes are also collected and disposed of according to federal and state law.

6-7-3 DEFINITIONS. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always, mandatory, and not merely directory.

1. “Additional Residential Services” means services provided to residential properties at the option of the property owner in return for additional user charges.
2. “Basic Residential Services” means the minimum level of services provided to all residences within a Solid Waste Zone.
3. “Hamilton County Solid Waste Commission” means the commission created by the cities within Hamilton County along with Hamilton County pursuant to Iowa Code Chapter 28E, or successor statues for the purpose of cooperatively coordinating and managing solid waste within the Hamilton County area.

4. “City” means all areas within the incorporated City of Stanhope, County of Hamilton, State of Iowa.
5. “City Council” means the City Council of the City of Stanhope, Hamilton County, Iowa.
6. “Commercial” means covered solid waste collection and disposal service provided to all solid waste generators not included within the definition of “residential service” set out in sub-section U below, and may also be referred to as non-residential collection or service.
7. “Covered Solid Waste” means garbage, refuse and other municipal solid waste from residential, and non-residential activity, including commercial activities, but does not include the following waste:
 - a. “Hazardous Waste” as defined in this section;
 - b. Other waste determined inappropriate for collection and conveyance by the City. Unless otherwise determined by the City, the following waste is determined inappropriate for collection and conveyance by the City: incinerator ash; foundry sand; explosives; hospital pathological and biological waste; chemicals and radioactive materials, oil sludge; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water-carried materials or substances; materials in gaseous form; human or animal remains; street sweepings; ash; mining waste; sludge; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons, drugs, yard waste including grass clippings, leaves, tree limbs and related yard debris. The City may issue regulations adding or removing items from the list.
 - c. At the request of any person, or at his or her initiative, the City may issue a binding interpretative ruling as to whether a particular substance constitutes Covered Solid Waste.
8. “Discard” means to place, cause to be placed, throw, deposit or drop.
9. “ Dwelling” means a building or portion thereof, designed or used exclusively for residential occupancy, including one family, two family, multiple family dwelling units, mobile homes, agricultural dwellings, apartments, and seasonal recreational properties but not including nursing homes, hotels, and motels.
10. “ Dwelling Unit” means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities, and has its own water meter.

11. “Environmentally Suitable Manner” means disposal of mixed municipal solid waste in a state permitted solid waste processing, waste-to-energy, transfer, or sanitary landfill disposal facility.
12. “Garbage” Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
13. “Hazardous Waste” means refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentration of chemical, physical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.
14. “Household Hazardous Waste” means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under state or federal rules, but does not include waste from commercial activities that is generated, stored or present in a household.
15. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris.
16. “Open Burning” means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.
17. “Open Dumping” means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
18. “Owner” means in addition to the record title holder 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. “Person” means any human being, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assigned, agent or other legal representative of the forgoing, or any other legal entity.
20. “Recycling” means the process of collection and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use. It includes yard waste composting, and recycling that occurs through mechanical or hand separation of materials.

21. “Refuse” Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health, or detrimental to the best interests of the community except dead animals not killed for food.
22. “Residential Property” means all improved real property in the City devoted to single-family residences, multiple family dwelling units, and mobile homes.
23. “Residential Service” means covered solid waste collection and disposal service provided to dwellings.
24. “Residential Waste” means any refuse generated on the premises as a result of residential activities, but excludes tires and trade wastes.
25. “Rubbish” Includes all other refuse not falling within the term “garbage” except those objects too large to be placed in cans.
26. “Self-Hauler” means an individual generator disposing of their own covered solid waste, providing that disposal is carried out in accord with the law and applicable ordinances and in an environmentally suitable manner.
27. “Solid Waste” means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludge, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agriculture operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock, sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.
28. Container Specification. Waste storage containers shall comply with the following specifications:
 - a. Residential. Residential waste shall be contained in a container of a capacity of not less than twenty (20) gallons nor more than thirty-five (35) gallons; shall be leak proof, waterproof and fitted with a tight fly lid. Use of heavy-duty plastic bags of not more than thirty-five (35) gallons shall also be permitted, so long as they are leak proof, waterproof and are tightly closed. All containers shall have handles, bails or other suitable lifting devices or features. They shall be of lightweight and sturdy construction with the total weight of any individual containers and contents not exceeding sixty-five (65) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers that do not

become brittle in cold weather may be used. Disposable containers, including heavy-duty plastic bags, as previously outlined, may also 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 acquire, either through rental or ownership, metal bulk storage containers approved by the City.
- c. Location of Containers. Residential solid waste containers shall be stored upon the residential premises, however, on the designated solid waste pick up date, they may also be put on the “City parking,” that area which lies between the sidewalk and the street. 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.
- d. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

6-7-4 DUTY TO PROVIDE CANS. Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector. It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

6-7-5 ADMINISTRATION. Administration of this chapter shall be by the Superintendent of refuse, or such employee designated by the Superintendent.

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

6-7-6 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

6-7-7 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require. All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-7-8 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person’s unless otherwise by contract or permit approved by the Superintendent of refuse and issued by the Clerk. In the event any business, firm, or corporation may elect to dispose of refuse

or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City, and a permit issued by the Clerk.

6-7-9 BURNING OF REFUSE. No person shall allow, cause, or permit open burning of combustible materials, except in cases where an officially declared emergency condition exists, or when the open burning of disease trees or yard wastes are necessary, or when the opening burning or flaring of waste gases is conducted in compliance with applicable rules of the Iowa Department of Natural Resources, notwithstanding any exception set out in this paragraph. No such burning of any kind shall be permitted unless it is at least fifty (50) feet distant from any building, a working water hose is on site and the fire is attended to at all times until completely extinguished or burned out. Nothing in this paragraph shall prohibit open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the Iowa Department of Natural Resources. Any person wishing to conduct any open burning of materials not permitted herein may make application to the Iowa Department of Natural Resources for a permit. Any person burning pursuant to a permit issued by the Iowa Department of Natural Resources shall not be in violation of this paragraph.

1. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street.
2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.
3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-7-10 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Iowa Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Iowa Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick, or similar inorganic materials for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

6-7-11 HEALTH HAZARD. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-7-12 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

6-7-13 SANITARY DISPOSAL REQUIRED. Any accumulation of solid waste 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 or by initiating proper action in district court.

6-7-14 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-7-15 ANTI-SCAVENGING. It shall be a violation of this Code for any person to sort through, scavenge, or remove any garbage, waste, refuse, rubbish, or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

6-7-16 HAZARDOUS WASTE. The collection, storage and disposal of hazardous wastes shall be subject to the following:

1. **Labeling.** All containers used for the storage, collection or transportation of hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.
2. **Vehicles and Containers.** All vehicles and containers used for the storage, collection and transportation of hazardous wastes shall be so constructed that they can be loaded, moved, and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and state laws, rules, and regulations.
3. **Disposal.** No person shall deposit in a solid waste container, or otherwise offer for collection, any hazardous wastes. Such materials shall be transported and disposed of as prescribed by the Iowa Department of Natural Resources.

6-7-17 PROHIBITED PRACTICES. It shall be 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. **Radioactive Material.** Dispose of radioactive material in sanitary disposal project. Luminous timepieces are exempt.
4. **Unlawful Collection.** Engage in the business of collecting, transporting, processing, or disposing of solid waste within the City without a contract therefore with the City or a valid permit therefore.

5. Incinerators. Burn solid waste except in approved incinerators so maintained and operated so as to prevent the emission of objectionable odors or particulate matter.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 8: SOLID WASTE COLLECTION

6-8-1 Collection and Conveyance by City

6-8-3 City Provided Service

6-8-2 Pre-Collection Practices

6-8-1 COLLECTION AND CONVEYANCE BY CITY. City of Stanhope Public Collection System. The City hereby establishes a public collection and transportation system, which shall be administered as provided by law and ordinance. The collection and transportation system established herein covers collection of covered solid waste from all residential, commercial, and other properties within the City and its transport to the point of disposal.

1. Ordinance Applies to all Covered Solid Waste. All covered solid waste generated or accumulated in the City shall be collected and conveyed to point of disposal of by the City through the public collection system, except as expressly exempted in this ordinance. No person shall collect or convey any covered solid waste in the City, except as expressly exempted in or authorized by this ordinance.
2. City to Supervise Collection. The City's public collection and transportation system will be managed by the City. The City has the authority to interpret the provisions of this ordinance and implement reasonable standard policies, which are consistent with the terms of this ordinance.
3. Exception for Transport Through City. This ordinance does not prohibit collectors or haulers of solid waste generated in, or accumulated within, other cities, counties, or states from transporting such solid waste for disposal through the City in an otherwise lawful manner. This exception does not relieve such collectors or haulers from complying with other laws governing such transport or disposal.
4. Temporary Exemption for Haulers Under Contract with the City. Haulers under contract with the city as of the date of adoption of this ordinance shall be exempt from this ordinance during the original term of the contract. This exemption shall expire upon termination or expiration of the contract.

6-8-2 PRE-COLLECTION PRACTICES.

1. Waste Reduction. The City is committed to encouraging waste reduction wherever possible, the City shall endeavor to administer this ordinance in a way that protects the environment and the public, and provides the most practical and beneficial use of the materials and energy values of solid waste, implementing whenever possible, goals set out in Iowa Code, chapter 455B.301a to wit;
 - a. Volume reduction at the source.

- b. Recycling and reuse.
 - c. Other approved techniques of solid waste management, including but not limited to, combustion with energy recovery, combustion for waste disposal and disposal at sanitary landfills. In addition, the City shall utilize the capabilities of private enterprise as well as the services of the City to accomplish the desired objectives of an effective solid waste management program, in such a manner to best meet the goals for waste stream reduction set out in Iowa Code, chapter 455B.3, including encouraging recycling for residential and non-residential waste generators.
2. Prohibited Storage. No person shall place any solid waste in any street, alley, road, highway, or other public place, or upon any private property (whether owned by such person or not), within the City, except in proper containers for collection under this ordinance or under express approval granted by the City. Nor shall any person throw or deposit any solid waste in any stream or other body of water.
 3. Unauthorized Accumulation of Deposit of Solid Waste. The unauthorized accumulation, deposit or handling of solid waste not otherwise covered by this ordinance or successor ordinance, is hereby prohibited. The City may, by written notification, require the owners or occupants of property to remove any unauthorized accumulation or deposit of solid waste in the City within a period not to exceed ten days. If the unauthorized accumulation or deposit of solid waste is not removed within the specified time, the City may provide for removal of the accumulation or deposit of solid waste at the owner's or occupant's expense. The City shall then cause the expense to be a lien on the property and collected as property taxes. This action shall not preclude the City from seeking civil or criminal penalties from persons responsible for unauthorized accumulations of deposits of solid waste.
 4. Proper Storage. No persons shall store solid waste in such a manner that it may be carried or deposited by the elements upon any public or private premises. The owner, lessee and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at their premises, business establishment, or industry. No building, structure, area, or premises shall be constructed or maintained for human occupancy, use or assembly, without adequate facilities for sanitary and safe storage and collection of all solid waste.
 5. Household Hazardous Waste and Problem Materials. The City residents shall be encouraged to dispose of household hazardous waste and problem materials through a collection system specifically for household hazardous waste, or other service, which may be provided through the Commission.

6-8-3 CITY PROVIDED SERVICE. The City may elect to establish Solid Waste Collection Zones for residential and commercial waste. The method of City collection applicable in any zone will be established by ordinance of the City Council, as described in Chapter 7.

1. Service to All Properties Every property shall receive, and the owner or occupant thereof shall pay, a fee for collection and disposal of solid waste and recyclables. Self-haulers. Self-hauling of covered solid waste will not be allowed within the City of Stanhope.
2. Solid Waste Zones - Service Options. As part of initial passage of this Ordinance, the City Council may elect to establish solid waste zones for the City. The City Council may elect to adopt a service option for each zone. In determining the appropriate option, the City Council may elect to consider the environmental, economic, and geographic circumstances of each zone and will consider the views of residents and businesses. The City Council may, after notice and hearing, from time to time adopt revisions in the service option for one or more zones.
3. Service Options. In each zone, the City Council may adopt any of the following service options:
 - a. City Direct Service. The City Council may choose to provide service directly with City equipment and City employees.
 - b. Selected Hauler Service. The City may designate a zone as a selected hauler zone. Under this option, the City may receive proposals, on terms provided by this Ordinance, for one or a limited number of selected haulers.
 - c. Multiple Contract Hauler Service. The City may determine to offer standard contracts to haulers, for an initial contract period determined by the City, under which any qualified hauler may, for the contract period, enter into a non-exclusive uniform contract with the City to provide some of the City's service within the zone. The City may choose to offer Contract Hauler service for residential and commercial, or any combination of the two. The City may enter into contracts with multiple haulers for the same type of service within the same zone.
4. Regional Cooperation. Upon approval of the City Council, the City may enter into joint powers agreements pursuant to Iowa statute 28E, or successors statutes.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 9: COLLECTION PARAMETERS

6-9-1 Solid Waste Zone Established	6-9-5 Residential and Commercial Service
6-9-2 City Direct Service Zone	6-9-6 Unpaid Fees
6-9-3 Selected Hauler Service Zone	6-9-7 Savings Clause
6-9-4 Multiple Contract Hauler Zone	6-9-8 Enforcement

6-9-1 SOLID WASTE ZONE ESTABLISHED. The following waste zones are hereby established.

