

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 1
CODE OF ORDINANCES**

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

1.02 DEFINITIONS Where words and phrases used in this Code of Ordinances are defined by state law; such definitions shall apply to their use in this Code of Ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Yale, Iowa.
3. "Clerk" means the city clerk of Yale, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Yale, Iowa.
6. "Council" means the city council of Yale, Iowa.
7. "County" means Guthrie County, Iowa.
8. "Measure" means an ordinance, amendment, resolution or motion.
9. "Month" means a calendar month.

10. "Oath" means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" are equivalent to the words "swear" and "sworn".
11. "Occupant, Tenant", applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Yale, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. "Preceding", "Following" means next before and next after, respectively.
15. "Property" includes real property and tangible and intangible personal property unless clearly indicated otherwise.
16. "Property Owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
17. "Public Place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
18. "Public Property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.
19. "Public Way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
20. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

- 21. "State" means the State of Iowa.
- 22. "Statutes, Laws" means the latest edition of the Code of Iowa, as amended.
- 23. "Street" or "Highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
- 24. "Writing, Written" includes printing, typing, lithographing, or other mode of representing words and letters.
- 25. "Year" means a calendar year.

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

(Code of Iowa, Sec. 364.1)

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

1.05 RULES OF CONSTRUCTION In the construction of the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

1. Tense. Words used in the present tense include the future.
2. May. The word “may” confers a power.
3. Must. The word “must” states a requirement.
4. Shall. The word “shall” imposes a duty.
5. Gender. The masculine gender shall include the feminine and neuter genders.
6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.
7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

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

(Code of Iowa, Sec. 380.2)

1.07 CATCHLINES AND NOTES The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, division, section and subsection), editor’s notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1.08 ALTERING CODE It is unlawful for any person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1.09 STANDARD PENALTY Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment not to exceed thirty (30) days.

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

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

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 2****CHARTER**

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|-------------------------|---------------------------------|
| 2.01 Title | 2.04 Number and Term of Council |
| 2.02 Form of Government | 2.05 Term of Mayor |
| 2.03 Powers and Duties | 2.06 Copies on File |

2.01 TITLE This chapter may be cited as the charter of the City of Yale, Iowa.

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

Ordinance No. 44 adopting a charter for the City was passed and approved by the Council on August 5, 1975.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 3****OPERATING PROCEDURES**

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|----------------------------|------------------------------------|
| 3.01 Oaths | 3.08 Terms of Appointed Officers |
| 3.02 Bonds | 3.09 Resignations |
| 3.03 Duties: General | 3.10 Removal of Appointed Officers |
| 3.04 Books and Records | 3.11 Vacancies |
| 3.05 Transfer to Successor | 3.12 Unlawful Use of City Property |
| 3.06 Open Meetings | 3.13 Gifts |
| 3.07 Conflict of Interest | |

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

(Code of Iowa, Sec. 78.2)

3.02 BONDS Surety bonds are provided in accordance with the following:

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

(Code of Iowa, Sec. 64.13)

2. Surety. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in the State, shall be accepted as surety upon any bonds required.

(Code of Iowa, Sec. 64.17)

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

(Code of Iowa, Sec. 64.13)

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

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

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

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

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

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

3.04 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, unless some other provisions of law expressly limit such right or require such records to be kept confidential.

(Code of Iowa, Sec. 22.1 & 22)

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

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

3.06 OPEN MEETINGS All meetings of the Council, any board or commission, or any multi-member body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law.

(Code of Iowa, Sec. 21.3 & 21.4)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection eight (8) of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5)

5. Newspaper. The designation of an official newspaper.

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5)

10. **Cumulative Purchases.** Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand, five hundred (\$2,500.00) dollars in a fiscal year.

(Code of Iowa, Sec. 362.5)

3.08 TERMS OF APPOINTED OFFICERS The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the Council in January following the regular municipal election and the appointment of a successor.

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

3.09 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])

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

(Code of Iowa, Sec. 372.15)

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

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

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

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

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

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

3.12 UNLAWFUL USE OF CITY PROPERTY No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

3.13 GIFTS The following regulations shall apply to the soliciting, acceptance or reporting of gifts by City officials or employees:

1. Gifts Solicited or Accepted. A City official or employee or a member of that person's immediate family shall not, directly or indirectly, solicit, accept, or receive from any one donor in any one calendar day a gift or series of gifts having a value of thirty-five dollars (\$35.00) or more.

(Code of Iowa, Sec. 68B.5)

2. Reporting of Gifts. An official or employee of the City, or the spouse, or minor child of an official or employee of the City, or a firm of which the official or the employee of the City is a partner or a corporation of which the official or the employee of the City holds ten percent (10%) or more of the stock either directly or indirectly, and any donor of a gift to any such official, employee, spouse or minor child, shall disclose in writing on a report form developed by the Secretary of State, the nature, amount, date, name of the donor, and name of the donee with respect to any gift or gifts which exceed fifteen dollars (\$15.00) in cumulative value in any one calendar day. However, food and beverages provided for immediate consumption in the presence of the donor need not be reported. By the fifteenth day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed with the City Clerk and in the office of the County Auditor.

(Code of Iowa, Sec. 68B.11[4])

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4****CITY ELECTIONS**

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|---|---------------------------------------|
| 4.01 Purpose | 4.05 Preparation of Petition |
| 4.02 Nominating Method to be Used | 4.06 Filing, Presumption, Withdrawals |
| 4.03 Nominations by Petition Objections | 4.07 Persons Elected |
| 4.04 Adding Name by Petition | |

4.01 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.

4.02 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)

4.03 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 (10) eligible electors, residents of the City.
(Code of Iowa, Sec. 45.1)

4.04 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)

4.05 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.

(Code of Iowa, Sec. 45.3)

4.06 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)

4.07 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 I - POLICY AND ADMINISTRATION**CHAPTER 5****FISCAL MANAGEMENT**

5.01 Purpose	5.06 Capital Budget Preparation
5.02 Finance Officer	5.07 Budget Amendments
5.03 Cash Control	5.08 Accounting
5.04 Fund Control	5.09 Financial Reports
5.05 Operating Budget Preparation	5.10 Contingency Account
5.11 Unauthorized Expenditure	

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

5.02 FINANCE OFFICER The City Clerk shall be the finance and accounting officer of the City and shall be responsible for the administration of the provisions of this chapter.

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

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.
2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

(Code of Iowa, Sec. 384.21, 452.10, 453.1)

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

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

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.
3. Emergency Fund. No transfer may be made from any fund to the emergency fund.

(IAC, 230 - 2.5 [384, 388], Sec. 2.5[2])

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

(IAC, 230 - 2.5 [384, 388], Sec. 2.5[3])

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

(IAC, 230 - 2.5 [384, 388], Sec. 2.5[4])

6. Utility and Enterprise Funds. A surplus in a utility or enterprise fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the City Finance Committee.

(IAC, 230 - 2.5 [384,388], Sec. 2.5 [5]))

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

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

1. Proposal Prepared. The finance officer shall be responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget no later than February 1 of each year and in such form as may be required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council no later than February 15 of each year.

4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

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

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

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

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

5.06 CAPITAL BUDGET PREPARATION (Reserved for Future Use)

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

(Code of Iowa, Sec. 384.18)

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

(IAC, 230 - 2.2 [384,388])

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

(IAC, 230 - 2.3 [384,388])

3. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the Council.

(IAC, 230 - 2.4 [384,388])

5.08 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 and Mayor following Council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.
6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

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

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

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

(Code of Iowa, Sec. 384.22)

5.10 CONTINGENCY ACCOUNT Whenever the Council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by Council resolution directing a transfer to a specific purpose account within its fund and program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

5.11 UNAUTHORIZED EXPENDITURE 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.

(Code of Iowa, Sec. 721.2)

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 6****MUNICIPAL INFRACTIONS**

6.01 Definitions

6.03 Civil Citations

6.02 Violations, Penalties, Alternative Relief

6.04 Criminal Penalties

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

1. "Municipal Infraction" means, except for those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapter 687 through 747 of the Code of Iowa, the commission of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code of Ordinances or any ordinance or code herein adopted by reference, or the omission or failure to perform any act or duty required by this Code of Ordinances or any ordinance or code herein adopted by reference, and is punishable by civil penalty as provided herein.
2. "Officer" means any employee or official authorized to enforce this Code of Ordinances.
3. "Repeat Offense" means a recurring violation of the same section of this Code of Ordinances.

6.02 VIOLATIONS, PENALTIES AND ALTERNATIVE RELIEF A municipal infraction is punishable by a civil penalty as provided in this section, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code of Ordinances.

1. Schedule of Civil Penalties:

First Offense Not to exceed \$ 500.00

Second Repeat Offense Not to exceed \$750.00

All Other Repeat Offenses Not to exceed \$750.00

2. Repeat Offenses. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
3. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

6.03 CIVIL CITATIONS Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service or by certified mail, return receipt requested. A copy of the citation shall be sent or delivered to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

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 alternate 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.

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

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 7****MAYOR**

7.01 Term of Office

7.04 Compensation

7.02 Powers and Duties

7.05 Voting

7.03 Appointments

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

(Code of Iowa, Sec. 376.2)

7.02 POWERS AND DUTIES The powers and duties of the Mayor shall be as follows:

1. Chief Executive Officer. Supervise all departments of the City, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

(Code of Iowa, Sec. 372.14

2. Presiding Officer. Act as presiding officer at all regular and special Council meetings. The Mayor Pro Tern shall serve in this capacity in the Mayor's absence.

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

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

(Code of Iowa, Sec. 372.14

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor exercises such veto power, the Mayor shall explain the reason for such veto in a written message to the Council at the time of the veto. The Council may override the Mayor's veto by a two-thirds majority of the Council members.

(Code of Iowa, Sec. 380.5 & 380.6

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

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

7.03 APPOINTMENTS The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Zoning Administrator

7.04 COMPENSATION The salary of the Mayor shall be eighty five dollars (\$85.00 per month, payable semiannually.

7.05 VOTING The Mayor is not a member of the Council and may not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 8****MAYOR PRO TEM**

8.01 Vice President of Council

8.03 Voting Rights

8.02 Powers and Duties

8.04 Compensation

8.01 VICE PRESIDENT OF COUNCIL The Mayor Pro Tern shall be vice president of the Council.

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

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

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

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

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

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

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

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 9****COUNCIL**

9.01 Number and Term of Council

9.04 Meetings

9.02 Powers and Duties

9.05 Appointments

9.03 Exercise of Power

9.06 Compensation

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Records. The Council shall require the Clerk to maintain records of its proceedings.