1. Residential Zones. The residential zones set out in Appendix A are hereby adopted as the residential collection zones under this ordinance.
2. Commercial Zones. The commercial zones set out in Appendix B are hereby adopted as the commercial zone(s) under this ordinance.
3. Resolution Determining Method of Collection and Conveyance. The City Council may, by resolution, establish the mechanism for collection and conveyance of covered solid waste for each solid waste zone.
4. Different Service Options May Apply to Different Waste Categories. The City may determine that different categories of covered solid waste will be collected using different methods of collection in the same zone.
5. Factors Involved in Determination. In deciding which service option should be used in a zone, the City Council may consider any factors affecting the public interest, including environmental and public health factors and the expressed preferences of citizens of the zone. The City Council may also consider whether the selection provides the most economical conveyance and best service.
6. Zone Boundaries. A change in the City's borders will result in a corresponding change in zone borders.

6-9-2 CITY DIRECT SERVICE ZONE. The City may determine that residential or non-residential collection and conveyance services, or both, will be provided directly by City employees with City owned equipment.

6-9-3 SELECTED HAULER SERVICE ZONE. The City may determine that City residential or commercial collection and conveyance services, or both, will be provided to the City by one, or more selected private haulers operating under contract with the City.

1. Solicitation of Hauler Proposals. In a Selected Hauler Service Zone, the City Council may select one or more contract haulers to provide collection and conveyance services

for covered solid waste. The City may award contracts to selected haulers for periods as specified by the City Council. As part of the process of selecting haulers, the City may solicit proposals for negotiated contracts from individual haulers. Upon receipt of proposals, the City may accept one or more of these proposals, or may negotiate with one or more haulers to obtain new or different terms from those originally proposed by the haulers. The City may negotiate with potential haulers on price and terms of service. The contract with any selected hauler may provide that the hauler will be the only selected hauler for one or more classes of service, or may provide that there will be a limited number of haulers for one or more classes of service. Any contract negotiated by the City must be approved by the City Council.

2. **Negotiated Reimbursement Rates.** The hauler contract may establish hauler reimbursement rates for commercial and residential services and the City, shall, by ordinance, establish rates for residential and commercial services. The City may elect to contract with different haulers for different types of service.
3. **Additional Reimbursement.** Hauler contracts may establish separate reimbursement rates for residential services that are additional to the basic residential and commercial services.
4. **Designation of Customers and Routes.** Hauler contracts may provide that a selected hauler or haulers may serve all of the customers within the selected route within the zone, or particular classifications of customers within all or a portion of the zone.

6-9-4 MULTIPLE CONTRACT HAULER ZONE. The City may designate any zone as a Multiple Contract Hauler Zone. In a Multiple Contract Hauler Zone, the City may provide collection and transportation services under contract with any qualified hauler who agrees to enter into a contract specified by the City for a contract term specified by the City.

1. **City May Limit Classification of Waste Collected.** The City may determine that only certain classifications of covered solid waste may be collected by multiple contract haulers.
2. **Haulers May Serve Any Customer.** Haulers operating under contract to serve a zone will have an equal right to serve any property within the zone, provided that, if the contract is limited to a particular classification of covered solid waste, the hauler may collect only that classification of covered solid waste. The City may require minimum levels of service, but City contract haulers may offer differing types and qualities of service from those of other City contract haulers. Haulers may compete with any other City contract haulers to determine who will serve individual properties, however, only one hauler will serve each residential and commercial property.

3. Rates Paid by City Customer. Rates charged to all customers will be set by the City Council by Ordinance and will be determined by the rate or rates charged to the City by a hauler or haulers.
4. Procedure for Letting Contracts. From time to time, the City may establish the contents of contracts applicable to qualified hauler(s) within a zone. Contracts may be offered for terms specified by the City Council. The City may set contract terms for residential and commercial service.
5. Solicitation for Proposal. Prior to offering contracts, the City may solicit proposals for Multiple Contract Hauler Zone contracts. The City may enter into negotiations with haulers to set the terms under which haulers will sign such contracts, and the negotiations may cover price, terms of service, and such other contract terms as the City may specify.
6. Conversion to Selected Hauler Zones. If the City determines that there is insufficient interest in entering into contracts on a multiple hauler basis, or the City Council determines that the public interest would otherwise be served, the City may, by ordinance, convert a Multiple Contract Hauler Zone to a Selected Hauler Zone and sign contracts with an individual hauler(s) on terms authorized by this ordinance.

6-9-5 RESIDENTIAL AND COMMERCIAL SERVICE. This section governs the terms of City provided residential and commercial service.

1. Mandatory Service. The owner or occupant of every property shall dispose of covered solid waste by City provided collection and disposal service.
2. City may Promulgate Regulations. The City may, from time to time, establish regulations governing the size and type of containers, requirements for maintenance of receptacles, limitation of materials and placement for collection applicable within one or more solid waste zones. The City may, from time to time, establish regulations providing that certain classes of property or waste may be subject to special collection and disposal requirements.
3. Recycling Regulations. The City may, from time to time, establish regulations governing recycling for residential and commercial waste generators.
4. Minimum Required City Service. The City may establish a minimum level of City provided service for residential and commercial properties for each district. The City may establish the amount and frequency of service that will be received by users within the district in return for the rates charged.
5. Minimum Service Fee. The City may establish a minimum service fee payable in a Solid Waste Zone. The fee within the zone probably will be the same, however it could

vary within the zone according to location, type of residence, classification of property volume of covered solid waste or other relevant factors.

6. **Billing.** Any fee for solid waste collection will be billed by the City and will be billed under parameters set out by ordinance and will be payable with utility services provided by the City and/or Stanhope Municipal Utilities.
7. **Fees for Services Beyond Minimum Required Service.** Haulers within any zone may offer services beyond the minimum level of service required by the City. Fees for such service may be negotiated between the hauler and the individual customer. Any billing over the amount of twenty five-dollars (\$25.00) will be billed directly by the Hauler or Haulers.

6-9-6 UNPAID FEES. If an owner or any person obligated to pay a service fee owed to the City fails to pay the fee in the manner prescribed, the City for itself and/or Stanhope Municipal Utilities or on behalf of its contractors, may recover unpaid fees due under this ordinance in any manner authorized by law, including, but not limited to, the following:

1. **Certification to the County Treasurer.** All rates or charges for solid waste collection services owed to the City and/or Stanhope Municipal Utilities if not paid as provided by ordinance, shall constitute a lien upon the property or premises served by any of these services, upon certification to the County Treasurer that the rates or charges are due, pursuant to the provisions of Iowa Code chapter 384.84.
2. **Civil Action.** In addition to each and every other remedy available to the City and/or Stanhope Municipal Utilities, unpaid service fees, penalties, and interest may be recovered in a civil action in the name of the City and/or Stanhope Municipal Utilities or its Contractor(s).

6-9-7 SAVINGS CLAUSE. In the event that a court of competent jurisdiction determines that any provision of this ordinance, including any of the service options included in this ordinance, are unlawful or unauthorized by law, this ordinance shall nonetheless survive, and the City shall select service options from the remaining options.

1. **Application to Particular Person or Property.** If any court of competent jurisdiction shall rule that the application of any provision of this ordinance is invalid to a particular person or property, such judgment shall not affect the application of said provision to any other person or property not specifically included in the judgment.

6-9-8 ENFORCEMENT. The regulations contained in this section govern violations or threatened violations and provide mechanisms for the City to use in attaining compliance with this ordinance.

1. Any person, firm or corporation who violates any of the provisions of this ordinance, or who fails, neglects or refuses to comply with the provisions of this ordinance, or who

knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$100 or by imprisonment not to exceed 30 days. Each day that a violation occurs will constitute a separate offense.

2. In the event of a violation or a threatened violation of this ordinance, the City, in addition to other remedies, may institute appropriate action or proceedings to prevent, prosecute, restrain, or abate such violation(s), and it shall be the duty of the City Attorney to commence such action.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 10: SOLID WASTE DISPOSAL FEES

6-10-1	Purpose	6-10-6	Responsibility for Payment
6-10-2	Definitions	6-10-7	Amendments to Rates
6-10-3	Sanitary Disposal Project Established	6-10-8	Lien on Real Property
6-10-4	Rates	6-10-9	Disposal Site Requirements
6-10-5	Application and Billing Process	6-10-10	Special Charges for or Exclusion of Certain Materials

6-10-1 PURPOSE. The purpose of this article is to provide for the establishment and operation of a sanitary disposal project for final disposal of solid wastes for the residents of the city through the cooperative efforts for the joint use of a sanitary disposal project with other public agencies and the establishing of rates and charges for the use of and the services and facilities rendered by the sanitary disposal project.

6-10-2 DEFINITIONS. For use in the article, the following terms shall have the following meaning:

1. “City” shall mean City of Stanhope, Iowa.
2. “Commercial Type I Property” shall mean:
 - Grocery and food stores with less than 1500 square feet of floor area.
 - Beauty Shops.
 - Barber Shops.
 - Tailors.
 - Photographic Studios.
 - Libraries. Cemeteries.
 - Churches with less than 500 members. Fire Stations.
 - Office space not elsewhere classified with less than 500 square feet of floor area.
 - Post Office.
 - Insurance Offices.
 - Physicians, Dentists, Engineers, and Lawyer's Offices.
 - Credit Agencies.
 - Funeral Homes.
 - Storage warehouses with less than 100,000 square feet of floor area.
 - Retail stores with less than 2,000 square feet of floor area.
 - Public Parks.
 - Meeting halls, clubs, frat. organizations that do not sell alcoholic beverages.
 - Water plants and sewage treatment plants that do not send sludge to landfill.
 - City maintenance garages.

City administrative offices.

Other non-residential units not otherwise classified in this section producing no more than eight (8) cubic yards of solid waste annually to be disposed.

3. “Commercial Type II Property” shall mean:

Grocery stores with 1,500 to 3,000 square feet of floor area.

Retail stores with more than 2,000 square feet of floor area.

Veterinarians.

Golf courses.

Churches with more than 500 members.

School with enrollment of less than 200.

Banks.

Savings and Loan businesses or agencies.

Greenhouses.

Printing office with less than 1,000 square feet of floor area.

Office space with 500 to 2,000 square feet of floor area.

Taverns and cocktail lounges (includes clubs with liquor licenses).

Eating and food service businesses seating up to 50 people.

Nursing homes with less than 40 beds.

Theaters.

Motels and hotels with less than 20 rooms.

Government offices with less than 1,000 square feet.

Laundries and laundry and dry cleaning services.

Bowling alleys.

Liquor stores.

Other non-residential units not otherwise classified in this section producing more than eight (8) cubic yards and no more than fourteen (14) cubic yards of solid waste annually to be disposed.

4. “Commercial Type III Property” shall mean:

Grocery stores with 3,000 to 5,000 square feet of floor area.

Eating and food service businesses seating 50 to 200 people.

County administrative offices.

County maintenance garages.

Warehouses with 10,000 to 50,000 square feet of floor area.

Schools with enrollments of 200 or more.

Nursing homes with 40 beds or more.

Automobile dealerships.

Farm machinery dealerships.

Lumber stores.

Mobile home dealerships.
Gas stations.

Other non-residential units not otherwise classified in this section producing more than fourteen (14) cubic yards and no more than twenty-five (25) cubic yards of solid waste annually to be disposed.

5. “Commercial Type IV Property” shall mean:

Hospitals.
Grocery stores with more than 5,000 square feet of floor area.
Eating businesses with more than 200 seating capacity.
Warehouses with more than 50,000 square feet of floor area.

Other non-residential units not otherwise classified in this section producing more than 25 cubic yards and no more than 30 cubic yards of solid waste annually to be disposed.

6. “Commercial Type V Property” shall mean:

Industries.
Building contractors.
Grain elevators.

Other non-residential units not otherwise classified in this section producing more than 35 cubic yards of solid waste annually to be disposed.

7. “Commission” shall mean the Hamilton County Solid Waste Commission.
8. “Solid Waste Disposal Agreement” shall mean the Solid Waste Disposal Agreement entered into between the Commission and the County under which the Commission has agreed to provide solid waste disposal service to the County and its residents, and the Council has agreed to provide for the payment of charges therefor.
9. “Project” shall mean the sanitary disposal project referred to in the agreement to be provided by the Commission.

6-10-3 SANITARY DISPOSAL PROJECT ESTABLISHED. The city has become a member of the commission which has established the project and pursuant to the Solid Waste Disposal Agreement with the city, the project is available for use of all residents and property owners within the city for the disposal in a sanitary manner of solid waste within the provisions of Division IV of Chapter 455B of the Code of Iowa, 1973, as amended. All residents and property owners of the city are authorized to use such facilities provided by the city and shall pay the charges established herein therefor.

6-10-4 RATES. There shall be and there are hereby established solid waste collection and disposal charges for the use of and for the service supplied by the City of Stanhope, Iowa, as follows:

Residential	Residential Charge
Residential Property (per single dwelling unit)	\$25.00 per month
Residential Property (per single dwelling unit)	\$300.00 annual charge
Residential Property (Vacation Rate) *	\$15.00 per month (minimum)
Extra Bag Fee	\$2.50 per extra bag existing outside of trash receptacle
<p>For each residential premises and for each dwelling unit of a multiple-family dwelling, collection of solid waste, not exceeding one hundred (100) gallons to be picked up once weekly for the above referenced monthly fee. Removal of any waste, other than normal residential household waste, by the licensed solid waste collector must be arranged and pre-approved by and between the licensed solid waste collector and will be billed by the licensed solid waste collector. Yard waste and toxic and hazardous materials will not be accepted for collection.</p> <p>*The \$25.00 per month rate will apply for all occupied premises. The vacation rate applies only to residential-single and multi-family dwelling customers. To be eligible for the vacation rate, customer must be vacated from the corporate limits of Stanhope, Iowa, for a minimum of thirty (30) days and must, upon request, provide evidence of the vacated status. The minimum charge of \$15.00 per month will apply in the case of any unoccupied residence only if application for the vacation rate has been approved in advance. All unoccupied residences will be billed no less than \$15.00 per month (minimum) unless both the electric and water meters have been removed from service from the premises. Removal of said meters can only be completed by authorized City personnel.</p>	

Commercial	Commercial Charge
Commercial Type I	\$15.00 per month
Commercial Type I	\$180.00 annual charge
Commercial Type II	\$15.00 per month
Commercial Type II	\$180.00 annual charge
Commercial Type III	\$15.00 per month
Commercial Type III	\$180.00 annual charge
Commercial Type IV	\$15.00 per month
Commercial Type IV	\$180.00 annual charge
Commercial Type V	\$15.00 per month
Commercial Type V	\$180.00 annual charge
<p>The amount of \$15.00 per month, \$180.00 annually, will apply unless both the electric and water meters have been removed from service from the premises. Removal of said meters can only be completed by authorized City personnel. All commercial, nonresidential solid waste collection billings are subject to Iowa State sales tax at the current rate in effect.</p>	

6-10-5 APPLICATION AND BILLING PROCESS.

1. Applications for solid waste collection services shall be completed by all future customers on a City-supplied form entitled: STANHOPE MUNICIPAL UTILITIES - APPLICATION FOR SERVICE. The application shall state the name of the applicant along with the address for service and billing. All applications filed after the final passage of Ordinance No. 676 shall be accompanied by a fee of \$30.00, payable to the City in one lump sum along with any fees for water, sewer and electric service and will be referred to as “SOLID WASTE COLLECTION AND DISPOSAL DEPOSIT FEE.”
2. Billings for the rates and charges as herein established shall be sent out monthly on the last working day of each and every month. All bills become due and payable on or before 5:00 p.m. on the 20th of each and every month, unless the 20th shall fall on a Saturday, Sunday, or Legal Holiday, and in such case the bills shall be due and payable the next business day following said Saturday, Sunday, or Legal Holiday. Any charges for solid waste collection services not paid by the 20th day of the month by 5:00 p.m. in which it becomes due and payable will be charged the sum of one and one-half percent (1.5%) of the amount of the bill and will be added thereto and collected therewith.
3. It is hereby made the duty of the City Clerk, designated by the City Council, to render bills for solid waste collection services and all other charges in connection therewith and to collect all moneys due therefrom.
4. All revenues and moneys derived from solid waste collection and disposal services of the City of Stanhope, Iowa, shall be paid to and held by the City of Stanhope separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the providing of said services, as may be delivered to the City, shall be deposited in a fund designated the Garbage/Landfill Fund, and the City Council shall administer said fund in the manner provided by the Code of Iowa and all other laws pertaining thereto.
5. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the solid waste collection and disposal services, and at regular intervals the City Council shall cause to be made an audit, by an independent auditing concern or the State of Iowa, of the books to show the receipts and disbursements of said solid waste collection and disposal services. The City shall be required to annually prepare a budget of the solid waste collection and disposal system, also referred to as Garbage/Landfill Fund to show the required revenues and expenditures. If necessary, user charge rates will be adjusted to produce adequate income to retire any

indebtedness, meet operation, maintenance and replacement needs and establish required reserves.

6-10-6 RESPONSIBILITY FOR PAYMENT. The owner of the premises served and the occupant thereof and the user of the solid waste collection and disposal services shall be jointly and severally liable for the solid waste collection and disposal services provided said premises. A Solid Waste Collection and Disposal Deposit Fee of \$10.00 shall be required from all tenants and all solid waste collection and disposal system customers. The deposit shall be applied to any bill for solid waste collection and disposal services delinquent more than 30 days. Upon discontinuance of utility services, any balance of such deposit shall be returned to the applicant, without interest. The Solid Waste Collection and Disposal Deposit Fee will be waived if the said customer can provide the utility with an acceptance Letter of Credit from a prior utility supplier. To be acceptable, said Letter of Credit shall not include more than two periods in which the account was paid after the due date in a twelve (12) month period.

6-10-7 AMENDMENTS TO RATES. The rates and charges established in Section 6-10-4 hereof shall be revised from time to time whenever necessary so as to always provide the City with sufficient revenue to pay the rates, tolls, fees, rentals or other charges levied against it by the commission for the payment of the services and facilities provided by the project; such revisions may be made at any time and shall become effective so that the next ensuing quarterly payment date after such revision becomes effective shall be at the new revised rates.

6-10-8 LIEN ON REAL PROPERTY. Except as provided for in Section 6-10-6 of this Code of Ordinances, all solid waste collection and disposal charges levied constitute a lien upon the premises served and if not paid within sixty (60) days after the due date, the charges shall be certified to the County Treasurer and shall be collectible in the same manner as taxes.

6-10-9 DISPOSAL SITE REQUIREMENT. No person shall haul or cause to be hauled any solid waste (as defined in Division IV of Chapter 455B of the Code of Iowa, 1973, as amended) to any disposal place or site, or maintain any sanitary disposal project, or part thereof as that term is defined in Division IV of Chapter 455B of the Code of Iowa, 1973, as amended, unless such place, site or area .has been properly zoned for such use and a permit obtained from the city and the Solid Waste Disposal Commission of the State Department of Environmental Quality, and approved by the Commission.

6-10-10 SPECIAL CHARGES FOR OR EXCLUSION OF CERTAIN MATERIALS. At the discretion of the commission certain materials may be excluded from those solid wastes which may be deposited at the project which by reason of their size or other unusual qualities may be of such nature that they may not be reasonably handled by the project or special charges may be made by the commission for said materials which by reason of such unusual qualities pose special difficulties for disposal.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 11: ELECTRIC UTILITY

- 6-11-1 Rates Established
- 6-11-2 Source of Power
- 6-11-3 Power Cost Adjustment
- 6-11-4 Service by Contract
- 6-11-5 Application Process
- 6-11-6 Billing Process
- 6-11-7 Electric Utility Fund
- 6-11-8 Accounting and Auditing

6-11-1 RATES ESTABLISHED. The rates for electric service shall be as follows:

Residential Service

APPLICABLE TO:

Residential customers for all domestic uses in single-family dwellings and individually metered apartments with the service territory of City of Stanhope Municipal Electric Utility.

This schedule includes the use of motors of not more than five (5) horsepower individual capacity; water heating units not exceeding 5kW simultaneous capacity; and space heating and air conditioning.

SERVICE AVAILABLE

Single-phase, 60 Hertz, 120/240 volt, 400 amp max., 3-wire, single meter.

MONTHLY RATE:

	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>
Customer Charge (no kWh) plus	\$14.80	\$15.85	\$16.80
Energy Charge All kWh	12.7 cents	13.6 cents	14.4 cents

SALES TAX:

Sales tax is currently not applied to residential billings by Iowa law; however if the law shall change it will be collected accordingly.

Small Commercial Service

APPLICABLE TO:

Any commercial or industrial load within the service territory of City of Stanhope Municipal Electric Utility, with a monthly usage that does not exceed 5,000 kWh in any twelve-month period, for all purposes. Service may be single or three phase.

SERVICE AVAILABLE:

Single-phase, 60 Hertz, 120/240 volt, 400 amp max., 3-wire, single meter; or three-phase, 60 Hertz, at available voltages and configurations.

MONTHLY RATE:

	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>
Customer Charge (no kWh) plus	\$22.00	\$23.50	\$24.95
Energy Charge All kWh	13.6 cents	14.5 cents	15.4 cents

SERVICE AVAILABLE:

Sales tax to be added to all electric bills so as to be in compliance with the provisions of the laws of the State of Iowa.

Large Commercial Service

APPLICABLE TO:

Any commercial or industrial load within the City of Stanhope Municipal Electric Utility service territory, with monthly usage that exceeds 5,000 kWh at least once in any twelve-month period, for all purposes.

SERVICE AVAILABLE:

Three-phase, 60 Hertz, 240/120 V, 208 Y/120V, or 480 Y/277 V, 4-wire. Special voltages may be provided at the discretion of the utility. Utility furnishes only one transformer bank and/or one meter.

MONTHLY RATE:

	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>
Customer Charge (no kWh) plus	\$31.50	\$33.70	\$35.70
Energy Charge All kWh	3.6 cents	3.9 cents	4.1 cents
Demand Charge All kWh	\$27.00	\$28.90	\$30.60

METERED DEMAND:

The metered demand for any month shall be the maximum kilowatt demand established by the consumer for any fifteen-minute interval during the month as indicated or recorded by a demand meter.

POWER FACTOR ADJUSTMENT:

If the customer's average monthly power factor falls below 90%, leading or lagging, the utility may adjust the metered demand by the ratio of 90% to the measured average monthly power factor in percent. Example:

Metered Demand = 739 kW

Ave. Mo. Power Factor = 73.0%

Ratio = $90/73 = 1.2329$

Adjusted Demand = $(739)(1.2329) = 911$ kW

ADJUSTED DEMAND:

The adjusted demand consists of the metered demand adjusted for power factor, if applicable.

BILLING DEMAND:

The demand to be billed shall be the adjusted demand for the month but not less than 50% of the highest adjusted demand during the preceding 11 months.

SALES TAX:

Sales tax to be added to all electric bills so as to be in compliance with the provisions of the laws of the State of Iowa.

The City of Stanhope and the electric utility, also referred to as Stanhope Municipal Electric Utility or Stanhope Municipal Utilities, reserves the right to assess a Power Cost Adjustment (PCA) and/or a Nuclear Waste Charge (NWC), by passage of an Official Resolution by the Stanhope City Council, if determined to be necessary, at least thirty days prior to the billing cycle for which the charges are to be collected. The total amount of said charges will be assessed all customers of the City of Stanhope and the electric utility, also referred to as Stanhope Municipal Electric Utility or Stanhope Municipal Utilities on a per-kilowatt hour (kWh) basis.

Service to certain commercial customers may be by contract if the City deems this to be in the best interest of the City of Stanhope and the electric utility.

6-11-2 SOURCE OF POWER. The City of Stanhope and the electric utility, also referred to as Stanhope Municipal Electric Utility or Stanhope Municipal Utilities, secures its power requirements from the following source:

Resale Power Group of Iowa (RPGI)

1735 N.E. 70th Avenue

Ankeny, Iowa 50021

6-11-3 POWER COST ADJUSTMENT. The City of Stanhope and the electric utility, also referred to as Stanhope Municipal Electric Utility or Stanhope Municipal Utilities, reserves the right to assess a Power Cost Adjustment (PCA) and/or a Nuclear Waste Charge (NWC), by passage of an official resolution by the Stanhope City Council, if determined to be necessary, at least thirty

days prior to the billing cycle for which the charges are to be collected. The total amount of said charges will be assessed all customers of the City of Stanhope and the electric utility, also referred to as Stanhope Municipal Electric Utility or Stanhope Municipal Utilities on a per kilowatt (KW) basis.

6-11-4 SERVICE BY CONTRACT. Service to certain commercial customers may be by contract if the City deems this to be in the best interest of the City of Stanhope and the electric utility.