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

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

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

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

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

1. 1.Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the Council members. A motion to spend public funds in excess of ten thousand dollars (\$10,000) 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 Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may repass the ordinance or resolution by a vote of not less than two-thirds of the 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 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 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 within 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])

9.04 MEETINGS Meetings of the Council shall be as follows:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the 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 Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service, of notice shall be maintained by the Clerk.

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

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

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

4. Rules of Procedure. The Council shall determine 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])

5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

6. Notice of Meetings. The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

8. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

1. City Attorney
2. City Clerk
3. Planning and Zoning Commission
4. Zoning Board of Adjustment

9.06 COMPENSATION The salary of each Council member shall be fifty dollars (\$50.00) for each meeting of the Council attended, payable semiannually.

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

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 10****CITY CLERK**

- | | |
|---|----------------------------------|
| 10.01 Appointments | 10.07 Certify Measures |
| 10.02 Powers and Duties: General | 10.08 Records |
| 10.03 Recording and Publication
of Meeting Minutes | 10.09 Attendance at Meetings |
| 10.04 Recording Measures Considered | 10.10 Issue Licenses and Permits |
| 10.05 Publications | 10.11 Notify Appointees |
| 10.06 Authentication | 10.12 Elections |
| | 10.13 City Seal |

10.01 APPOINTMENT The Council shall appoint by majority vote a City Clerk to serve at the pleasure of the Council.

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

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

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

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

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

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

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

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

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

2. Manner of Publication. A publication required by the Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City, except that ordinances and amendments may be published by posting in the following places:

City Hall

Farmers State Bank

Yale Grocery Store

The City Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

3. Maintenance. Maintain all City records for at least five (5) years. However, ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues, or accurate reproductions of those ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues, shall be maintained permanently. Bonds and coupons may be destroyed after two (2) years from the retirement of debt and a record of destruction shall be placed with the original bond record.

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

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

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

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

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

10.09 ATTENDANCE AT MEETINGS At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

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

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

10.12 ELECTIONS The Clerk shall perform the following duties relating to elections and nominations:

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of Elections the type of nomination process to be used by the City no later than seventy—seven (77) days before the date of the regular City election.

(Code of Iowa, Sec. 376.6)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

10.13 CITY SEAL The City seal shall be in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal shall be circular in form, in the center of which shall be the words "SEAL" and around the margin the words "INCORPORATED TOWN OF YALE, IOWA."

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 11****CITY TREASURER**

11.01 Appointment

11.03 Duties of Treasurer

11.02 Compensation

11.01 APPOINTMENT The City Clerk shall be the Treasurer and perform all functions required of the position of Treasurer.

11.02 COMPENSATION The Clerk shall receive no additional compensation for performing the duties of the Treasurer.

11.03 DUTIES OF TREASURER The duties of the Treasurer shall be as follows:

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council in amounts not exceeding monetary limits authorized by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Depository Declaration. Determine the anticipated level of deposits for making the depository declaration to the State Treasurer as required by Chapter 453, Code of Iowa.

10. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 12****CITY ATTORNEY**

- | | |
|------------------------------------|--------------------------------------|
| 12.01 Appointment and Compensation | 12.06 Opinion on Contracts |
| 12.02 Attorney for City | 12.07 Provide legal Opinion |
| 12.03 Power of Attorney | 12.08 Attendance at Council Meetings |
| 12.04 Ordinance Preparation | 12.09 Prepare Documents |
| 12.05 Review and Comment | |

12.01 APPOINTMENT AND COMPENSATION The City Attorney shall be appointed by majority vote of the Council and receive such compensation as shall be established by resolution.

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

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

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

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

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

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

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

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

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

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

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

12.07 PROVIDE LEGAL OPINION The City Attorney shall, upon request, give a legal opinion in writing upon all questions of law relating to City matters submitted by the Council, any board or the head of any City department.

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

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

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

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

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

[The next page is 51]

TITLE II - COMMUNITY PROTECTION**CHAPTER 20****CONTRACT LAW ENFORCEMENT**

20.01 Contract Law Enforcement

20.02 Peace Officer: Duties

20.01 CONTRACT LAW ENFORCEMENT The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties of the Peace Officer as provided herein.

(Code of Iowa, 28E.20)

20.02 PEACE OFFICER: DUTIES A Peace Officer shall have the following powers and duties subject to the approval of the Council.

1. General. Perform all duties required 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 said peace officer.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Public Safety.

(Code of Iowa, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.

TITLE II - COMMUNITY PROTECTION**CHAPTER 21****PUBLIC OFFENSES**

21.01 Assault	21.17 Throwing and Shooting
21.02 Harassment	21.18 Defacing Public Grounds
21.03 Disorderly Conduct	21.19 Injuring New Pavement
21.04 Unlawful Assembly	21.20 Destroying Park Equipment
21.05 Failure to Disperse	21.21 Defacing Proclamations or Notices
21.06 Urinating In Public	21.22 Injury to Fire Apparatus
21.07 Distributing Dangerous Substances	21.23 Damage to Public or Utility Property
21.08 Fireworks	21.24 Public Buildings
21.09 False Reports to Law Enforcement Authorities	21.25 Obstructing Drainage
21.10 Interference with Official Acts	21.26 Injury to Cemetery Property
21.11 Refusing to Assist Officer	21.27 Criminal Mischief
21.12 Harassment of Public Officers and Employees	21.28 Unauthorized Entry
21.13 Abandoned or Unattended Refrigerators	21.29 Trespassing Prohibited
21.14 Antenna and Radio Wires	21.30 Damage to Property
21.15 Carrying Weapons	21.31 Theft
21.16 Discharging Weapons	21.32 Theft of Utility Services

21.01 ASSAULT. No person shall, without justification do any of the following:

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

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

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

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

3. Dangerous Weapon. Intentionally point any firearm toward another, or display in a threatening manner any dangerous weapon toward another.

(Code of Iowa, Sec. 708.1[3])

4. Exceptions. Provided, that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act shall not be an assault.

(Code of Iowa, Sec. 708.1)

21.02 HARASSMENT No person shall with intent to intimidate, annoy or alarm another person, do any of the following:

1. Communications. Communicate with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7 [1])

2. Simulated Explosive. Place any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such person.

(Code of Iowa, Sec. 708.7[2])

3. Merchandise or Services. Order merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7[3])

4. False Reports. Report or cause to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or report the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7[4])

21.03 DISORDERLY CONDUCT No person shall do any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.04 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.

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

21.06 URINATING IN PUBLIC It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way or onto the floor, hallway, steps, stairway, doorway or window of any public building or any privately owned building open to the public.

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

(Code of Iowa, Sec. 727.1)

21.08 FIREWORKS The sale, use or exploding of fireworks within the City shall be subject to the following:

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

(Code of Iowa, Sec. 727.2)

2. 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:
 - A. Personal Injury: - \$250,000.00 per person.
 - B. Property Damage: — \$50,000.00.
 - C. Total Exposure: - \$1,000,000.

(Code of Iowa, Sec. 727.2)

3. 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 theatre, or for signal purposes in athletic sports or by railroads, 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 sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

21.09 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

(Code of Iowa, Sec. 718.6)

21.10 INTERFERENCE WITH OFFICIAL ACTS No person shall knowingly resist or obstruct anyone known by the person to be a peace officer 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 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.

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 727.3)

21.14 ANTENNA AND RADIO WIRES It shall be unlawful for a person to allow 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])

21.15 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 the exceptions allowed in the Code of Iowa, Sec. 724.4.

21.16 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.

21.17 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, Sec. 364.12[2])

21.18 DEFACING PUBLIC GROUNDS It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, Sec. 364.1, 364.12[2])

21.19 INJURING NEW PAVEMENT It shall be unlawful for a person to injure 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, Sec. 364.12)

21.20 DESTROYING PARK EQUIPMENT It shall be unlawful for a person to destroy or injure 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])

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

(Code of Iowa, Sec. 716.1)

21.22 INJURY TO FIRE APPARATUS It shall be unlawful for a person willfully to destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

21.23 DAMAGE TO PUBLIC OR UTILITY PROPERTY It shall be unlawful for a person maliciously to injure, remove, or destroy any bridge; or place, or cause to be placed, any obstruction on any such bridge; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting or telephone; or break down and destroy or injure and deface any electric light or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make 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 or collecting systems of any electric light plant, electric motor, gas plant, sewer plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

21.24 PUBLIC BUILDINGS It shall be unlawful willfully to 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 willfully to injure or deface the same, or any wall or fence enclosing the same.

(Code of Iowa, Sec. 716.1)

21.25 OBSTRUCTING DRAINAGE It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.

(Code of Iowa, Sec. 716.1)

21.26 INJURY TO CEMETERY PROPERTY It shall be unlawful for a person willfully and maliciously to destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

21.27 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.

(Code of Iowa, Sec. 716.1)

21.28 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. *(Code of Iowa, Sec. 364.1)*

21.29 TRESPASSING PROHIBITED It shall be unlawful for a person to commit one or more of the following acts:

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

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

2. 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.

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

3. 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.

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

4. 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.

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

5. Retrieving Property. None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

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

21.30 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.

(Code of Iowa, Sec. 716.1)

21.31 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.

(Code of Iowa, Sec. 714.1[1])

21.32 THEFT OF UTILITY SERVICES No person shall obtain gas, electricity or water from a public utility or obtain cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.

(Code of Iowa, Sec. 714.1[7])

TITLE II - COMMUNITY PROTECTION**CHAPTER 22****NUISANCES -GENERAL PROVISIONS**

22.01 Definitions

22.02 Nuisances Prohibited

22.01 DEFINITIONS The following terms are defined for use in the chapters of this Code of Ordinances pertaining to nuisances:

1. "Nuisance" means whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

- A. Offensive Smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, 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 be collected 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 corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

- 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. 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.

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

- G. Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

(Code of Iowa, Sec. 657.2[8])

- H. Storing of Inflammable Junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless it be in a building of fireproof construction.

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

- I. Air Pollution. The emissions of dense smoke, noxious fumes or fly ash.

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

- J. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

(Code of Iowa, 657.2[12])

- K. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

(Code of Iowa, Sec. 657.12[13])

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

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

- M. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to by persons using controlled substances, as defined in Section 204.101(6) of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

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

22.02 NUISANCES PROHIBITED The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in Chapter 56 or State law.

(Code of Iowa, Sec. 657.3)

TITLE II - COMMUNITY PROTECTION**CHAPTER 23****ENFORCEMENT: NUISANCES**

23.01 Nuisance Abatement	23.06 Abatement by City
23.02 Notice to Abate: Contents	23.07 Collection of Costs
23.03 Method of Service	23.08 Installment Payment of Cost of Abatement
23.04 Request for Hearing	23.09 Failure to Abate
23.05 Abatement in Emergency	

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

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

23.02 NOTICE TO ABATE: CONTENTS The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance 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.

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

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

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

23.05 ABATEMENT IN EMERGENCY If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 23.07 after notice to the property owner under the applicable provisions of Sections 23.01, 23.02 and 23.03 and hearing as provided in Section 23.04.

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

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

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

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

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

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

(Code of Iowa, Sec. 364.13)

23.09 FAILURE TO ABATE Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate shall be in violation of the Code of Ordinances.

EDITOR'S NOTE

A suggested form of notice for the abatement of nuisances is Included in the appendix of this Code of Ordinances.

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. The City Attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

TITLE II - COMMUNITY PROTECTION**CHAPTER 24****ENFORCEMENT: TRAFFIC CODE**

24.01 Title	24.07 Traffic Accidents: Studies
24.02 Definitions	24.08 Files Maintained
24.03 Administration and Enforcement	24.09 Habitual Traffic Violators
24.04 Power to Direct Traffic	24.10 Annual Safety Reports
24.05 Traffic Accidents: Reports	24.11 Peace Officer's Authority
24.06 Investigation of Traffic Accidents	24.12 Obedience to Peace Officers

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

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

1. "Business District" means the territory contiguous to and including the following designated streets:
 - A. From the corner of Oak Street to Hill Street on both sides of Main Street.
 - B. One half block west of Main Street on North Street.
 - C. One block east of Main Street on North Street.
 - D. One half block east of intersection of Hill Street and Main Street.
 - E. One block west of intersection of West Street and King Street to Lincoln Avenue.
 - F. One block west of intersection of Oak Street and West Street to Lincoln Avenue.
 - G. Two blocks north from T intersection of King Street and Lincoln Avenue to T intersection of Bell Street and Lincoln Avenue.
2. "Park or Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

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

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

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

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

5. "School District" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

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

6. "Stand or Standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

7. "Stop" means when required, the complete cessation of movement.

8. "Stop or Stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. "Suburban District" means all other parts of the city not included in the business, school or residence districts.

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

10. "Traffic Control Device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

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

11. "Vehicle" means every device in, upon or by which any person or persons or property is or may be transported or drawn upon a public highway, street, or alley.

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

24.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the peace officer.

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

24.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec 100B.4)

24.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

(Code of Iowa, Sec. 321.273 & 321.274)

24.06 INVESTIGATION OF TRAFFIC ACCIDENTS. The peace officer 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, Sec. 372.13[4])

24.07 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the peace officer shall conduct studies of such accidents and propose remedial measures.

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

24.08 FILES MAINTAINED. The peace officer shall maintain a suitable 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. 372.13 [4])

24.09 HABITUAL TRAFFIC VIOLATORS. The peace officer 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 therefore, 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, Sec. 321.201—321.215)

24.10 ANNUAL SAFETY REPORTS The peace officer shall prepare annually a traffic report which shall be filed with the Mayor and Council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for future traffic safety activities.

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

24.11 PEACE OFFICER'S AUTHORITY Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle 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, 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)

24.12 OBEDIENCE TO PEACE OFFICERS No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

TITLE II - COMMUNITY PROTECTION**CHAPTER 25****VOLUNTEER FIRE AND EMERGENCY SERVICES DEPARTMENT**

25.01 Department Established

29.06 Volunteer Firefighters

25.02 Organization

29.07 Firefighters' Duties

25.03 Training

29.08 Fires Outside City Limits

25.04 Officers and Members

29.08 Compensation

25.05 Duties of Fire Chief

25.01 DEPARTMENT ESTABLISHED. A volunteer fire and emergency services Department (hereafter "Department") is hereby established to prevent and extinguish fire and to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to other emergencies for which there is no other established agency.

25.02 ORGANIZATION. The Department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

25.04 OFFICERS AND MEMBERS The Department shall elect a Fire Chief and such other officers as their constitution and bylaws may provide, but the election of chief shall be subject to the approval of the Council. The Department shall also elect such other officers as it deems necessary and shall be responsible for establishing standards for and procedures for membership in the Department, and may make such changes in its members as it desires. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of the Fire Chief.

25.05 DUTIES OF FIRE CHIEF. The Fire Chief has the following powers and duties:

1. Generally. Perform all duties required of the Fire Chief by law or ordinance.
2. Enforce Laws. 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 exit in case of fire from halls, theatres, churches, lodging houses, 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.
3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform rescue operations, 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.
4. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.
5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right of way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.
6. Command. Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the fire chief.
7. Notification. The chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever death, serious bodily injury to any person or property damage in excess of \$200,000 has occurred as a result of fire, or if arson is suspected, the chief shall notify the state fire marshal's division immediately. The chief shall report other fire incidents within 10 days following each month to the state fire marshal in accordance with law.

8. Right of Entry. The chief has the authority to enter and inspect any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety, and welfare.
9. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.
10. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.
11. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

25.06 VOLUNTEER FIREFIGHTERS. The chief shall appoint volunteer firefighters per established criteria to serve as volunteer firefighters. Prior to appointment as a volunteer firefighter and every 5 years thereafter a volunteer firefighter must pass a medical physical examination.

25.07 FIREFIGHTERS' DUTIES. When called by the chief, all firefighters shall report for duty immediately in the manner directed by the chief. They shall be subject to call at any time. They shall obey strictly the commands of any other firefighter who has been appointed by the chief to be in command temporarily. Firefighters shall report to the chief in advance if they expect to be absent from the city for 12 hours or more. Firefighters shall report for training as ordered by the chief.

25.08 FIRES OUTSIDE CITY LIMITS. The Department shall answer calls to fires and other emergencies outside the city limits if the fire chief or the chief's designee determines that such emergency exists and that such action will not endanger persons and property within the city limits and subject to mutual aid or contract agreements.

25.09 COMPENSATION. Members of the Department shall receive no compensation.

TITLE II - COMMUNITY PROTECTION**CHAPTER 29****TRAFFIC CONTROL DEVICES**

29.01 Traffic Control Devices

29.05 Traffic Lanes

29.02 Installation

29.06 Necessity of Signs

29.03 Compliance

29.07 Moving or Damaging Devices

29.04 Crosswalks

29.08 Standards

29.01 DESIGNATION OF TRAFFIC CONTROL DEVICES The Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

29.02 INSTALLATION The Council shall cause to be placed and maintained traffic control devices to carry out the provisions of the Traffic Code of the City under State law or to regulate, guide or warn traffic. The City shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254 & 321.255)

29.03 COMPLIANCE No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this Traffic Code unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

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

(Code of Iowa, Sec. 372.13 & 321.255)

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

(Code of Iowa, Sec. 372.13 & 321.255)

29.06 NECESSITY OF SIGNS No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in a viewable position and sufficiently legible to an ordinarily observant person.

29.07 MOVING OR DAMAGING DEVICES It shall be unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City.

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

(Code of Iowa, Sec. 321.255)

TITLE II - COMMUNITY PROTECTION**CHAPTER 30****TRAFFIC CODE -GENERAL REGULATIONS**

30.01 Violation of Regulations	30.09 Eluding or Attempting to Elude
30.02 Play Streets Designated	Pursuing Law Enforcement Vehicle
30.03 Vehicles on Sidewalks	30.10 Obstructing View at Intersections
30.04 Clinging to Vehicle	30.11 Milling
30.05 Quiet Zones	30.12 Excessive Acceleration
30.06 School Buses	30.13 Careless Driving
30.07 Funeral or Other Processions	30.14 Squealing Tires
30.08 Tampering with Vehicle	30.15 Engine Brakes and Compression Brakes

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

1. Display of Registration and License to Drive: 321.32, 321.37, 321.98, 321.174, 321.193, 321.216 and 321.218 through 321.224.
2. Obedience to a Peace Officer and Responsibility of Public Officers, Emergency Vehicles, All Terrain Vehicles, Golf Carts and Bicycles to Obey Traffic Regulations: 321.229 through 321.234A and 321.247.
3. Traffic Signs, Signals and Markings: 321.256 through 321.260.
4. Accidents and Accident Reporting: 321.261 through 321.268.
5. Operation of Motorcycles and Motorized Bicycles: 321.275.
6. Reckless Driving, Drag Racing, Speed, Control of Vehicle and Minimum Speed: 321.277, 321.278, 321.285 through 321.288, 321.294, and 321.295, 321.382 and 321.383.
7. Driving on Right, Meeting, Overtaking, Following or Towing: 321.297 through 321.310.
8. Turning and Starting, Signals on Turning and Stopping: 321.311 through 321.318.
9. Right of Way: 321.319 through 321.324.

10. Pedestrian Rights and Duties and Safety Zones: 321.325 through 321.334 and 321.340.
11. Railroad Crossings: 321.341 through 321.344.
12. Stopping, Standing, Parking: 321.353 through 321.361.
13. Unattended Vehicle, Obstructing Driver's View, Crossing Median, Following Fire Apparatus, or Crossing Fire Hose, and Putting Glass, Etc., on Streets: 321.362 through 321.371.
14. Lighting Equipment Required and Time of Use: 321.384 through 321.398, 321.402 through 321.409, 321.415, 321.417 through 321.424. In accordance with authorization granted by Section 321.395, Code of Iowa, motor vehicles parked upon any street where permitted by this chapter need not display required lights where there is sufficient light emitted from City street lights to reveal any person or object within a distance of five hundred (500) feet upon such street.
15. Brakes, Horns, Sirens, Mufflers, Wipers, Mirrors, Tires, Flares, Windows, Safety Belts, and Special Markings for Transporting Explosives: 321.430 through 321.443 and 321.445 through 321.450.
16. Size, Weight and Load: 321.452 through 321.463, 321.465, 321.466, and 321.471 through 321.473.
17. Unsafe Vehicles: 321.240 and 321.381.

30.02 PLAY STREETS Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

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

30.04 CLINGING TO VEHICLES No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person 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 to any vehicle upon a roadway.