6-11-5 APPLICATION PROCESS. Applications for electric service shall be completed by all future customers on a City supplied form entitled: STANHOPE MUNICIPAL UTILITIES-APPLICATION FOR SERVICE. The application shall state the name of the applicant along with the address for service and billing. All applications filed after the final passage of this ordinance, shall be accompanied by a fee equal to the highest billing during the latest consecutive twelve-month billing period at the service address. In the case of a new installation or where there is no previous electric billing history, the fee will be determined by using an average of 500 kilowatt hours times the current rate in effect, payable to the City in one lump sum along with any fees for water, sewer and solid waste collection services and will be referred to as “ELECTRIC UTILITY DEPOSIT FEE”. For new construction and newly established electric service, a \$150.00 fee, payable to the City of Stanhope shall accompany the Electric Utility Deposit Fee.

6-11-6 BILLING PROCESS.

Section 1. Billings for the rates and charges as herein established shall be sent out monthly on the last working day of each and every month. All bills become due and payable on or before 5:00 P.M. on the 20th of each and every month, unless the 20th shall fall on a Saturday, Sunday, or Legal Holiday, and in such case the bills become due and payable the next business day following said Saturday, Sunday, or Legal Holiday. Any charges for electric utility services not paid by the 20th day of the month by 5:00 P.M. in which it becomes due and payable, will be charged the sum of one-and-one-half percent (1.5%) of the amount of the bill and will be added thereto and collected therewith.

Section 2. The owner of the premises served and the occupant thereof and the user of the electric utility service may be jointly and severally liable for the electric service provided said premises, subject to current Iowa law. An Electric Utility Deposit Fee, equal to the highest billing, during the latest consecutive twelve-month billing period at the service address will be required. In the case of a new installation or where there is no previous electric billing history, the fee will be determined by using an average of 500 kilowatt hours, times the current rate in effect, and shall be required from all tenants and all electric utility customers prior to the commencement of services and final passage of this ordinance. The deposit shall be applied to any bill for electric service delinquent more than 30 days. For new construction and newly established electric service, a \$150.00 fee, payable to the City of Stanhope shall accompany the Electric Utility Deposit Fee. Collection of the Electric Utility Deposit Fee, electric utility service fees and/or discontinuance of electric service shall be governed by the Iowa Utilities Board and all rules and operational

parameters of said Iowa Utilities Board shall be followed by the electric utility. Upon disconnection of the electric service, any balance of such deposit shall be returned to the applicant, without interest. The Electric Utility Deposit Fee will be waived if the said customer can provide the utility with an acceptable Letter of Credit from a prior utility supplier. To be acceptable, said Letter of Credit shall not include more than two periods in which the account was paid after the due date in a twelve (12) month period.

Section 3. It is hereby made the duty of the City Clerk, designated by the City Council, to render bills for electric utility service and all other charges in connection therewith and to collect all moneys due there from.

Section 4. All electric utility charges levied pursuant to the ordinance may constitute a lien upon the premises served. Said charges may be certified to the Hamilton County Auditor and may be collectible in the same manner as taxes if current Iowa law permits this action.

6-11-7 ELECTRIC UTILITY FUND. All revenues and moneys derived from the operation of the electric utility shall be paid to and held by the City of Stanhope separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City, shall be deposited in a fund designated the Electric Utility Fund, and the City Council shall administer said fund in the manner provided by the Code of Iowa and all other laws pertaining thereto.

6-11-8 ACCOUNTING AND AUDITING. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the electric utility system and at regular intervals the City Council shall cause to be made an audit, by an independent auditing concern or the State of Iowa, of the books to show the receipts and disbursements of said electric utility system. The City shall be required to annually prepare a budget of the Electric Utility to show the required revenues and expenditures. If necessary, user charge rates will be adjusted to produce adequate income to retire any indebtedness, meet operation, maintenance and replacement needs and establish required reserves.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 12: UTILITIES – BILLING CHARGES

6-12-1	Utility Defined	6-12-14	Rate of Sewer Rent and Manner of Payment
6-12-2	Districts	6-12-15	Special Agreements Permitted
6-12-3	Disposition of Fees and Charges	6-12-16	Determination and Payment of Sewer Rent from Premises with Private Water Systems
6-12-4	Sewer System Account	6-12-17	Payment of Bills
6-12-5	Accounting and Auditing	6-12-18	Lien for Nonpayment
6-12-6	Billing, Penalty	6-12-19	Special Rates
6-12-7	Billing Procedures	6-12-20	Additional Meter
6-12-8	Discontinuing Service, Fees	6-12-21	Lien Exemption
6-12-9	Residential Rental Property	6-12-22	Lien Notice
6-12-10	Customer Guarantee Deposits	6-12-23	Application Process
6-12-11	Water Rates		
6-12-12	Liability		

6-12-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-12-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Stanhope, Iowa.

6-12-3 DISPOSITION OF FEES AND CHARGES. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water utility system and at regular intervals the City Council shall cause to be made an audit, by an independent auditing concern or the State of Iowa, of the books to show the receipts and disbursements of said water utility system. The City shall be required to annually prepare a budget of the water utility system to show the required revenues and expenditures. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs and establish required reserves.

6-12-4 SEWER SYSTEM ACCOUNT. All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the City of Stanhope separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City, shall be deposited in a fund designated the Sewer Utility Fund, and the City Council shall administer said fund in the manner provided by the Code of Iowa and other laws pertaining thereto.

6-12-5 ACCOUNTING AND AUDITING. All revenues and moneys derived from the operation of the water utility shall be paid to and held by the City of Stanhope separate and apart from all

other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City, shall be deposited in a fund designated the “Water Utility Fund”, and the City Council shall administer said fund in the manner provided by the Code of Iowa and other laws pertaining thereto.

The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water utility system and at regular intervals, the City Council shall cause to be made, an audit, by an independent auditing concern or the State of Iowa of the books to show the receipts and disbursements of said water utility system. The City shall be required to annually prepare a budget of the water utility system to show the required revenues and expenditures. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation; maintenance and replacement needs and establish required reserves.

6-12-6 BILLING, PENALTY. Billings for the rates and charges as herein established shall be sent out monthly on the last working day of each and every month. All bills become due and payable on or before 5:00 p.m. on the 20th of each and every month, unless the 20th shall fall on a Saturday, Sunday, or Legal Holiday, and in such case the bills shall be due and payable the next business day following said Saturday, Sunday, or Legal Holiday. Any charges for water utility services not paid by the 20th day of the month by 5:00 p.m. in which it becomes due and payable will be charged the sum of one and one-half percent (1.5%) of the amount of the bill and will be added thereto and collected therewith. If any bills remain unpaid 30 days following the due date, the water supply for the lot, parcel of land or premises affected may, after notice and hearing, be cut off and may not be restored except upon satisfactory payment of said delinquent charges.

6-12-7 BILLING PROCEDURES. Billings for the rates and charges as herein established shall be sent out monthly on the last working day of each and every month. All bills become due and payable on or before 5:00 P.M. on the 20th of each and every month, unless the 20th shall fall on a Saturday, Sunday, or Legal Holiday, and in such case the bills shall be due and payable the next business day following said Saturday, Sunday, or Legal Holiday. Any charges for water utility services not paid by the 20th day of the month by 5:00 P.M. in which it becomes due and payable, will be charged the sum of one-and-one-half percent (1.5%) of the amount of the bill and will be added thereto and collected therewith. If any bills remain unpaid 30 days following the due date, the water supply for the lot, parcel of land or premises affected, may, after notice and hearing, be cut off and may not be restored except upon satisfactory payment of said delinquent charges.

The owner of the premises served and the occupant thereof and the user of the water utility service shall be jointly and severally liable for the water service provided said premises. A Water Utility Deposit Fee of \$100.00 shall be required from all tenants and all water utility system customers after the commencement of the operation of the system and after final passage of this ordinance. The deposit shall be applied to any bill for water service delinquent more than 30 days. Upon disconnection of the water service, any balance of such deposit shall be returned to the applicant,

without interest. The Water Utility Deposit Fee will be waived if the said customer can provide the utility with an acceptable Letter of Credit from a prior utility supplier. To be acceptable, said Letter of Credit shall not include more than two periods in which the account was paid after the due date in a twelve (12) month period.

It is hereby made the duty of the City Clerk, designated by the City Council, to render bills for water service and all other charges in connection therewith and to collect all moneys due therefrom.

All water charges levied pursuant to the ordinance constitute a lien upon the premises served and if not paid within sixty days after due date, the charges shall be certified to the Hamilton County Auditor and shall be collectible in the same manner as taxes.

6-12-8 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
 - a. The Public Works Director, or his or her authorized representative, shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for water on or before the tenth (10th) day after mailing of written notice that the water supply will be shut off. The City Clerk shall send such notice within forty-eight (48) hours following the delinquent date, or on the first office day following such first day after the delinquent date. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Clerk shall notify each delinquent customer that service will be disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to discontinuance. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If a hearing is requested, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
 - b. Notice. The Clerk shall notify each delinquent customer that water service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

- c. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
 - d. Hearing. If a hearing is requested by noon of the day preceding the shutoff, the hearing officer shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
 - e. Reconnect Charge. Where the water supply to a customer has been discontinued for nonpayment of delinquent bills, a charge of ten dollars (\$10.00) will be made for reconnection of water service, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid.
2. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner. (Code of Iowa, Sec. 384.84 (3))
3. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user. (Code of Iowa, Sec. 384.84(3)(a)(3))
4. There will be no extension of water service after the current billing unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.
5. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the water service and rules set by the City Council and its authorized representatives. Persons receiving water service outside the city limits shall be charged a rate of 1-1/2 times the rate charged to premises located within the corporate city limits of the City.
6. Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

- a. Misrepresentation. Misrepresentation. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
- b. Failure to Report Use. Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.
- c. Sale of Water. Resale or giving away of water.
- d. Misuse. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.
- e. Tampering. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
- f. Cross Connection. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality.
- g. Delinquency. Non-payment of bills.

6-12-9 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.
2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.
3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal 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 utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair

charges become delinquent. (Code of Iowa, Sec. 384.84(3)(d)) (Code of Iowa, Sec. 384.84(3)(e))

(Amended in 2012)

6-12-10 CUSTOMER GUARANTEE DEPOSITS. For new construction and newly established water service, a \$50.00 fee, payable to the City of Stanhope, shall accompany the Water Utility Deposit Fee

6-12-11 WATER RATES. There shall be and there are hereby established water service charges for the use of and for the service supplied by the municipal water utility based upon the amount and rate of water consumed as follows:

<u>Amount</u>	<u>Water Service Charge</u>
Base Customer Charge	\$19.60
plus	
First 1,000 gallons or lesser amount per month	8.95 per month
All usage above the minimum monthly rate	8.95 per 1,000 gallons or \$0.00895 per gallon

All billings will be subject to Iowa State Water Service Excise Tax (WET).

In the case of non-metered services, the minimum service charge shall not be less than \$19.74 per month, which is necessary to retire any indebtedness, meet operation, maintenance and replacement needs and establish required reserves.

Service to industrial and certain large commercial establishments may be by contract if the City deems this to be in the best interest of the City.

6-12-12 LIABILITY. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. A Sewer Utility Deposit Fee of \$75.00 shall be required from all tenants and all sewer system customers after the commencement of the operation of the system and after final passage of Ordinance No. 681. The deposit shall be applied to any bill for sewer service delinquent more than 30 days. Upon disconnection of the sewer service any balance of such deposit shall be returned to the applicant, without interest. The Sewer Utility Deposit Fee will be waived if the said customer can provide the utility with an acceptable Letter of Credit from a prior utility supplier. To be acceptable, said Letter of Credit shall not include more than two periods in which the account was paid after the due date in a twelve (12) month period.

6-12-13 RATE OF SEWER RENT AND MANNER OF PAYMENT. Every contributor shall pay to the city sewer rental fees as hereinafter provided. (Code of Iowa, 1977, Sec. 384.84(1))

1. Sanitary Sewer Rates. There shall be and there are hereby established sewer service charges for the use of and for the service supplied by the municipal sewer utility based upon the amount and rate of water consumed as follows:
2. Amount Sewer Service Charge
 - a. First 2,000 gallons or lesser amount per month \$14.97 per month (minimum consumption charge, based upon water usage, minimum monthly rate) 0.007485
 - b. All usage above the minimum monthly rate \$5.33 per 1,000 gallons, based upon water usage 0.00533
 - c. All commercial, non-residential sewer service billings will be subject to Iowa State sales tax at the current rate in effect and local option sales tax, if applicable. In the case of non-metered services, the minimum service charge shall not be less than \$13.00 per month, which is necessary to retire the indebtedness, to pay operating, maintenance, and replacement costs and to fund reserves necessary for maintaining the sanitary sewer facility. Service to industrial and certain large commercial establishments may be by contract if the City deems this to be in the best interest of the City.

(Ord. 681 - Feb. 14 Supp.)