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

30.06 SCHOOL BUSES The following school bus safety regulations shall apply within the City:

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the City, turn on the flashing warning lamps at a distance of not less than three hundred (300) feet, nor more than five hundred (500) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing warning lamps, retract the stop arm and then proceed on the route. Except to the extent that reduced visibility is caused by fog, snow or weather conditions, a school bus shall not stop to load or unload pupils unless there is at least three hundred (300) feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway. A school bus, when operating on a highway with four or more lanes, shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or police officers.

(Code of Iowa, Sec. 321.372[1])

2. Lights On. The driver of a school bus shall, while carrying passengers, have its headlights turned on.

(Code of Iowa, Sec. 321.372[1])

3. Discharging Pupils. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.

(Code of Iowa, Sec. 321.372[2])

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen (15) feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.

(Code of Iowa, Sec. 321.372[3])

5. Stop When Meeting. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when school bus stops and signal arm is extended and said vehicle shall remain stopped until the stop arm is retracted after which driver may proceed with due caution.

(Code of Iowa, Sec. 321.372[3])

6. Multi-lane Roads. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, Sec. 321.372[4])

30.07 FUNERAL OR OTHER PROCESSIONS The following regulations shall apply to funeral or other processions within the City:

1. 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, Sec. 321.236[3])

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Code of Iowa, Sec. 321.236[3])

3. Interrupting 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 such 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 peace officers.

(Code of Iowa, Sec. 321.236[3])

30.08 TAMPERING WITH VEHICLE Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a misdemeanor punishable as provided in Section 321.482 of the Code of Iowa.

30.09 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLE No driver of a motor vehicle shall willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceed the speed limit by twenty-five (25) miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren.

(Code of Iowa, Sec. 321.279)

30.10 OBSTRUCTING VIEW AT INTERSECTIONS It shall be unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction shall be deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 56 of this Code of Ordinances.

30.11 MILLING It shall be unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

30.12 EXCESSIVE ACCELERATION It shall be unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave skid marks on the pavement, or to cause the wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

30.13 CARELESS DRIVING No person shall drive any vehicle in such a manner as to indicate careless driving, which when used here does not impute willfulness or intent, but means simple negligence.

30.14 SQUEALING TIRES No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.

30.15 ENGINE BRAKES 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 of Yale, Iowa, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in loud, unusual or explosive noise from such vehicle, except in response to an imminent traffic accident.
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 (300) feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.
3. The scheduled fine for a violation of this Section shall be fifty (50) dollars.

TITLE II - COMMUNITY PROTECTION**CHAPTER 31****TRAFFIC CODE - SPEED REGULATIONS**

31.01 General	31.05 Parks, Cemeteries and Parking Lots
31.02 Business District	31.06 Minimum Speed
31.03 Residence or School District	31.07 Emergency Vehicles
31.04 Suburban District	31.08 Special Speed Restrictions

31.01 GENERAL Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit 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)

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.294)

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

(Code of Iowa, Sec. 321.231)

31.08 SPECIAL SPEED RESTRICTIONS In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location.

(Code of Iowa, Sec. 321.290)

TITLE II - COMMUNITY PROTECTION**CHAPTER 32****TRAFFIC CODE -TURNING REGULATIONS**

32.01 Authority to Mark

32.02 U-Turns

32.01 AUTHORITY TO MARK The Council 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 such markers, buttons or signs.

(Code of Iowa, Sec. 321.311)

32.02 U-TURNS It shall be unlawful for a driver to make a U-turn except at an intersection; however, U-turns are prohibited within the business district, at any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Traffic Code and at intersections where there are automatic traffic signals.

(Code of Iowa, Sec. 321.255)

TITLE II - COMMUNITY PROTECTION**CHAPTER 33****TRAFFIC CODE-STOP OR YIELD REQUIRED**

33.01 Stop or Yield

33.03 Stop Before Crossing Sidewalk

33.02 School Stops

33.04 Stop When Traffic Is Obstructed

33.05 Yield to Pedestrians In Crosswalks

33.01 STOP OR YIELD Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Chapter 61 of this Traffic Code.

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

(Code of Iowa, Sec. 321.249)

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

(Code of Iowa, Sec. 321.353)

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

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

(Code of Iowa, Sec. 321.327)

TITLE II - COMMUNITY PROTECTION**CHAPTER 34****TRAFFIC CODE-LOAD AND WEIGHT RESTRICTIONS**

34.01 Temporary Embargo

34.03 Load Limits Upon Certain Streets

34.02 Permits for Excess Size and Weight

34.01 TEMPORARY EMBARGO If the Council declares an embargo when it appears by reason of deterioration, 'rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.471 & 472)

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

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

34.03 LOAD LIMITS UPON CERTAIN STREETS When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.473 & 475)

TITLE II - COMMUNITY PROTECTION**CHAPTER 35****TRAFFIC CODE-PEDESTRIANS**

35.01 Use Sidewalks

35.03 Hitch Hiking

35.02 Walking In Street

35.04 Pedestrian Crossing

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

35.02 WALKING IN STREET Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

TITLE II - COMMUNITY PROTECTION

CHAPTER 36

TRAFFIC CODE-ONE-WAY TRAFFIC

36.01 ONE-WAY TRAFFIC REQUIRED When appropriate signs are in place, as provided for in Chapter 61 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

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

TITLE II - COMMUNITY PROTECTION**CHAPTER 37****TRAFFIC CODE-PARKING REGULATIONS**

37.01 Park Adjacent to Curb	37.07 Handicapped Parking
37.02 Park Adjacent to Curb - One-Way Street	37.08 Parking Limited or Controlled
37.03 Diagonal Parking	37.09 Truck Parking Limited
37.04 Angle Parking — Manner	37.10 Snow Removal
37.05 Parking for Certain Purposes Illegal	37.11 Parking Signs Required
37.06 Parking Prohibited	

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

(Code of Iowa, Sec. 321.361)

37.02 PARK ADJACENT TO CURB: ONE-WAY STREET No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

37.03 DIAGONAL PARKING Angle or diagonal parking shall be permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

-NONE-

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

(Code of Iowa, Sec. 321.361)

37.05 PARKING FOR CERTAIN PURPOSES ILLEGAL No person shall park a vehicle upon the roadway for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.
2. Repairing. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.
5. Storage. Storage as junk or dead storage for more than seventy-two (72) hours.

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

1. Crosswalk. On a crosswalk at an intersection.

(Code of Iowa, Sec. 321.236[1] & 321.358[5])

2. Center Parkway. On the center parkway or dividing area of any divided street.

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

3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

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

4. Sidewalks. On or across a sidewalk.

(Code of Iowa, Sec. 321.358[1])

5. Driveway. In front of a public or private driveway.

(Code of Iowa, Sec. 321.358[2])

6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.

(Code of Iowa, Sec. 321.358[3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.

(Code of Iowa, Sec. 321.358[4])

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

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

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

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

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

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

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

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

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

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

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358[13])

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

(Code of Iowa, Sec. 321.360)

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

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

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

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

17. Parking or Terrace. Upon the parking or terrace, designated as that area between the curb line and the sidewalk line, where curbing has been installed.

37.07 HANDICAPPED PARKING Parking for the use of the physically handicapped is provided as follows:

1. Off-street Spaces: Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ten (10) or more parking spaces, shall set aside handicapped parking spaces in accordance with the following:

REQUIRED MINIMUM NUMBER OF
TOTAL PARKING SPACE IN LOT HANDICAPPED PARKING SPACES

10 to 25 1

26 to 50 2

51 to 75 3

76 to 100 4

101 to 150 5

151 to 200 6

201 to 300 7

301 to 400 8

401 to 500 9

501 to 1000 *

1001 and over **

* TWO PERCENT (2%) OF TOTAL

** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

All public and private buildings and facilities, temporary and permanent, which are residences, excluding condominiums as defined in Chapter 499B, Code of Iowa, and which provide ten (10) or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in Section 321L.1, Code of Iowa, for each individual dwelling unit in which a handicapped person resides.

(Code of Iowa, Chapter 104A.7 and Sec. 321L.5)

Compiled by West Central I-80 Development Corporation

2. On—street Spaces. With respect to any on-street parking areas provided by the City within the business district, at least two parking spaces per lineal block within the business district shall be set aside as handicapped parking spaces.

(Code of Iowa, Sec. 321L.5[4])

3. Other Spaces. Any other person may set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space.

(Code of Iowa, Sec. 321L.5[3])

4. Improper Use. The use of a handicapped parking space located on either public or private property by a motor vehicle not displaying a handicapped identification device; or by a motor vehicle displaying such a device but not being used by a handicapped person as an operator or passenger; or by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa, constitutes improper use of a handicapped device which is a misdemeanor. The fine for each violation shall be twenty-five dollars (\$25.00).

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

37.08 PARKING LIMITED OR CONTROLLED Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 29 of this Traffic Code.

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

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

1. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle within the City Limits on any streets maintained by the City of Yale.
2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

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.

37.10 SNOW REMOVAL No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during 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.

(Code of Iowa, 321.236[1])

37.11 PARKING SIGNS REQUIRED Whenever by this chapter or any other section of the Code of Ordinances any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Council to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.256)

TITLE II - COMMUNITY PROTECTION**CHAPTER 70****TRAFFIC CODE-ENFORCEMENT PROCEDURES**

70.01 Arrest or Citation

70.04 Parking Violations: Vehicle Unattended

70.02 Scheduled Violations

70.05 Presumption in Reference to Illegal Parking

70.03 Parking Violations: Alternate

70.06 Impounding Vehicles

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a 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)

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

(Code of Iowa, Sec. 805.6, 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine of five dollars (\$5.00) payable at the office of the City Clerk. If such fine is not paid within seventy-two (72) hours, a complaint may be filed as provided by Chapter 804 of the Code of Iowa.

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

70.04 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 herein provided shall be attached to the vehicle in a conspicuous place.

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

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

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

1. Disabled Vehicle. When a vehicle is 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.

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

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.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
4. Parked Over 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 an opportunity to remove the vehicle.

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

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

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

TITLE II - COMMUNITY PROTECTION**CHAPTER 85****ANIMAL PROTECTION AND CONTROL-GENERAL PROVISIONS**

85.01 Definitions	85.09 Annoyance or Disturbance
85.02 Cruelty to Animals	85.10 Vicious Dogs
85.03 Abandonment	85.11 Owner's Duty
85.04 Exhibitions and Fights	85.12 Confinement
85.05 Injuries to Animals	85.13 Summons Issued
85.06 Animals Running at Large	85.14 Right to Kill Unlicensed Dogs
85.07 Bothersome Animals	85.15 Right to Kill Licensed Dogs
85.08 Damage or Interference	85.16 Disposal of Other Animals
85.17 Number of Dogs Limited	

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

1. "Animal" means a nonhuman vertebrate.
2. "Animal Control Officer" means: A person designated by the City to perform such duties involving animal control under this Chapter. If no such person is designated by the City, the Mayor shall be the Animal Control Officer.
3. "At Large" means any animal which is off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Cats" means both male and female cats, six months of age or over, including both spayed and unspayed cats.
5. "Dogs" means both male and female dogs, including both spayed and unspayed dogs.
6. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus, or poultry.
7. "Owner" means any person owning, keeping, sheltering or harboring an animal.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

85.06 TRAPPING DISALLOWED. No persons except those acting on the authority of the Director of the Department of Natural Resources or the City Council shall capture or take or attempt to capture or take, with any trap, snare or net, any animal, bird or other living being within the corporate limits of the City.

85.07 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

85.08 NOISY DOGS OR CATS.

1. No person shall keep, harbor or have in his or her possession any dog or cat which, by frequent and habitual howling, yelping, barking, or otherwise, causes a serious annoyance or disturbance to persons or to the neighborhood.
2. One or more signed complaints, on a regular form furnished by the City, against such dog or cat shall be promptly referred to the City Council for investigation.

3.Enforcement of this section shall be by complaint of two (2) or more persons against such dog or cat or a violation observed by the Mayor or a City Council member.

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

(Code of Iowa, Sec. 351.38)

85.10 CONFINEMENT. When a local board of health or the City Council receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded, and after two weeks the animal may be humanely destroyed. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

85.11 CONFINEMENT OF UNSPAID DOGS AND CATS. The owner of an unspayed female dog or cat shall confine it indoors during its rutting period.

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

85.13 REDEMPTION AND DISPOSITION OF ANIMALS. When an animal has been seized and impounded for any reason, written notice thereof shall be given in not less than two days to the owner, if known, either by regular mail, personal delivery, or by posting in a conspicuous place at the residence of the owner. Notice shall be deemed given when mailed, delivered, or posted. Impounded animals may be recovered by the owner upon payment of impounding costs and fees set forth in Section 85.17, and if an unvaccinated dog, by additionally having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law. If, in the opinion of the animal control officer, the animal is too sick or injured to keep humanely for seven days, the animal may be humanely destroyed.

85.14 NUMBER OF DOGS LIMITED. No person shall at any one time have more than three (3) dogs of any age upon one premise, except when this limit is exceeded due to a dog giving birth to a litter of pups, in which case such person may exceed temporarily the limit specified in this section for a period of up to three (3) months after the date of the birth of such pups.

85.15 ANIMAL NUISANCE. The following acts and circumstances are hereby declared to be nuisances and therefore prohibited.

1. The keeping of an animal or animals on private property in such a manner that the accumulation of solid waste of such animal or animals becomes a detriment to or menace to the health of the animal, or an annoyance to humans.
2. Any person having in his or her possession any dog or cat which, by frequent and habitual howling, yelping, barking, or otherwise, unreasonably disturbs the peace and quiet of the vicinity.
3. Allowing any animal to molest any person on public or private property who has a legitimate reason to be thereon.
4. Having in a person's possession any animal which has been found to be at large in violation of section 85.07 more than three (3) times in any twelve month period.

85.16 FREQUENT VIOLATORS, NUISANCE ABATEMENT.

1. Conviction of a person for violation of any provision of this Chapter for a fourth or subsequent time, not necessarily for the same provision, shall be punished by a penalty of not less than \$500.00 nor more than \$750.00.
2. After the third conviction for violation of any provision of this Chapter by the same person with respect to any animal or animals at any site or sites, proceedings for a fourth municipal infraction against that person for a violation of said Chapter may include a request to the Court for an order that a specified animal or animals being kept by that person be relocated or other disposition made within a reasonable time to be specified in the City's request to the Court.
3. An animal that is a nuisance as declared by Section 85.15 of this Code, or an animal being kept in conditions that are a nuisance as declared by said Code Section, may be impounded by local authorities to abate the nuisance. If the keeper of the animal so impounded is known, a violation of said Section may be charged against that person. Additionally, the local authorities may, in the municipal infraction proceedings brought for violation thereof, ask the Court for an order that the animal or animals be relocated or other disposition made within a reasonable time to be specified in the City's request to the Court.

85.17 IMPOUNDMENT FEES. The owner of any dog, cat or other animal impounded under this Chapter or under Chapter 85(A), in addition to any charges for confinement and veterinary services incurred in the impoundment, shall pay to the city the following fees in connection with impoundment: Fifty dollars (\$50.00) for the first day or fraction thereof involving first violation, and ten dollars (\$10.00) for each additional day or fraction of a day thereafter. If, within one year's time the same animal is impounded a second time, the impounding fee shall be increased to seventy five dollars (\$75.00) for the first day or fraction of a day thereof and ten dollars (\$10.00) for each additional day or fraction of a day thereafter. If, within a year's time the same animal is impounded three (3) or more times, the impounding fee shall be increased to one hundred dollars (\$100.00) for the first day or fraction thereof, and ten dollars (\$10.00) for each additional day or fraction of a day thereafter.

TITLE II - COMMUNITY PROTECTION**CHAPTER 85 (A)****DANGEROUS AND VICIOUS ANIMALS**

85 (A).01 Definitions	85 (A).02 Seizure, Impoundment and Disposition
85 (A).02 Keeping of Dangerous Animals Prohibited	85 (A).05 Exceptions
85 (A).03 Keeping of Vicious Animals Prohibited	

85(A).01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Dangerous Animal" means:

- (a) any animal which is not naturally tamed 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; or
- (b) any animal declared to be dangerous by the Council; or
- (c) any nondomesticated member of the order carnivora which as an adult exceeds the weight of 20 pounds; or
- (d) any of the following animals which shall be deemed to be dangerous animals, per se: lions, tigers, jaguars, leopards, cougars, lynx, bobcats, wolves, coyotes, foxes, badgers, wolverines, weasels, skunks, mink; raccoons, bears, monkeys and chimpanzees, bats, alligators, crocodiles and caimans, scorpions, snakes and reptiles that are venomous, snakes that are constrictors over six feet in length, gila monsters, opossums, apes, baboons and macaques, and piranhas.

2. "Vicious Animal" means:

- (a) Any animal, except for a dangerous animal per se that has bitten or clawed a person or persons and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal has bitten or clawed a person or persons; or could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or has attacked any domestic animal or fowl on one or more occasions without provocation; or

- (b) any animal with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or otherwise to endanger their safety; or
- (c) Any animal with a history, tendency, or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
- (d) Any animal that snaps, bites, or manifests a disposition to snap or bite;
- (e) Any animal that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;
- (f) Any animal trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of a law enforcement agency.
- (g) Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier breed of dogs; or, dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs, or pit bull terriers; or, any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier, any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

85(A).02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
2. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

85(A).03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal.

85(A).04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

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

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

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

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

5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with within three (3) days, or if the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to cause the seizure, impoundment, or destruction of such dangerous or vicious animal, which may be carried out by the Guthrie County Sheriff's Department or any other law enforcement agency having jurisdiction within the city. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, shall constitute a simple misdemeanor.

6. Any animal which is under impoundment shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment, including impoundment fees, as set forth in Section 85.17, shall be paid by the owner if the animal is determined to be vicious or dangerous. If the animal is not determined to be vicious or dangerous, the costs of impoundment shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required impoundment which shall be paid by the owner.

85(A).05 EXCEPTIONS. Under special circumstances, exceptions may be made at a hearing of the City Council to allow any of the aforementioned animals to remain within the City. These exceptions will be made on a case by case basis and will not set the precedence for future exceptions. Decisions to allow a dangerous or vicious animal to remain in the City can be reversed at any time through a council decision.

TITLE II - COMMUNITY PROTECTION**CHAPTER 86****JUVENILE CURFEW**

86.01 Purpose

86.02 Definitions

86.03 Curfew Established

86.04 Exceptions

86.05 Responsibility of Adults

86.10 Enforcement Procedures

86.11 Penalties

86.12 Notice

86.01 PURPOSE The City Council of the City of Yale, Iowa, has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City, and specifically to achieve the following purposes:

1. Reinforce the primary authority and responsibility of adults responsible for minors.
2. Protect the public from the illegal acts of minors committed individually and in gangs after the curfew hour.
3. Protect minors from improper influences and criminal activity by individuals and by gangs that prevail in public places after the curfew hour.

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

1. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident, or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.
2. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
3. "Minor" means any unemancipated person under the age of eighteen (18) years.

4. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than 6 hours without the oral or written order of a judge or magistrate authorizing the detention. A Judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
5. "Public place" shall include shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this chapter, a vehicle or other conveyance is considered to be a public place when in the areas defined above.
6. "Responsible adult" means a parent, guardian or other adult specifically authorized by law, or authorized by parent or guardian to have custody or control of a minor.
7. "Unemancipated" means unmarried and still under custody or control of a responsible adult.

86.03 CURFEW ESTABLISHED. Unless accompanied by a responsible adult, no minor seventeen (17) years of age or younger shall be in any public place during the following times:

1. Sunday through Thursday 10 p.m. through 6 a.m. each day
2. Friday through Saturday 11 p.m. through 6 a.m. each day

86.04 EXCEPTIONS. The following are exceptions to the curfew:

1. The minor is accompanied by a responsible adult.
2. When the minor is on the sidewalk or property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
3. The minor is present at or is traveling between home and one of the following:

- A. Minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged, or if traveling, within one hour after the end of work.
 - B. Minor's place of religious activity, or, if traveling, within one hour after the end of the religious activity.
 - C. Governmental or political activity, or , if traveling, within one hour after the end of the activity.
 - D. School activity, or, if traveling, within one hour after the end of the activity.
 - E. Assembly such as a march, protest, demonstration, sit-in; or meeting of an association for the advancement of economic, political, religious or cultural matters; or for any other activity, protected by the First Amendment of the U. S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly, or, if traveling, within one hour after the end of the activity.
- 4. The minor is on an emergency errand for a responsible adult.
 - 5. The minor is engaged in interstate travel through the city beginning, ending or passing through Yale, Iowa, when such travel is by direct route.

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

86.06 ENFORCEMENT PROCEDURES.

- 1. Determination of age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the Street shall, in the first instance, use his or her best judgment in determining age.
- 2. Grounds for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. Notification of responsible adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such times as the court may direct.
4. Minor without adult supervision. If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult who cares for the child, or another adult person who is to the child.