6-12-14 SPECIAL AGREEMENTS PERMITTED. No statement in this article shall be construed as preventing a special agreement, arrangement or contract between the council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the council.

6-12-15 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises are served by a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system at the contributor's expense. The rates shall be the same as provided in Section 6-12-13 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-12-13. Any negotiated, or agreed upon sales or rentals shall be subject to approval of the council.

(Code of Iowa, Sec. 384.84(1))

(Code of Iowa, Sec. 384.84 (2b))

6-12-16 PAYMENT OF BILLS.

1. Billings for the rates and charges as herein established shall be sent out monthly on the last working day of each and every month. All bills become due and payable on or before 5:00 p.m. on the 20th of each and every month, unless the 20th shall fall on a

Saturday, Sunday, or Legal Holiday, and in such case the bills shall be due and payable the next business day following said Saturday, Sunday, or Legal Holiday. Any charges for sewer utility services not paid by the 20th day of the month by 5:00 p.m. in which it becomes due and payable will be charged the sum of one and one-half percent (1.5%) of the amount of the bill and will be added thereto and collected therewith. If any bills remain unpaid 30 days following the due date, the water supply for the lot, parcel of land or premises affected may, after notice and hearing, be cut off and may not be restored except upon satisfactory payment of said delinquent charges.

2. The service charges for sanitary sewer services to customers not being supplied water by the municipal water system become due and payable on or before 5:00 p.m. on the 20th of each month, unless the 20th shall fall on a Saturday, Sunday or Legal Holiday, and in such case the bills become due and payable the next business day following said Saturday, Sunday or Legal Holiday.
3. It is hereby made the duty of the City Clerk, designated by the City Council, to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

6-12-17 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.

6-12-18 SPECIAL RATES. Where in the judgment of the superintendent and the council, special conditions exist to the extent that the application of the sewer rental provided in Section 6-12-13 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the superintendent and submitted to the council for approval by resolution.

(Code of Iowa, 1977, Sec. 384.84(2b))

6-12-19 ADDITIONAL METER. Any residential water customer who desires to use City water for a purpose that prevents the used water from entering the City sewer system may purchase, at their expense, and have installed, by a licensed plumber, an additional water meter to measure the water used for such a purpose. The residential customer shall purchase the water meter from the City and said meter shall be installed to City specifications, by a licensed plumber, in such a way that only water that cannot enter the sewer system will be measured through said meter. The amount of water thus used and measured by such an additional water meter shall be added to the water used and measured by the primary water meter and the total water consumed shall be paid for at the regular water usage rate established. No charge for sewer usage shall be made for water measured through such additional meter as long as the total water usage through the primary and additional water meter together is equal to or greater than 10,000 (ten thousand) gallons per

account, per month. Any and all water usage of less than 10,000 (ten thousand) gallons per account, per month, shall be subject to any and all sewer charges. There shall be no additional minimum charge for the additional meter; however, all costs of purchase, installation, maintenance and future replacement of the additional water meter shall be borne by the customer. Installation and use of the additional meter shall only be applicable to residential customers.

6-12-20 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 rates or charges. In addition, a lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service.

The City may require a deposit not exceeding the usual cost of 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 the charges, the address of the rental property, and the date of occupancy. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit to the tenant 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 thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to any of the services.

6-12-21 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail, not less than ten (10) days prior to certification of the lien to the County Treasurer.

6-12-22 APPLICATION PROCESS. Applications for water service shall be completed by all future customers on a City supplied form entitled: Stanhope Municipal Utilities-Application for Service. The application shall state the name of the applicant along with the address for service and billing. All applications filed after the commencement of the operation of the system and after final passage of this ordinance, shall be accompanied by a fee of \$100.00, payable to the City in one lump sum along with any fees for sewer and electric service and will be referred to as "Water Utility Deposit Fee". For new construction and newly established water service, a \$100.00 fee, payable to the City of Stanhope shall accompany the Water Utility Deposit Fee.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 13: RULES AND REGULATIONS FOR THE CONTROL AND OFFERING OF CABLEVISION SERVICES

6-13-1	Purpose/Short Title	6-13-14	Line Extensions
6-13-2	Definitions	6-13-15	City Rights
6-13-3	Findings – Granting of Franchise	6-13-16	Publication Costs and Attorney Fees
6-13-4	Compliance – Required Generally	6-13-17	Payments to the City
6-13-5	Compliance – National Electrical Safety Code	6-13-18	Rates and Charges - Designated
6-13-6	Compliance – FCC Rules and Regulations	6-13-19	Rates and Charges - Change
6-13-7	Modification of FCC Rules	6-13-20	Record Keeping
6-13-8	Transfer	6-13-21	Service Procedures
6-13-9	Company Rules and Regulations	6-13-22	Protection of Privacy
6-13-10	Franchise – Term	6-13-23	Program Content Restriction
6-13-11	Franchise Renewal	6-13-24	Employment – Discrimination Prohibited
6-13-12	System Construction, Maintenance, and Procedures	6-13-25	Liability and Indemnification
6-13-13	Construction Schedule	6-13-26	Activities Prohibited
		6-13-27	Violation; Penalty

6-13-1 PURPOSE/SHORT TITLE. The purpose of this chapter is to provide regulatory provisions for cable television systems in the city. The ordinance codified in this chapter shall be known and may be cited as the “Stanhope Cable Television Regulatory Ordinance.”

6-13-2 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words, and derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. “Company” means Oak Cable Systems, Inc., the grantee of rights under the regulatory ordinance codified in this chapter. Any other firm granted a cable television franchise in the city would also be governed by this chapter.
2. “Federal Communications Commission” or “FCC” means that federal agency constituted by the Communications Act of 1934 as amended.
3. “Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.

4. “System” means the lines, fixtures, equipment, attachments, and appurtenances thereto which are used in the construction, operation and maintenance of the community antenna television system authorized in this chapter.

6-13-3 FINDINGS – GRANTING OF FRANCHISE. The regulatory ordinance codified in this chapter, granting the nonexclusive right to construct, operate and maintain a cable television system in the city was passed and adopted by the city council after a full, open, and public proceeding. Said proceeding was held after public notice was given and afforded all interested parties the opportunity to comment upon the legal, character, financial, technical, and other qualification of the company. Having received at said proceeding all comments regarding the qualifications of the company, the city finds that the company possesses the necessary legal, technical, character, financial and other qualifications and that the company's construction arrangements are adequate and feasible. Therefore, the city grants to the company a nonexclusive franchise, right and privilege to construct, erect, operate, modify and maintain, in, upon, among, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the city, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the city of a cable television system for the purpose of distributing television and radio signals and other electronic impulses in order to furnish television and radio programs and other various communications and other electronic services to the public which are not regular television and radio programming, such as transmittal of NYSE information, news headline information, private message information, weather information and sports information. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes set forth in this chapter.

6-13-4 COMPLIANCE – REQUIRED GENERALLY. The company shall, at all times during the life of the regulatory ordinance codified by this chapter, be subject to all lawful exercise of the police power by the city and to such reasonable regulation as the city shall hereafter by resolution or ordinance provide. The construction, operation and maintenance of the system by the company shall be in full compliance with such portions of the National Electrical Safety Code as may be applicable and as the same may be amended and revised from time to time, and in full compliance with all other applicable rules and regulations now in effect or hereafter adopted by the Federal Communications Commission, the city or any other agency of the State or the United States, which may hereafter acquire jurisdiction of the operations of the company authorized in this chapter. The company will provide a minimum of 5 satellite signals with an additional 4 off-air channels.

6-13-5 COMPLIANCE – NATIONAL ELECTRICAL SAFETY CODE. All facilities and equipment of the company shall be constructed and maintained in accordance with the requirements and specifications of the National Electrical Safety Code and such applicable ordinances and regulations set forth by the city and/or any local, state, or federal agencies.

6-13-6 COMPLIANCE – FCC RULES AND REGULATIONS. The company shall, at all times, comply with the rules and regulations governing CATV operations promulgated by the FCC, specifically those set out in Section 76.31 of the FCC Rules and Regulations. This shall include adherence by the company to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and signal carriage therein.

6-13-7 MODIFICATION OF FCC RULES. Consistent with the requirements of Rule 76.31(a) (6) of the FCC, any modification of Rule 76.31 resulting from amendment thereto by the FCC shall be incorporated in this chapter by specific amendments thereto by lawful action of the city council within one year from the effective date of the FCC's amendment or .at the time of renewal of the ordinance codified in this chapter, whichever occurs first.

6-13-8 TRANSFER. The franchise shall not sell or transfer its system to another, or alter the composition of its individual partners or stockholders, or transfer any rights under this chapter to another without written notice and approval by the city; provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee has filed with the appropriate official of the city an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this chapter and agreeing to perform all conditions thereof.

6-13-9 COMPANY RULES AND REGULATIONS. The company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under this chapter, and to assure an uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of federal and state laws.

6-13-10 FRANCHISE - TERM. The franchise granted the company in this chapter shall terminate twenty-five (25) years from date of grant, subject to renewal for periods of reasonable duration on the same terms and conditions as contained in this chapter, or on such different or additional terms and conditions as may be lawfully specified by the city council and as are consistent with the requirements of Rule 76.31 of the FCC. This franchise shall not be exclusive and shall neither restrict the city council in the exercise of its regulatory power, nor prevent it from granting any other cable television system franchise.

6-13-11 FRANCHISE RENEWAL. No renewal of the ordinance codified in this chapter shall be effective except pursuant to a public proceeding affording due process. The company shall be a party to any such proceedings and any other proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process as may be available under applicable laws, ordinances, rules, and regulations.

6-13-12 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES.

1. Upon grant of the ordinance codified in this chapter to construct and maintain a cable television system in the city, and in furtherance of the company's execution of contracts

with public utility companies or any other owner or lessee of any poles located within or without the city to whatever extent such contract or contracts may be expedient and of advantage to the company for use of poles and posts necessary for proper installation of the system, the company may obtain right-of-way permits from appropriate state, county and federal officials necessary to cross highways or roads under their respective jurisdictions, to supply main trunk lines from the company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a city, county, state or federal agency may require. The company shall construct its cable system using material of good and durable quality, and all work involved in the construction, installation, maintenance, and repair of the cable system shall be performed in a safe, thorough, and reliable manner. Any municipal property damaged or destroyed shall be promptly repaired or replaced by the company and restored to serviceable condition.

2. The company at its own cost and expense shall at all times construct, maintain, renew and replace its attachments on said poles, or any additional poles on which such attachments may be placed under the provisions of this chapter in accordance with the specifications set forth in Joint Pole Practices for Supply and Communication Circuits, E.E.I. Publication No. M12, published October, 1945, by the Edison Electric Institute, incorporated herein by reference; Specifications for the Construction and Maintenance of Television Distribution Systems on Wood Pole Lines Carrying Communication and/or Supply Circuits; the regulations of the Iowa State Commerce Commission; the provisions of the National Electrical Safety Code, 6th Edition; or subsequent amendments thereto; and subject to the provisions of the statutes of the State of Iowa, any municipal ordinance and any decisions, rules and regulations of any agency of state, federal or other authority having jurisdiction thereof. Any revisions or amendments of said specifications, codes, statutes, ordinances, decisions, rules or regulations shall supersede the specifications, code, statutes, ordinances, decisions, rules or regulations theretofore in effect and shall be deemed to be effective as a part of this chapter as of the date on which such revisions or amendments become effective for all work subsequent to said effective date.
3. The company shall take all necessary precautions by installation of protective equipment or otherwise at its sole cost and expense to protect against interference with the service or lines of the city and injury or damage to persons or property including employees and property of the city.
4. The company shall, at its own cost and expense, procure any and all easements, licenses, consents, certificates of approval and permits that may be required from any municipal, state or other governmental authorities having jurisdiction, or of property owners whose grant to the city is restricted to use by the city for or in connection with

the placing, maintaining, or using the company's attachments herein specified, including the re-arrangement of the city's attachments and any necessary tree trimming. The company shall at all times comply with all applicable laws, rules and regulations pertaining to the placing.