86.07 PENALTIES.

1. Responsible Adult's First Violation - Warning. In the case of a first violation by a minor, the peace officer or Maya shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
2. Responsible Adult's Second Violation - Simple Misdemeanor. Any responsible adult as defined in this ordinance who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section shall be guilty of a simple misdemeanor, and upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed thirty (30) days.
3. Minor's First Violation - Warning. In the case of a first violation by a minor, the police shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.
4. Minor's Second Violation - Simple Misdemeanor. For the minor's Second and subsequent violations of any of the provisions of this chapter, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed one hundred dollars (\$100.00) or to perform community service as ordered by the court.

86.08 NOTICE. Notice of this Ordinance and its contents may be posted in, on or about such public or quasi-public places as may be designated by the City Clerk or the Mayor in order that the public may be constantly informed of the existence of the Ordinance and its regulations.

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TITLE III – PUBLIC SERVICES

CHAPTER 90

WATER SERVICE SYSTEM-GENERAL PROVISIONS

90.01 Definitions	90.10 Installation of Water Service Pipe
90.02 Superintendent: Appointment, Duties	90.11 Curb Stop
90.03 Mandatory Connections	90.12 Interior Stop and Waste Cock
90.04 Abandoned Connections	90.13 Inspection and Approval
90.05 Permit	90.14 Completion by the City
90.06 Compliance with Plumbing Code	90.15 Shutting off Water Supply
90.07 Plumber Required	90.16 Property Owner's Responsibility
90.08 Excavations	90.17 Failure to Maintain
90.09 Tapping Mains	90.18 Operation of Curb Stop

90.01 DEFINITIONS The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Customer" means in addition to any person receiving water service from the City the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. "Superintendent" means the superintendent of the City water system or any duly authorized assistant, agent or representative.
3. "Water Main" means a water supply pipe provided for public or community use.
4. "Water Service Pipe" means the pipe from the water main to the building served.
5. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT: APPOINTMENT, DUTIES The Council shall appoint a water superintendent who shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

90.05 PERMIT Before any person makes a connection with the public water system, a written permit must be obtained from the superintendent. The application for the permit shall be filed with the Clerk on blanks furnished by the superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the Council. The superintendent shall sign and issue the permit and state the time of issuance, if the proposed work meets all the requirements of this chapter. The Council may at any time revoke the permit for any violation of this chapter and require that the work be stopped.

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

90.06 COMPLIANCE WITH PLUMBING CODE The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.07 PLUMBER REQUIRED All installations of water service pipes and connections to the water system shall be made by a competent plumber. The superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

90.08 EXCAVATIONS All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 175.

90.09 TAPPING MAINS All taps into water mains shall be made by or under the direct supervision of the superintendent and in accord with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the superintendent and unless provision is made so that each house, building or premise may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.
4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as the superintendent shall require.

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

90.10 INSTALLATION OF WATER SERVICE PIPE Water service pipes from the main to the meter setting shall be standard weight type K copper, one hundred forty (140) pound test P.V.C., or approved cast iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.11 CURB STOP There shall be installed within the public right-of-way a main shut-off valve of the inverted key type on the water service pipe at the property line with a suitable lock of a pattern approved by the superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

90.12 INTERIOR STOP AND WASTE COCK There shall be installed a shut-off valve and waste cock 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 and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.13 INSPECTION AND APPROVAL All water service pipes and their connections to the water system must be inspected and approved in writing by the superintendent before they are covered, and the superintendent shall keep a record of such approvals. If the superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.14 COMPLETION BY THE CITY Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit.

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

90.15 SHUTTING OFF WATER SUPPLY After following the procedures set out in Section 92.05, the superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter, or valid regulation under that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the superintendent has ordered the water to be turned on.

90.16 PROPERTY OWNER'S RESPONSIBILITY All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the curb stop to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.17 FAILURE TO MAINTAIN When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.18 OPERATION OF CURB STOP It shall be unlawful for any person except the water superintendent to turn water on at the curb stop.

TITLE III - PUBLIC SERVICES**CHAPTER 91****WATER SERVICE SYSTEM-WATER METERS**

91.01 Purpose	91.05 Meter Setting
91.02 Water Use Metered	91.06 Meter Costs
91.03 Fire Sprinkler Systems - Exception	91.07 Meter Repairs
91.04 Location of Meters	91.08 Right of Entry

91.01 PURPOSE The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED All water furnished customers shall be measured through meters furnished by the City and installed by the City.

(Code of Iowa, Sec. 384.84 [1])

91.03 FIRE SPRINKLER SYSTEMS - EXCEPTION Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING The property owner shall have provided all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him.

91.06 METER COSTS 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 customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS Whenever a water meter owned by the City is found to be out of order the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

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

TITLE III - PUBLIC SERVICES WATER SERVICE SYSTEM**CHAPTER 92****WATER RATES**

92.01 Service Charges

92.06 Property Owner Responsible

92.02 Rates and Service

92.07 Lien for Nonpayment

92.03 Rates Outside the City

92.08 Customer Deposits

92.04 Billing for Water Service

92.09 Temporary Vacancy

92.05 Service Discontinued

92.01 SERVICE CHARGES Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84[1])

92.02 RATES AND SERVICE Water service shall be furnished at the following quarterly rates within the City:

(Code of Iowa, Sec. 384.84[1])

1. First 5000 gallons used per quarter @ \$20.00 (Minimum Bill).
2. All over 5000 gallons used per quarter @ \$3.50 per 1000 gallons.

92.03 RATES OUTSIDE THE CITY Water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at the same rates provided in 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4[2] & 384.84[1])

92.04 BILLING FOR WATER SERVICE Billing and payment for water service shall be in accordance with the following:

(Code of Iowa, Sec. 384.84[1])

1. Meters Read. Water meters shall be read during the last month of each of the quarters consisting of the following months:
 - A. First Quarter - January, February and March

- B. Second Quarter - April, May and June
 - C. Third Quarter - July, August and September
 - D. Fourth Quarter - October, November and December.
2. Bills Issued. The Clerk shall prepare and issue bills for water service on or before the last day of the month following each quarter.
 3. Bills Payable. Bills for water service shall be due and payable at the office of the Clerk by the tenth (10th) of the month following the end of each quarter.
 4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one—time late payment penalty of five percent (5%) of the amount due shall be added to each delinquent bill.

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

(Code of Iowa, Sec. 384.84[1])

1. Notice. The Clerk shall notify each delinquent customer that water service will be discontinued if payment, including late payment charges, is not received within five (5) days after the date due.
2. Service Discontinued. The superintendent shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the notice of delinquency.
3. Fees. A turn-on fee of ten dollars (\$10.00) shall be charged before service is restored to a delinquent customer. No turn-on fee or service fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 PROPERTY OWNER RESPONSIBLE As a convenience to property owners that lease or rent property to others, the City may bill lessees or tenants for charges for water delivered to a property during such rental or lease period; however, a property owner and any lessee or tenant shall have joint and several responsibility for payment of the charges and fees associated with the provision of water service to the property.

92.07 LIEN FOR NONPAYMENT Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84[1])

92.08 CUSTOMER DEPOSITS There shall be required from every customer or prospective customer a fifty dollar (\$50.00) deposit intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84[1])

92.09 TEMPORARY VACANCY A property owner may request water service be temporarily discontinued and shut off at the curb stop when the property is expected to be vacant for an extended period of time. There shall be a ten dollar (\$10.00) fee collected for shutting the water off at the curb stop and no fee will be charged for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

TITLE III - PUBLIC SERVICES SANITARY SEWERS**CHAPTER 98****PRIVATE AND SEMI-PUBLIC SEWER SYSTEMS**

98.01 Purpose	98.05 Discharge to Natural Outlets Prohibited
98.02 Definitions	98.06 Maintenance of Facilities
98.03 Connection Required	98.07 Additional Requirements
98.04 Compliance with State Regulations	98.08 Disposal of Waste

98.01 PURPOSE The purpose of this chapter is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

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

1. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.
(IAC, 567—69.3[1])
2. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
3. "Private Sewer System" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.
4. "Sanitary Sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
5. "Semi-public Sewage Disposal System" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act.
6. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
7. "Sewer" means a pipe or conduit for carrying sewage.

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

98.03 CONNECTION REQUIRED All building sewers shall be connected to a private or semi-public sewage system complying with the provisions of this chapter.

98.04 COMPLIANCE WITH STATE REGULATIONS The type, capacity, location and layout of a private or semi-public sewage disposal system shall comply with all regulations of the State Department of Natural Resources.

(IAC, 567 - 69.3[3])

98.05 DISCHARGE TO NATURAL OUTLETS PROHIBITED No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(IAC, 567—69.3[3])

98.06 MAINTENANCE OF FACILITIES The owner of private and semi-public sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the City.

98.07 ADDITIONAL REQUIREMENTS No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in an official capacity.

98.08 DISPOSAL OF WASTE It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location in the City except in such location as may be designated by the Council. The rate or charge for receiving such waste shall be determined by resolution of the Council.

TITLE III - PUBLIC SERVICES**CHAPTER 105****SOLID WASTE CONTROL-GENERAL PROVISIONS**

105.01 Purpose	105.07 Open Dumping Prohibited
105.02 Definitions	105.08 Toxic and Hazardous Wastes
105.03 Health Hazard	105.09 Waste Storage Containers
105.04 Fire Hazard	105.10 Sanitary Disposal Required
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Littering Prohibited	105.12 Sanitary Disposal Project Designated

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

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

1. "Approved Incinerator" means equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as acceptable to the Environmental Protection Commission.
2. "Back Yard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

(IAC, 567—20.2[455B])

3. "Discard" means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361)

4. "Executive Director" means the executive director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

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

(IAC, 567—100.2)

6. "Landscape Waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
(IAC, 567—20.2[455B])
7. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])
8. "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.
(IAC, 567—100.2)
9. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
(IAC, 567—100.2)
10. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
11. "Refuse" means putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
(IAC, 567—100.2)
12. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.
(IAC, 567—20.2[455B])
13. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery or litter of any kind.
(IAC, 567—100.2)
14. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
(IAC, 567—100.2)
15. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Executive Director.
(Code of Iowa, Sec. 455B.301)

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

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

17. "Toxic and Hazardous Wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567—100.2)

105.03 HEALTH HAZARD It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

105.04 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.