5. No assurance is given by the city of permission from property owners for the use of said poles by the company. Should the company default in due observance or performance of any covenants or conditions herein contained by the company to be kept and performed, including the payment of any installment of rent, or other costs, or should any municipal or other public authority having jurisdiction thereof, or any property owner having the right to do so, forbid or prohibit the use by the company of any facilities granted hereunder, or if at any time, in the opinion of the city, the use by the company of the poles covered by this chapter for its attachments is endangering the plant facilities of the city or the safety of persons and property of the public, or should the city make a change in the type of character or location of any of the poles or attachments, the company shall proceed at once, at its sole cost and expense, to make such changes as attachments as a result thereof, or of the facilities hereby granted, may be necessary in its shall discontinue the use and if the company shall fail to remove such default in due observance of performance of any covenants or conditions herein contained including the payment of any installment of rent, or other costs, or shall not have made such changes or discontinued the use of or removed its facilities within sixty (60) days from the date the company was notified in writing of said fact, then the company's rights hereunder shall cease and terminate upon notice in writing from the city. Such termination of the rights of the company, however, shall not operate as a termination of the liabilities and obligations of said company which liabilities and obligations shall continue until the satisfactory removal of its facilities in accordance with the provisions hereof and after such removal as to liabilities accrued prior to the completion of said removal. In case of any emergency, oral notice will be given and subsequently confirmed in writing. In such case, the company may, at its sole cost and expense, remove such attachments or take such other steps as may be deemed necessary without liability to the company or others.
6. The city shall have the right, but not the duty, to remove the company's attachments at the company's expense upon the company's failure to comply with any of the terms and conditions of this chapter, or upon the abandonment of the use of any or all of its attachments.
7. The company's system, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons, or interfere with any improvements the city may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.

8. Whenever the city finds it necessary to repair, replace or relocate poles to which the company is attached, or make a change in the type or character of any of its attachments, the city shall before doing the work give notice thereof, in writing (except in case of emergency when verbal notice will be given and subsequently confirmed in writing) to the company, specifying in such notice the time of such work and the company shall within the time so specified rearrange or transfer its attachments to the new or relocate poles at the company's cost and expense. The city reserves to itself the right to maintain its poles and to operate its facilities thereon in such manner as will best enable it to fulfill its own service requirements.
9. If the city shall determine in its own judgment that its own service or operating requirements, including considerations of economy and safety, require the immediate relocation, replacement, removal, or disconnection of any of the facilities of the company located on any of the city's poles, the city may forthwith effect such relocation, replacement, removal, or disconnection, and may, but need not transfer the facilities to substitute poles or perform any other work which may be required in the maintenance, replacement, removal or relocation of poles, the facilities thereon, or which may be placed thereon, or otherwise not meeting the services or operating needs of the city. The company shall, on demand, reimburse the city for any expenses incurred thereby. The city shall give notice of any such change in the company's facilities which require subsequent attention by or for which the city intends billing the company.
10. Installing protective equipment or devices which may be necessary to prevent interference, the working of the lines or services of the city shall be at the expense of the company.
11. The company shall, at its own cost and expense, maintain all of its attachments on the city's poles in accordance with the specifications mentioned in Section 6-13-4 and shall keep them clear of trees, in safe condition and in thorough repair and in such manner as will not interfere with or endanger the use of the city's facilities. Upon notice from the city that such use is interfering with or endangering its facilities, the company shall immediately take all steps necessary to remedy such interference or dangerous condition at the company's expense.
12. The company shall not at any time make any additions to or changes in the location of its attachments on the poles covered by this chapter without the written consent of the city except in case of emergency when verbal consent may be obtained and subsequently confirmed in writing.
13. All transmission and distribution structures, lines and equipment erected by the company within the city shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin

any of the said streets, alleys or other public ways and places. In the event electrical and phone lines are buried to the subscriber's residence, the company shall be required to also bury the cable.

14. In case of any disturbance of pavement, sidewalk, driveway, grass or other surfacing, the company shall, at its own cost and expense and in a manner approved by the city, replace and restore all paving, sidewalk, driveway, grass or surface of any street or alley or other public or private property in as good condition as before said work was commenced.
15. In the event that at any time during the period of the ordinance codified in this chapter the city lawfully elects to alter or change the grade of any street, alley or other public way, the company, upon reasonable notice by the city, shall remove, relay or relocate its poles, wires, cables underground conduits, manholes and other fixtures at its own expense.
16. The company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrants or mains, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways.
17. The company 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. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same and the company shall have the authority to require such payment in advance. The company shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.
18. The company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the city so as to prevent the branches of such trees from coming in contact with the wires and cables at the direction of the city and at the expense of the company, all trimming to be done under the supervision and direction of the city and at the expense of the company.
19. The company shall provide, upon request and without charge, service to any municipal buildings owned and operated by the city and to any public or parochial elementary or secondary school. This shall mean only an energized cable to such building. The cost of any internal wiring shall be borne by the institution.

6-15-13 CONSTRUCTION SCHEDULE. The company shall accomplish significant construction (at least twenty percent (20%)) within one (1) year after receiving FCC certification and other necessary federal approvals, and shall thereafter reasonably make cable service available

to all residents of the city, subject to the line extension provisions of Section 6-13-14, within two (2) years after receiving above federal approval.

6-13-14 LINE EXTENSIONS.

1. It shall be the obligation of the company to serve all residents of the city except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically unfeasible, or economically non-compensatory. For purposes of determining compliance with the provisions of this section, and governing extensions of cable service with the city, the company shall extend service to new subscribers at the normal installation charge and monthly rate for customers of that classification where there is an average of fifty-five (55) homes per linear mile of new cable construction.
2. In the event the requirements of subsection 1 are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

6-13-15 CITY RIGHTS.

1. City Rules. The right is reserved by the city to adopt, in addition to the provisions contained in this chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided, that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights granted in this chapter, and shall not be in conflict with the applicable laws of the state or the United States.
2. Use of System by City. The city shall have the right during the life of the ordinance codified in this chapter, of maintaining upon the poles or in the underground conduits of the company within the city limits wire and fixtures necessary for a traffic signal control system and/or a police and fire alarm system. Such wires and fixtures shall be installed and maintained at the sole expense of the city and shall at all times comply with all reasonable rules and regulations of the company so that there may be a minimum danger of contact or conflict between the wires and fixtures of the company and wires and fixtures used by the city.
3. Emergency or Disaster. In the case of any emergency or disaster, the company shall, upon request of the city clerk, make available its facilities to the city for emergency use during the emergency or disaster period.
4. Liability. The city shall not be liable for any damage occurring to the property of the company caused by employees of the city in the performance of their duties, except for damage caused to the company's facilities by the negligence of the city's employees. The city shall not be liable for the interruption of service by actions of city employees in the performance of their duties, nor shall the city be held liable for the failure of the

company to be able to perform normal services due to acts of God or other factors beyond the control of the city.

5. No Property Right. Nothing in this chapter shall grant to the company any right of property in the city-owned property, nor shall the city be compelled to maintain any of its property any longer than, or in any fashion other than in the city's judgment, its own business or needs may require.
6. Construction Approval by City. Except for individual service drops, the company shall not erect any pole, install any underground lines or conduits, run any line, make any attachment, nor shall any construction of any kind be commenced without the prior approval of the director of engineering or appropriate department of the city, which approval shall not be unreasonably withheld, and the city shall have and maintain the right to inspect the construction, operation and maintenance of the system by the company to insure the proper performance of the terms of the regulatory ordinance codified in this chapter.
7. Correction of Defects. In the event the company should violate any of the terms of the regulatory ordinance codified in this chapter, or any of the rules and regulations as may be from time to time lawfully adopted, the city shall immediately give to the company thirty (30) days written notice to correct such violation and in the event the company does not make such correction within thirty (30) days from the receipt of such written notice, the city may make such correction itself and charge the cost of same to the company, and the company shall pay such charges within thirty (30) days after the receipt of a statement for such charge from the city.

6-13-16 PUBLICATION COSTS AND ATTORNEY FEES. The company shall assume the costs of the publication of the ordinance codified in this chapter as such publication is required by law and reasonable fees of the City Attorney, not to exceed Five Hundred Dollars (\$500.00). A bill for publication costs and attorney fees shall be presented to the company by the appropriate city officials upon the company's filing of its acceptance of the ordinance codified in this chapter and the said publication costs and attorney fees shall be paid at the time by the company.

6-13-17 PAYMENTS TO THE CITY.

1. The company shall, commencing one (1) year from the date of the first service, and during each year of operation under this chapter, pay to the city three percent (3%) of the annual gross subscriber revenues received by the company for basic monthly cable television services rendered to customers located within the city. At the time of this annual payment, the company shall furnish the city with an operating report showing the company's annual gross subscriber revenues during the preceding year and such other information as the city shall reasonably require with respect to properties and expenses related to the company's services within the city for such period.

2. All payments as required by the company to the city shall be made annually and shall be due ninety (90) days after the close of the twelve (12) month period.

6-13-18 RATES AND CHARGES - DESIGNATED.

1. Except as otherwise provided in the chapter, the grantee shall have the right, privilege, and authority to charge the rates and charges fixed in this section to its subscribers for its services. At system turn on single-user rates and charges may be as follows:
 - a. Installation Not to exceed Twenty Dollars (\$20.00) per installation.
 - b. Service Charge - Initial Outlet - Not to exceed Ten Dollars (\$10.00) monthly. In the event additional channels can be offered through the use of a set-top converter, a one-time deposit of Twenty Dollars (\$20.00) will be charged.
 - c. Service Charge - Additional Outlet(s) Each - Not to exceed Three Dollars (\$3.00) monthly. In the event additional channels can be offered through the use of a set-top converter, a one-time deposit of Twenty Dollars (\$20.00) will be charged.
2. Multi-user rates and charges may be negotiated between the grantee and the subscriber, but in no event shall the multi-user rates and charges for any subscriber exceed the aggregate rates and charges which would be charged to the multi-user if computed on the basis of single-user rates and charges. In addition to the specified monthly service rate, the company may add to that rate, taxes or fees imposed upon the company's gross subscriber revenues by city, state or federal governmental or legislative bodies and fees or charges imposed upon the company for the use and distribution of copyrighted program material.
3. The grantee may, at its own discretion, waive, reduce, or suspend connection fees for specific or indeterminate periods and/or monthly service fees for promotional purposes.

6-13-19 RATES AND CHARGES - CHANGE.

1. For the purpose of this section, "basic monthly cable television service" is the provision of television broadcast signals and access and origination channels, if any, and does not include advertising services, rental of studios or equipment, provision of program production services, per-channel or per-program charges to subscribers ("pay cable"), rental of channels, sale of channel time, provision of commercial services such as security systems, or any other service of the system, the rates and charges for which shall not require approval by the city.
2. In consideration for the services rendered to the subscribers, grantee may have the right to charge and collect reasonable and just compensation which shall reflect, among other things, the grantee's need to attract new capital and provide a reasonable return on

invested capital. No increase shall be implemented without the prior specific approval of the city council.

3. Before approving such increase, the city shall hold a public hearing thereon, and shall cause to be published for two consecutive weeks in a newspaper of general circulation in the city a public notice setting forth the proposed rates and charges and the date, time, and place of the public hearing. At such public hearing, any interested party shall have the right to give testimony and present evidence on the rates and charges proposed.
4. Before instituting any increase, grantee will furnish to the city council a copy of the proposed new rates and charges, as well as information regarding Bureau of Labor Statistics figures on the Consumer Price Index, current operating reports and any other information reasonably required by the city. Such notification shall precede any increase by not less than thirty (30) days and not more than sixty (60) days.
5. In no event shall the basic rate be increased for a period of two (2) years following award of franchise.
6. The grantee shall pay all costs and expenses incurred by the city in connection with said application and said hearing.

6-13-20 RECORD KEEPING. The company shall keep full, true, accurate and current books of account, which books and records and all other pertinent books, records, maps, plans, financial statements, and other like materials, shall be made available for inspection and copying by the city upon reasonable notice and during normal business hours.

6-13-21 SERVICE PROCEDURES.

1. During the term of the ordinance codified in this chapter, and any renewal thereof, the company shall maintain a 24-hour toll-free telephone number and provide the city clerk's office with the name, address and telephone number of a person who will act as the company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within four (4) business days of their receipt. The company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by the city.
2. The company shall by appropriate means, such as a card or brochure, as subscribers are connected or reconnected to the system, furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and telephone numbers of the employee or employees or agent to whom such inquiries or complaints are to be addressed.

6-13-22 PROTECTION OF PRIVACY.

1. The grantee will not permit the transmission of any signal, aural, visual, or digital, including “polling” the channel selection, from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance.
2. The grantee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aural, visual, or digital signals without first obtaining written permission of the subscriber.
3. It is unlawful for any person to attach or affix or cause to be attached or affixed any equipment or device which allows access or use of the cable television service without payment to the grantee for same. Such action shall be a simple misdemeanor.

6-13-23 PROGRAM CONTENT RESTRICTION. In addition to providing basic cable television service consisting of broadcast, locally originated, access and automated signals, the company may offer subscribers optional services on a per-program or per-channel basis. However, the company shall not display X-rated motion pictures either as part of its basic cable or pay cable services.

6-13-24 EMPLOYMENT – DISCRIMINATION PROHIBITED. The grantee shall not refuse to hire or discharge from employment or discriminate against any person regarding compensation, terms, conditions, or privileges of employment because of sex, age, race, color, creed, or national origin. The grantee shall take affirmative action to insure that employees are treated, during employment, without regard to their sex, age, race, color creed, or national origin.