105.05 OPEN BURNING RESTRICTED No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

(IAC, 567—23.2[455B])

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567—23.2(3))

2. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

(IAC, 567—23.2(3))

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567—23.2[3])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567—23.2(3))

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

(IAC, 567—23.2[3])

6. Back Yard Burning. Back yard burning of residential waste at dwellings of four-family units or less.

(IAC, 567—23.2[3])

7. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the Executive Director receives notice in writing at least one week before such action commences.

(IAC, 567—23.2[3])

8. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Executive Director.

(IAC, 567—23.2[2])

105.06 LITTERING PROHIBITED No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.07 OPEN DUMPING PROHIBITED No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Executive Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Executive Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307)

105.08 TOXIC AND HAZARDOUS WASTES The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of toxic or 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 toxic and 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 toxic or hazardous wastes. Such materials shall be transported and disposed of as prescribed by the Executive Director.

(IAC, 567—102.14[2] and 400—27.14[2])

105.09 WASTE STORAGE CONTAINERS Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specification. Waste storage containers shall comply with the following specifications:
 - A. Residential. Residential waste containers shall be of not less than twenty (20) gallons nor more than thirty-five (35) gallons in nominal capacity; shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding seventy-five (75) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City 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 maintain metal bulk storage containers approved by the City.
2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

3. 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.

105.10 SANITARY DISPOSAL REQUIRED It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the city may proceed to abate such nuisances in accordance with the provisions of Chapter 56 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.11 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 a sanitary disposal project. Luminous timepieces are exempt.
4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the City without a contract therefore with the City or a valid permit therefore.
5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED The sanitary landfill facilities operated by Guthrie County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

TITLE III - PUBLIC SERVICES**CHAPTER 106****SOLID WASTE CONTROL-COLLECTION AND TRANSPORTATION**

106.01 Definitions	106.07 Separation of Landscape Waste
106.02 Collection Service	106.08 Bulky Rubbish
106.03 Collection Vehicles	106.09 Right of Entry
106.04 Loading	106.10 Collection Fees
106.05 Frequency of Collection	106.11 Lien for Nonpayment
106.06 Location of Containers	

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

1. "Collector" means any person authorized by this chapter to gather solid waste from public and private places.
2. "Dwelling Unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
3. "Multiple-family Dwelling" means a structure containing more than one dwelling unit.
4. "Property Served" means any property which is being used or occupied and is eligible to receive solid waste collection and disposal service as provided herein.
5. "Residential Premises" means a single-family dwelling and any multiple-family dwelling up to and including eight (8) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such, apartments or units which may be included in a given housing development.
6. "Single-family Dwelling" means a structure containing one dwelling unit only.

106.02 COLLECTION SERVICE The City shall provide for the collection of solid waste except bulky rubbish as provided in Section 106.08, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

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

(IAC, 567—104.9[455B])

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

106.05 FREQUENCY OF COLLECTION All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.06 LOCATION OF CONTAINERS Containers for the storage of solid wastes awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served.

106.07 SEPERATION OF LANDSCAPE WASTE REQUIRED All landscape wastes shall be separated, by the owner, from all other solid wastes accumulated on the premises and shall be composted or burned on the premises, or placed in acceptable containers and set out for collection by the City. All yard yastes set out for collection by the City must be placed three to six feet from all tother solid waste awaiting collection. The type of container to be used, collection schedule and manner of collection shall be established by resolution of the Council.

Landscape wastes will be collected, as herein provided, so long as it is stored in containers so as to prevent the dispersal of such wastes upon the premises served, or upon adjacent property or public rights-of-way. Tree limbs of less than four inches in diameter and brush will be collected, provided they are securely tied in bundles not more than forty-eight inches long or eighteen inches in diameter, when not in approved containers. The weight of any individual container or bundle shall not exceed seventy-five (75) pounds.

106.08 BULKY RUBBISH Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefore established by the Council.

106.09 RIGHT OF ENTRY Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however solid waste collectors shall not enter dwelling units or other residential buildings.

106.10 COLLECTION FEES The collection and disposal of solid waste as provided by this chapter is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected fees therefore in accordance with the following:

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

1. Schedule of Fees. The fee for solid waste collection and disposal service, used or available, shall be \$36.25 per quarter for each single-family dwelling and for each dwelling unit of a multiple family dwelling up to and including two (2) separate dwelling units residential premises, effective July 1, 2002.
2. Landfill Fee. There shall be levied and collected a fee specifically for the payment of the per capita charge imposed by the Guthrie County Landfill Association and for the purpose of accumulating funds to satisfy anticipated and unanticipated landfill related expenses in the amount of \$13.75 per quarter for each municipal utility customer, effective July 1, 2002.
3. Payment of Bills. All fees shall be due and payable under the same terms and conditions provided for payment for water service. The provisions of Section 106.11 hereof shall be used to enforce collection of delinquent fees.

(Code of Iowa, Sec. 384.84[1])

106.11 LIEN FOR NONPAYMENT Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84[1])

TITLE III - PUBLIC SERVICES**CHAPTER 107****COLLECTION OF RECYCLABLE MATERIAL**

107.01 Purpose	107.08 Fees and Charges
107.02 Findings	107.09 Penalties
107.03 Definitions	107.10 Vehicles Used For Collection
107.04 Recycling Material Separated	107.11 Collection and Transportation
107.05 Preparation & Placement of Recyclable Material	107.12 Frequency of Collection
107.06 Collection By Unauthorized Persons	107.13 Location of Containers
107.07 Enforcement and Administration	107.14 Sanitary Disposal Project Designated

107.01 PURPOSE. The purpose of this Ordinance is to establish mandatory recyclable material collection in the City of Yale, Iowa; require separation of recyclable material, and provide penalties for violation thereof.

107.02 FINDINGS. It is found that the State of Iowa has mandated that the City provide for a comprehensive solid waste reduction program. State mandated requirements for waste reduction include recycling as a preferred method of implementing State policy. The State of Iowa has also established certain waste volume reduction goals for all citizens of the State. The most efficient, practical and reasonable way for the City of Yale, Iowa, to assist in meeting State requirements is to institute recycling in the City limits of the City of Yale, Iowa.

107.03 DEFINITIONS. The following words and phrases when used in this Chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

- A. "Aluminum cans" means empty all-aluminum beverage and food containers; except those aluminum beverage cans returned by the resident for redemption at a can and bottle redemption center.
- B. "Bimetal containers" means empty beverage or food containers consisting of sides and bottom and an aluminum top.
- C. "Boxboard" means cardboard containers constructed in a non— fluted manner; i.e., cereal and shoeboxes. Expressly excluded is treated boxboard which includes pop and beer package containers.

- D. "Collector: for purposes of collecting and transporting recyclable material means the City of Yale, Iowa, or its duly authorized contractors.
- E. "Commercial establishment: means any premises engaged in retail trade or sale of goods. Expressly included are all restaurants and taverns, all industrial or manufacturing business, and all types of offices including governmental agencies.
- F. "Corrugated paper" means paperboard or cardboard boxes constructed in a fluted manner. Expressly excluded is corrugated paper which has been soiled.
- G. "Curbside recycling collection" means the scheduled collection and transportation of recyclable materials placed at the curbline or other area designated by the collector.
- H. "Dwellings:
 - 1. Multi-family housing facility: A building or portion thereof containing more than two dwelling units and not classified as a one or two family dwelling.
 - 2. One—family dwelling: A building containing one dwelling unit only.
 - 3. Two-family dwelling: A building containing two dwelling units only.
- I. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- J. "Enforcement officer" means the official designated herein or otherwise charged with the responsibilities of administering this Ordinance, or the official's authorized representative.
- K. "Glass containers" means bottles and jars made of flint, green or amber glass; except those glass jars returned by the resident for redemption at a can and bottle redemption center. Expressly excluded are non-container glass, plate glass, blue glass, and jars made exclusively from high density polyethylene.
- L. "Magazines" means printed material printed on slick or glossy paper containing contaminants not found in newsprint.
- M. "Mixed paper" means any combination of junk mail, magazines, catalogs, typing, computer or notebook style paper, boxboard and paper bags. Expressly excluded are materials which have been soiled.
- N. "Newspaper" means paper of the type commonly referred to as newsprint and distributed at fixed intervals. Expressly excluded are newspapers which have been soiled.

- O. "Occupant" means any person living and/or sleeping in a dwelling unit.
- P. "Person" means any individual, partnership, municipal waste hauler, scrap dealer, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, shall include the officers and directors of any corporation or other legal entity having officers and directors.
- Q. "Polyethylene Terephthalate (PET) containers" means plastic soda bottles or other containers composed of the polymer PET.
- R. "Recyclable material" means any used material having a economic value in the secondary materials market and includes aluminum and tin cans and articles, bimetal cans, boxboard, glass containers, corrugated paper, magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated, plastic polyethylene terephthalate (PET) bottles, plastic high density polyethylene (HDPE) containers, old useable clothes and other material designated by ordinance by the municipality as having value.
- S. "Steel cans" means empty, all steel food and beverage containers.
- T. "Tin cans" means empty, all tin food and beverage containers.

107.04 RECYCLABLE MATERIAL SEPARATED. Owners and occupants of dwelling units, owners and occupants of commercial establishments, and all other recyclable material users or persons in the City are required to separate from their other solid waste the following materials:

1. Flint, amber, and green glass and bottles and jars;
2. Aluminum and tin cans;
3. Bimetal and steel food and beverage containers;
4. PET and HDPE plastic containers;
5. Newspapers, magazines, office and computer paper, cardboard, corrugated paper, junk mail, untreated boxboard, other clean paper; and,
6. Old useable clothing.

107.05 PREPARATION AND PLACEMENT OF RECYCLABLE MATERIAL.

1. Recyclable material shall be prepared in the following manner:
 - A. Glass bottles and jars shall be rinsed of all food and beverage residue with lids removed and discarded. Labels and neck rings may remain.

- B. Aluminum, tin, bimetal and steel cans and containers shall be rinsed of all food and beverage residue with lids removed and discarded. Labels may remain.
 - C. Plastic PET and HDPE containers shall be rinsed of all residue with lids and discarded. Labels may remain.
 - D. Newspapers shall be bundled/and or placed inside a paper or plastic bag.
 - E. Mixed paper consisting of office and computer paper, junk mail, untreated boxboard, magazines, catalogs, and other clean paper shall be bundled and/or placed inside a paper or plastic bag.
 - F. Cardboard and corrugated paper shall be broken down or flattened with all contents removed.
 - G. Old useable clothing shall be clean and dry with all buttons and zippers remaining on the clothes.
2. Recyclable material shall be placed for collection in the following manner:
- A. Recycling containers provided by the City of Yale, Iowa (and thereafter maintained and replaced if needed by the occupant) shall be used to store recyclable material. The containers shall remain at all times the property of the City and the City may collect a deposit for said containers and said deposit may be retained by the City if the container is damaged, destroyed, not returned or lost.
 - B. Recyclable materials shall be placed properly into the recycling container with newspapers in the bottom followed by mixed paper in a bag, and containers with aluminum, tin, plastic or glass. Used clothing should be placed on top and corrugated cardboard shall be flattened and placed under the container. The container shall be placed at curbside no sooner than 24 hours prior to the next scheduled pickup.