6-13-25 LIABILITY AND INDEMNIFICATION. The company shall indemnify the city for and hold it harmless from all liability, damage, costs, or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to this chapter. The city shall notify the company's representative within fifteen (15) days of any action made against the city, either by suit or otherwise on account of any negligence or contract as aforesaid on the part of the company. The company further agrees as follows:

1. The Company shall carry workers' compensation insurance with statutory limits and employers' liability insurance with limits of not less than One Hundred Thousand Dollars (\$100,000.00) which shall cover all operations to be performed by the company as a result of this chapter.
2. The amounts of insurance to be carried for liability due to property damage shall be Five Hundred Thousand Dollars (\$500,000.00) as to any one occurrence and against liability due to injury or death of persons, Five Hundred Thousand Dollars

(\$500,000.00) as to any one person and One Million Dollars (\$1,000,000.00) as to any one occurrence. The city shall reserve the right during the term of the franchise to increase or decrease the amount of insurance coverage required, provided that notice in writing is made to the franchisee of all increases or decreases in said insurance coverage requirements. The company shall, within sixty (60) days of receipt of that written notice, obtain such insurance coverage as is specified in said notice.

3. The company's workers' compensation, comprehensive general liability and comprehensive automobile liability insurance shall be written by an insurance company with a capital and/or surplus of not less than Three Million Dollars (\$3,000,000.00) and the company agrees to furnish the city with certified copies or certificates of insurance of said policies, which shall provide that insurance shall not be cancelled unless ten (10) days prior written notice shall first be given to the city.
4. All insurance policies as are required of the company in the regulatory ordinance codified in this chapter shall be written by a company or companies authorized and qualified to do business in the state. Certificates of all coverage required shall be promptly filed by the company with the city.
5. Within sixty (60) days after the effective date of the ordinance codified by this chapter, the company shall file with the Federal Communications Commission such request, petition or other application as is then proper to secure from said Federal Communications Commission and all necessary permits, licenses, waivers or the like as may be necessary to be secured from said Federal Communications Commission to fully comply with the terms of this chapter. The company shall thereafter diligently pursue such application with the Federal Communications Commission and shall do all reasonable things necessary and proper to secure any such permit, license, waiver; approval or the like from it. The company shall keep the City advised, from time to time, of the progress of such application.

6-13-26 ACTIVITIES PROHIBITED.

1. The company, any and all of its officers, agents and employees, are specifically prohibited from engaging in the sale, service, rental or leasing of television receivers or television or radio receiver related parts and accessories with any person anywhere in the City, whether for a fee or charge or not. The company shall prohibit any of its officers, agents, and employees from violating the terms of this section at all times, whether in the performance of duties of the company or otherwise.
2. The company shall not allow its cable or other operations to interfere with television reception of persons not served by the company, nor shall the system interfere with, obstruct, or hinder, in any manner, the operation of the various utilities serving the residents of the City.

3. The company shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

6-13-27 VIOLATION; PENALTY.

1. Should the company, its successors or assigns violate any of the provisions of this chapter or any reasonable rules and regulations established by the City pursuant hereto and should such violation continue for more than thirty (30) days after the City has given the company written notice of such violation, failure or default, the same shall be cause for the forfeiture or revocation of the ordinance codified in this chapter and the termination of all rights hereunder; provided, however, any delay in correcting such violation which is caused by factors beyond the control of the company shall not be included in computing the length of the continuance of such violation.
2. In the event of the bankruptcy or receivership of the company, all rights herein given to the company shall, at the option of the City, be forfeited and terminated.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 14: GAS FRANCHISE

6-14-1 Franchise Granted	6-14-6 Quality of Gas Supply
6-14-2 Construction Regulations	6-14-7 City Liability Limited
6-14-3 Damage to Public Facilities	6-14-8 Default
6-14-4 Service Provided	6-14-9 Nonexclusive Term
6-14-5 Jurisdiction of City	

6-14-1 FRANCHISE GRANTED. Peoples Natural Gas Company, Division of UtiliCorp United Inc., its lessees, successors and assigns, hereinafter referred to as Grantee, are hereby granted a nonexclusive authority for a period of twenty-five (25) years, to erect, construct, maintain and operate a gas distribution system and any and all necessary mains, pipes, services and other appurtenances and equipment thereunto appertaining in, upon, over, across and along the streets, alleys, bridges and public places in the city, for the transmission, distribution and sale of natural and/or mixed gas for lighting, heating, industrial and all other uses and purposes in the city and for the purpose of transmitting, transporting, and conveying such gas into, through or beyond the immediate limits of the city to other cities, towns and customers.

6-14-2 CONSTRUCTION REGULATIONS. Whenever the Grantee, in the construction or maintenance of its system or in the installation of any extension thereto, shall cut into or take up any pavement or shall make any excavation in any street, avenue, alley or public place, within the corporate limits of the city, the same shall be done in a manner so as not to unreasonably interfere with the use of such thoroughfares by the public. The Grantee shall use such safeguards as may be necessary to prevent injury to persons or property during such construction work and upon its completion, all pavement shall be replaced in as good condition as it was before taken up. All excavations shall be refilled and all obstructions shall be removed at the expense of the Grantee and to the satisfaction of the Grantor. In the event that the Grantee shall fail to comply with the provisions of this section after having been given reasonable notice, the Grantor may do such work as may be needed to properly repair said thoroughfare and the cost thereof shall be repaid to the Grantor by the Grantee.

6-14-3 DAMAGE TO PUBLIC FACILITIES. The Grantee in constructing and maintaining said gas distribution system, and in entering and using said streets, highways, avenues, alleys and public places in the city and in laying and installing its mains, services, piping, and related appurtenances and equipment, shall not in any manner interfere with or injure any improvement which said city now has or may hereafter have upon any of its streets, alleys, highways or public places.

6-14-4 SERVICE PROVIDED. Grantee agrees for and in behalf of itself, its lessees, successors, and assigns, that for and during the term and period of this grant, it will maintain in the city an adequate, modern, standard, and sufficient gas system and equipment and to maintain and operate

the same in a modern and adequate fashion. Grantee will from time to time during the term of this franchise make such enlargements and extensions of its distribution system as the business of the Grantee and the growth of the city justify, in accordance with its rules and regulations relating to customer connections and main and service line extensions currently in effect and on file from time to time with the Iowa Utilities Board or other competent authority having jurisdiction in the premises; provided, however, that no obligation shall extend to or be binding upon the Grantee to construct or extend its mains or furnish natural gas or natural gas service within said city if Grantee is for any reason unable to obtain delivery of natural gas at or near the corporate limits of the city or an adequate supply thereof to warrant the construction or extension of its mains, for the furnishing of such natural gas or gas service; provided, further, that when the amount of natural gas supplied to Grantee at or near the city limits of the city is insufficient to meet the additional firm requirements of connected or new consumers, Grantee shall have the right to prescribe reasonable rules and regulations for allocating the available supply of natural gas for such additional firm requirements to residential, commercial and industrial consumers in that order or priority.

6-14-5 JURISDICTION OF CITY. Grantee agrees for and in behalf of itself, its lessees, successors and assigns, that all authority and rights in this franchise shall at all times be subject to all rights, power and authority now or hereafter possessed by the city to regulate the manner in which Grantee shall use the streets, alleys, bridges and public places of the city and concerning the manner in which Grantee shall use and enjoy the franchise.

6-14-6 QUALITY OF GAS SUPPLY. Grantee shall at all times maintain an adequate pressure and adequate supply of clean, standard gas of the British Thermal Unit heating value of not less than that prescribed in its rules and regulations relating thereto in effect and on file from time to time with the Iowa Utilities Board or other competent authority having jurisdiction in the premises. Should the British Thermal Units fall below the limitation set forth in its appropriate rules and regulations, the rate then in effect shall be automatically and correspondingly lowered and reduced during any period or periods of time in which such lower British Thermal Unit value shall be furnished. The city shall have the privilege of requesting Grantee to furnish satisfactory proof of British Thermal Unit content of the gas.

6-14-7 CITY LIABILITY LIMITED. The Grantee shall hold the Granter harmless from any and all claims and actions, litigation or damage, arising out of the passage of the ordinance codified by this chapter or of the construction, erection, installation, maintenance or operation of its properties operated by authority of this franchise within the corporate limits of the city, or the negligence of its employees in the operation thereof, including the Court costs and reasonable attorney fees in making defense against such claims. A copy of the process served upon the Granter shall be served by the Granter upon the Grantee. The Grantee shall have the right to defend in the name of the Granter and to employ counsel for such purpose.

6-14-8 DEFAULT. If the Grantee shall be in default in the performance of any of the terms and conditions of this franchise and shall continue in default for more than thirty (30) days after receiving notice from the city of such default, the city may by ordinance duly passed and adopted, terminate all rights granted under this franchise to the Grantee. The said notice of default shall specify the provision or provisions in the performance of which it is claimed the Grantee is in default. Said notice shall be in writing and served in the manner provided by the laws of the State of Iowa for the service of original notices in civil actions.

6-14-9 NONEXCLUSIVE TERM. The right and authority herein granted shall be nonexclusive and shall be and continue for a period of twenty-five (25) years from and after the effective date of the ordinance codified by this chapter.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 15: STREET CUTS AND EXCAVATIONS

6-15-1	Excavation Permit Required	6-15-10	Property Owner's Responsibility
6-15-2	Application for Permit	6-15-11	Permit Issued
6-15-3	Public Convenience	6-15-12	Rules and Regulations
6-15-4	Permit Fees	6-15-13	Driveway Culverts
6-15-5	Insurance Required	6-15-14	Maintenance of Parking or Terrace
6-15-6	Safety Measures	6-15-15	Failure to Maintain Parking or Terrace
6-15-7	Backfilling and Restoration	6-15-16	Dumping of Snow
6-15-8	Inspection		
6-15-9	Completion by the City		

6-15-1 EXCAVATION PERMIT REQUIRED. No person shall dig, excavate or in any manner disturb any street, parking, or other portion within the street right-of-way unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of the city code.

6-15-2 APPLICATION FOR PERMIT. Before such permit shall be granted, the person shall file with the city a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.

6-15-3 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.

6-15-4 PERMIT FEES. The applicant shall post with the city a penal bond in the sum of one thousand (1,000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. 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. 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 excavation.

6-15-5 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the permit covering himself and his agents and employees for the following minimum amounts:

Bodily Injury \$50,000.00 per person; \$100,000.00 per accident.

Property Damage - \$50,000.00 per accident.

6-15-6 SAFETY MEASURES. Adequate barricades and warning lights meeting standards specified by the city shall be so placed as to protect the public from hazard. Any costs incurred by the city in providing or maintaining adequate barricades or warning lights shall be paid to the city by the permit holder. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-15-7 BACKFILLING AND RESTORATION. Streets, sidewalks, parkways, 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 property owner. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating.

6-15-8 INSPECTION. All work shall be subject to inspection by the city. Backfill shall not be deemed completed, nor resurfacing of any improved street surface begun, until such backfill is inspected and approved by the city. The permit holder shall provide the city with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

6-15-9 COMPLETION BY THE CITY. Should any excavation in any street or alley be left open or unfinished, for a period of twenty-four (24) hours or should the work be improperly done, the city shall have the right to finish or correct such work and the expense shall be charged to the permit holder and/or property owner.

6-15-10 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the excavation shall be borne by the permit holder and 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.

6-15-11 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee a permit shall be issued.

6-15-12 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

6-15-13 DRIVEWAY CULVERTS. The property owner shall, at his own expense, install any culvert deemed necessary under any driveway or any other access to his property, and before installing a culvert, permission must first be obtained from the city. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event he fails to do so, the city shall have the right to make the repairs. If the property owner fails to reimburse the city for the cost of said repairs, the cost shall be certified to the county auditor and specially assessed against the property as by law provided.

6-15-14 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

(Code of Iowa, Sec. 364.12 (c))

6-15-15 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))

6-15-16 DUMPING OF SNOW. It shall be 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 streets so as to obstruct gutters, or impede the passage of vehicles upon the street 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 streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 16: SIDEWALK REGULATIONS

6-16-1	Purpose	6-16-15	Special Assessments for Construction and Repair
6-16-2	Definitions	6-16-16	Notice of Assessment for Repair or Cleaning Costs
6-16-3	Cleaning Snow, Ice, and Accumulations	6-16-17	Hearing and Assessment
6-16-4	Maintenance Responsibility	6-16-18	Billing and Certifying to County
6-16-5	Liability of Abutting Owner	6-16-19	ADAAG Compliance
6-16-6	Ordering Sidewalk Improvements	6-16-20	Indemnification
6-16-7	Repairing Defective Sidewalks	6-16-21	Failure to Repair or Barricade
6-16-8	Notice of Inability to Repair or Barricade	6-16-22	Awnings
6-16-9	Standard Sidewalk Specifications	6-16-23	Encroaching Steps
6-16-10	Permits for Construction or Removal	6-16-24	Openings and Enclosures
6-16-11	Failure to Obtain Permit; Remedies	6-16-25	Fires on Sidewalks
6-16-12	Inspection and Approval	6-16-26	Fuel on Sidewalk
6-16-13	Barricades and Warning Lights	6-16-27	Defacing
6-16-14	Interference with Sidewalk Improvements	6-16-28	Debris on Sidewalks
		6-16-29	Merchandise Display
		6-16-30	Sales Stands

6-16-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct, or reconstruct sidewalks.

6-16-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. “Broom Finish” shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:
 - a. vertical separations equal to three-fourths (3/4) inch or more.
 - b. horizontal separations equal to one-half (1/2) inch or more.
 - c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.

- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (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 design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
3. “Established Grade” shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.
 4. “One-course Construction” shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 5. “Portland Cement” shall mean any type of cement except bituminous cement.
 6. “Sidewalk” shall mean all permanent public walks in business, residential, or suburban areas.
 7. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
 8. “Wood Float Finish” shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.
 9. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, “owner” shall include the lessee, or person in possession.

6-16-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner’s property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty-four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-16-4 MAINTENANCE RESPONSIBILITY. In addition to the abutting property owner’s duty to remove snow and ice as described in the prior section, upon order and notice as provided in sections 6-16-6 and 6-16-7, the abutting property owner or owners shall be responsible for the repair, replacement, or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way, except that the abutting owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

(Code of Iowa, Sec. 364.12(2c); Splittgerber v. Bankers Trust Co., 8 N.W.3d 135 (Iowa 2024))

6-16-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in, or the condition of said sidewalk, based on either the failure of the abutting owner to properly repair, replace, reconstruct, or otherwise maintain, said sidewalk after being properly ordered and notified to do so, or the failure of the abutting owner to remove snow and ice regardless of notice from the City to do so, the City may notify in writing the said abutting owner that it claims the injury was caused by their said negligence. 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 condition 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; Splittgerber v. Bankers Trust Co., 8 N.W.3d 135 (Iowa 2024))

6-16-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may, by resolution, order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days of receipt of the notice.

(Code of Iowa, Sec. 384.38)

6-16-7 REPAIRING DEFECTIVE SIDEWALKS. If the abutting property owner does not maintain sidewalks as required the council may serve notice on such owner, by certified mail, requiring him 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(e))

6-16-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-16-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be of one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot outside the property line unless the Council shall establish a different distance due to the circumstances.
7. 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.
8. All sidewalks shall slope at least one-quarter ($\frac{1}{4}$) inch per foot toward the curb, but in no event more than one-half ($\frac{1}{2}$) inch per foot toward the curb.
9. All sidewalks shall have a steel trowel finish followed by a “broom” or a “wood float” finish.

10. Ramps for the disabled. There shall not be 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 thirty (30) 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 physically disabled persons using the sidewalk. (Code of Iowa, Sec. 216C.9)
11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.
12. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

6-16-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person has obtained a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-16-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-16-12 INSPECTION AND APPROVAL. Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-16-13 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind shall be 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 constructor 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.

6-16-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

6-16-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa. (Code of Iowa, Sec. 384.38)

6-16-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice. (Code of Iowa, Sec. 384.50)

6-16-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property. (Code of Iowa, Sec. 384.51)

6-16-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts. (Code of Iowa, Sec. 384.60)

6-16-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

6-16-20 INDEMNIFICATION. Any person securing a permit as required above shall agree to hold the city free from all liability for damages on account of injuries received by anyone through the negligence of such person or his agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

6-16-21 FAILURE TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or their contractor or agent to notify the city immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

6-16-22 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or 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.

6-16-23 ENCROACHING STEPS. It shall be 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.

6-16-24 OPENINGS AND ENCLOSURES. It shall be 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.

6-16-25 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

6-16-26 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

6-16-27 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk. (Code of Iowa, Sec. 716.1)

6-16-28 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, or any other debris, or any other substance likely to injure any person, animal, or vehicle.

6-16-29 MERCHANDISE DISPLAY. It shall be 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.

6-16-30 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the council.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 17: NUMBERING OF BUILDINGS

6-17-1 Purpose	6-17-5 Type of Numbers, Size
6-17-2 Definitions	6-17-6 Enforcement
6-17-3 Buildings to be Numbered	6-17-7 Stanhope Emergency Numbering System
6-17-4 Numbering System	

6-17-1 PURPOSE. The purpose of this article is to provide for the emergency numbering of houses within the city.

6-17-2 DEFINITIONS. For use in this article the following terms shall be defined.

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

6-17-3 BUILDINGS TO BE NUMBERED. All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners shall obtain the assigned number from the Clerk. The owners shall cause the numbers to be placed and maintained on their property.

6-17-4 NUMBERING SYSTEM. Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

6-17-5 TYPE OF NUMBERS, SIZE. He shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2 1/2) inches in height and of a contrasting color with their background.

6-17-6 ENFORCEMENT. If an owner refused 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.

6-17-7 STANHOPE EMERGENCY NUMBERING SYSTEM. The following plan shall be used for the numbering system of buildings in Stanhope. Houses on the south city limits are assigned in the 100 series increasing by increments of 100 for each separate block. Houses on the east side of the street are given an even number and the houses on the west an odd. This progression carries through to the north city limits ending in the 900 block. Starting from the west, houses again number starting in the 100 series progressing to the 900 series on the east side of town. Houses on the north side of street given an even number and those on the south an odd number. Even numbers are increased in increments of 10 with numbers corresponding to where house or business was located on the block. Odd numbers are increased in increments of 5 with numbers

also corresponding to where house or business are located on block. Park Street was extended to cross Adams Street so that the block from Ohio Street to Brewer was divided into two blocks. Apartment house complex with structures having doors that do not face public streets and only semi-public access will use locatable numbers and applicable to the block in which located.

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 18: BUILDING PERMITS

6-18-1 Purpose	6-18-15 Permit Issued
6-18-2 Structure Defined	6-18-16 Amendments
6-18-3 Permit Required	6-18-17 Completion of Existing Buildings
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6-18-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures, as well as the use and occupancy of such buildings to promote the health, morals, safety and general welfare in the city.

6-18-2 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

6-18-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered, or added to without first securing a permit from the City Council.

6-18-4 APPLICATION. Application shall be made in writing, filed with the building official and contain the following information:

1. Name. The name and address of the applicant.
2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.

5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the building official may require.
6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

6-18-5 FEES. A fee of fifteen (15) dollars shall accompany the application. If any construction is performed before permit is obtained and approved a fine of Two Hundred (200) dollars shall be imposed.

6-18-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-18-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-18-8 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than fifteen (15) feet, except as follows:

1. Between Existing Buildings. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or
2. Adjacent to Existing Building. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point fifteen (15) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.
3. Double Frontage. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-18-9 SIDE YARD REQUIREMENTS. Within the restricted residence district No building shall be erected closer than two (2) feet to either side lot line.

6-18-10 REAR YARD REQUIREMENTS. Within the restricted residence district, there shall be a rear yard provided for each principal building of not less than two (2) feet or ten (10) percent of the depth of the lot, whichever amount is smaller.

6-18-11 VARIANCES. The city council may grant a variance to sections 6-9-8, 6-9-9, and 6-9-10 where the setback requirements would cause a hardship on the property owner.

6-18-12 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-18-13 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-18-14 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted. The City of Stanhope shall have a Building Permit Approval Committee consisting of the Mayor of the City of Stanhope and designated (yearly by resolution) Council Member and alternate who shall approve all building permits unless they deem that the permit should be reviewed and approved by entire City Council.

6-18-15 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-18-16 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

6-18-17 COMPLETION OF EXISTING BUILDINGS. Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this code of ordinances; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two (2) years after the effective date of this code of ordinances.

6-18-18 APPLICATION APPROVED. It shall be the duty of the building officials to examine applications for permits with in a reasonable time after filing, three (3) business days if possible. If, after examination and review of premises, they find no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, they shall approve the permit. If they deem that the permit needs further reviewed they may delay approval and submit the permit to the entire City Council for approval.

6-18-19 ACTION BY COUNCIL. If building officials forward the permit to the council for approval, they shall review the permit and either approve or disapprove the application. If disapproved, the council shall state its reasons for disapproval and notify the applicant of same.

6-18-20 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, repair, use or occupancy shall not cause or be the source of the following:

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare, and safety of citizens.

6-18-21 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

6-18-22 POSTING OF PERMIT. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The building official shall be given at least twenty-four (24) hours notice of the starting of work under a permit.

6-18-23 REVOCATION. The building official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

6-18-24 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

6-18-25 DETACHED GARAGE. Within the restricted residence district no detached garage or other accessory building not attached to the principal building shall be erected closer than two (2) feet to any side or rear yard line.

6-18-26 EXISTING LOTS. No yard or lot existing on the effective date of this code of ordinances shall be reduced in dimension or area below the minimum requirements established in this chapter.

6-18-27 EXCEPTIONS. The provisions of the preceding section shall have no application to any business, store, shop, or factory existing and in operation in a restricted residence district on the effective date of this code of ordinances except in the matter of reconstruction, repair, alteration or change in use of the structure.

6-18-28 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The dwelling shall have a minimum dimension of not less than 22 feet. This dimension shall be measured at the building line.
2. There shall either be a continuous and complete permanent perimeter foundation of the main body or the foundation may be a slab-style foundation with a 5-foot frost footing.
3. The main structure shall be permanently affixed to the foundation.
4. All dwelling units shall provide for a minimum of 900 square feet of floor space.

(Added by Ordinance No. 588)

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 19: RESTRICTED RESIDENCE DISTRICT

6-19-1	Purpose	6-19-7	Special Permits
6-19-2	Definitions	6-19-8	Protest
6-19-3	District Described	6-19-9	Fees
6-19-4	Buildings Permitted	6-19-10	Action to Abate
6-19-5	Rules and Regulations	6-19-11	Certifying Ordinance
6-19-6	Buildings Requiring Special Permits to Locate within Restricted Districts		

6-19-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Stanhope, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance. (Code of Iowa, Sec. 414.1 and 414.24)

6-19-2 DEFINITONS. For use in this Ordinance, the following terms are defined:

1. “Residence” is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.
2. “School” is a building used for educational purposes, public or private, that is regulated by the State Department of Public Instruction as to curriculum.
3. “Garage” is a structure for sheltering motor vehicles or household equipment and/or effects.
4. “Residence accessory use” is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or “summer” house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened. Any other building on residential property shall not

be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

5. “Church” or “church school” is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-19-3 DISTRICT DESCRIBED. The following area is hereby defined and established as a restricted residence district:

All that area lying within the corporate limits of the city except the following described area:

East and west side of Parker Street from Railroad tracks north to Iowa Street. East side of Adam Street from Railway Street to Ohio Street. West side of Bute, Street from Railway Street to Iowa Street. South and North sides of Railway Street from Bute Street to Adam Street. North and South sides of Main Street from Adam Street to Bute Street. South side of Ohio Street from Adam Street to Parker Street.

(Code of Iowa, 1977, Sec. 414.24)

6-19-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefor. No such special permit shall be issued without the affirmative vote of three-fourths (3/4) of the full council

(Code of Iowa, 1977, Sec. 414.24)

6-19-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-19-6 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-19-6 may be authorized by special permit if it

appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-19-7 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-19-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-19-6. Said application shall be made to the City Clerk at least seven (7) days before the council meeting at which council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit.

6-19-8 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-19-9 FEES. There shall be no fee required for a permit under this Ordinance.

6-19-10 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired, in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it may be abated by the city or by any property owner within said district in the manner provided for the abatement of nuisances. Such action for abatement shall be prosecuted in the name of the municipality.

6-19-11 CERTIFYING ORDINANCE. Within fifteen (15) days the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

(Code of Iowa, Sec. 380.11)

TITLE 6 PHYSICAL ENVIRONMENT

CHAPTER 20: VACATION AND DISPOSAL

6-20-1 Power to Vacate

6-20-4 Disposal of Streets and Alleys

6-20-2 Notice of Vacation Hearing

6-20-5 Disposal by Gift Limited

6-20-3 Findings Required

6-20-1 POWER TO VACATE. When, in the judgement of the council, it would be in the best interest of the city to vacate a street or alley or portion thereof, they may do so in accordance with the provisions of this article.

(Code of Iowa, 1977, Sec. 364.12 (2a))

6-20-2 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered.

6-20-3 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the council finds that:

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

(Code of Iowa, 1977, Sec. 364.15)

6-20-4 DISPOSAL OF STREETS AND ALLEYS. When in the judgement of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion thereof, they may do so by resolution following notice and hearing.

(Code of Iowa, 1977, Sec. 364.7)

6-20-5 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, 1977, Sec. 364.7 (3))