107.06 COLLECTION BY UNAUTHORIZED PERSONS. Any recyclable material located at the curb line, in transfer stations or in storage or transfer bins associated with residential, commercial, municipal or institutional establishments are the property of the City of Yale, Iowa.

107.07 ENFORCEMENT AND ADMINISTRATION. The City of Yale, Iowa, shall appoint an enforcement officer or officers to enforce and administer the provisions of this Ordinance.

107.08 FEES AND CHARGES. The collection of recyclable material is declared to be a benefit to the property served or eligible to be served. Fees and charges for collection shall be collected in accordance with the following:

1. Schedule of fees. The fee for recyclable material collection shall be based upon the contract entered into between the City of Yale and the collector(s) and an additional sum for administration by the City. The amount of the fee levied and collected for each premises shall be determined periodically by the City Council.
2. Payment of Bills. All fees shall be due and payable under the same terms and conditions provided for payment for water service, except that the provision of subsection 3 shall be used to enforce collection of delinquent fees.
3. Lien for Non—Payment. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Auditor for collection in the same manner as property taxes.

107.09 PENALTIES

1. Nonparticipation. Upon the discovery of any violation of the terms of this Ordinance, the City of Yale, Iowa, shall, through its authorized agent(s) give notice to the owner or occupant (or either of them as the case may be) of a violation hereunder, either by personal delivery to such owner or occupant, by United States mail directed to the last known address of such person or persons, as shown in the records of the Guthrie County Recorder and Treasurer, or by leaving the same on the premises where such violation occurs.

On neglect or refusal of the occupant of any dwelling services by curbside collection; a multi-family housing program; or a commercial, municipal, institutional program, or any other person within the City, to separate recyclable materials from solid waste and place them at curbside or sites established by the City, he, she or they shall, upon a finding of such violation, be guilty of a municipal infraction under the Code of Ordinances of the City of Yale, Iowa. Each violation shall constitute a separate infraction.

2. Unauthorized Collection. If any person, firm, corporation, or other entity, not authorized by the City of Yale, Iowa, collects or removes or causes to be collected or removed any such recyclable material in violation of the provisions of this Ordinance, such person, firm, corporation, or other entity shall upon a finding of such violation be guilty of a municipal infraction under the Code of Ordinances of the City of Yale, Iowa. Each violation shall constitute a separate infraction.
3. Pilfering of or damage to collection containers. If any person is responsible for pilfering or damage to collection containers issued to a residence for either curbside collection or any other recycling program under this Ordinance, such person shall, upon a finding of such violation be guilty of a municipal infraction under the Code of Ordinances of the City of Yale, Iowa. Each violation shall constitute a separate infraction.

107.10 VEHICLES USED FOR COLLECTION. Vehicles and containers used for the collection and transportation of recyclable material shall be leak proof, durable and of easily cleanable construction. Such vehicles and containers shall be cleaned regularly to prevent nuisances, pollution and insect breeding; and shall be maintained in good repair.

107.11 COLLECTION AND TRANSPORTATION. Vehicles and containers used for collection and transportation of recyclable material shall be operated in such a manner that the contents will not fall, leak, or spill therefrom. Such vehicles and containers shall be covered to prevent blowing or loss of any material. If any spillage does occur, the material shall be picked up immediately by the collector or transporter and be returned to the vehicle or container. The area where such spillage occurred shall be properly cleaned.

107.12 FREQUENCY OF COLLECTION. All recyclable material shall be collected from residential premises at least once a month and may change at the city council's discretion and from commercial, industrial and institutional premises as frequently as may be necessary.

107.13 LOCATION OF CONTAINERS. Containers for the storage of recyclable material shall be placed at the curb by the owner, person, or occupant of the premises served. Containers at the curb line shall not be placed more than twenty-four (24) hours in advance of the next scheduled pickup and shall be promptly removed from the curb line following collection.

107.14 SANITARY DISPOSAL PROJECT DESIGNATED. The recycling facilities operated and maintained by Guthrie County are hereby designated as the official site for the disposal of recyclable material originating within the City.

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TITLE IV - CULTURE AND RECREATION**CHAPTER 116****PARK REGULATIONS**

116.01 Purpose

116.05 Parks Closed

116.02 Use of Drives Required

116.06 Camping Areas

116.03 Fires

116.07 Camping Refused

116.04 Littering

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

(Code of Iowa, Sec. 392.1)

116.02 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.

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

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

116.05 PARKS CLOSED No person, except those camping in designated areas, shall enter or remain within any park between the hours of ten-thirty (10:30) o'clock p.m. and four-thirty o'clock (4:30) a.m.

116.06 CAMPING AREAS No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

116.07 CAMPING REFUSED The City may refuse camping privileges or rescind any and all camping privileges for cause.

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TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 120

ZONING, LAND USE AND SUBDIVISIONS

PLANNING AND ZONING COMMISSION

120.01 Planning and Zoning Commission

120.03 Vacancies

120.02 Term of Office

120.04 Compensation

120.05 Powers and Duties

120.01 PLANNING AND ZONING COMMISSION There shall be appointed by the Council a City planning and zoning commission, hereinafter referred to as the commission, consisting of seven (7) members, who shall be citizens of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

120.02 TERM OF OFFICE The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

120.05 POWERS AND DUTIES The commission shall have and exercise the following powers and duties:

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.5)

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

(Code of Iowa, Sec. 392.1)

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, the commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

(Code of Iowa, Sec. 392.1)

5. Comprehensive Plan. The commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

(Code of Iowa, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

(Code of Iowa, Sec. 414.3 & 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of It, or any substantial

amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorized shall constitute the official City plan.

(Code of Iowa, Sec. 414.1, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three—fourths (3/4) of the members of the Council.

(Code of Iowa, Sec. 414.4, 414.5 & 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa.

(Code of Iowa, Sec. 414.6)

13. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

TITLE V - BUILDING AND PROPERTY REGULATIONS**CHAPTER 121****ZONING, LAND USE AND SUBDIVISIONS-ZONING CODE****EDITOR'S NOTE**

Ordinance No. 54 entitled "Zoning Ordinance of the City of Yale, Iowa," adopted November 24, 1976, and amendments thereto have not been included as a part of this Code of Ordinances, but have been specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending Ordinance No. 54.

ORDINANCEADOPTEDSUBJECT

60 7-6-78Requirements

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 122

ZONING, LAND USE AND SUBDIVISIONS-SUBDIVISION REGULATIONS

EDITOR'S NOTE

Ordinance No. 55 entitled "Subdivision Ordinance of the City of Yale, Iowa," adopted November 24, 1976, and amendments thereto have not been included as a part of this Code of Ordinances, but have been specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending Ordinance No. 55.

ORDINANCEADOPTED SUBJECT

TITLE V - BUILDING AND PROPERTY REGULATIONS**CHAPTER 123****ZONING, LAND USE AND SUBDIVISIONS-BUILDING PERMITS**

123.01 Purpose	123.09 Erosion Control
123.02 Building Official	123.10 Action by Council
123.03 Permit Required	123.11 Restrictions
123.04 Application	123.12 Condition of the Permit
123.05 Fees	123.13 Posting of Permit
123.06 Amen	123.14 Revocation
123.07 Completion of Existing Buildings	123.15 Permit Void
123.08 Application Approved	

123.01 PURPOSE The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds, as well as the use and occupancy of such buildings to promote the health, morals, safety and general welfare in the City.

(Code of Iowa, Sec. 364.1)

123.02 BUILDING OFFICIAL The zoning commission shall be the building officials and be responsible for the administration and enforcement of this chapter.

123.03 PERMIT REQUIRED No building or other structure shall be erected, altered, repaired, used or occupied within the City without first receiving a permit therefore.

123.04 APPLICATION Application shall be made in writing, filed with the zoning commission 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 zoning commission 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.

123.05 FEES A fee of twenty-five dollars (\$25.00) shall accompany the application.

123.06 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.

123.07 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 date of the adoption of this Code of Ordinances in 1990; 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 such date.

123.08 APPLICATION APPROVED It shall be the duty of the zoning commission to examine applications for permits within a reasonable time after filing. If, after examination, the zoning commission finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the zoning commission shall forward findings to the Council for its approval or disapproval.

123.09 EROSION CONTROL When a land disturbing activity, as defined by the Code of Iowa, is to occur as a part of a project for which a permit hereunder is sought, no permit shall be issued unless there is on file with the City a soil erosion control plan which covers the proposed project and is approved by the Soil Conservation District Commissioners.

(Code of Iowa, Sec. 467A.64[1])

TITLE V - BUILDING AND PROPERTY REGULATIONS**CHAPTER 124**
SWIMMING POOLS

124.01 Definitions

123.04 Distance From Property Line

123.02 Permit

123.05 Access

123.03 Enclosure

123.06 Inspection

124.01 DEFINITIONS. A “swimming pool” is any artificial basin of water which has a maximum depth of eighteen (18) inches or more and which is designed or manufactured for se for recreational purposes.

124.02 PERMIT. No person shall construct, enlarge, alter, or otherwise improve a swimming pool without first obtaining a permit as required by the City’s Zoning Ordinance or other ordinances, as applicable, or maintain such pool contrary to the provisions of this chapter.

124.03 ENCLOSURE. Enclosure of pools shall be as described below.

1. In-ground Pools. Every outdoor swimming pool shall be completely surrounded by a fence or wall at least six (6) feet in height. Such fence or wall shall be non-climbable and shall be constructed of sufficiently strong materials and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten (10) feet between fence posts.
2. Above-ground Pools. In lieu of the above, swimming pools manufactured and approved for installation above ground shall be installed in accordance with the following criteria: Enclosure of an above-ground swimming pool shall be accomplished in an approved manner that will reasonably secure the pool and any deck or platform attached thereto from unauthorized access by small children and shall provide a degree of security at least the equivalent of that required for in-ground swimming pools. For the purpose of this requirement a fence or wall which is designed to attach to the vertical water enclosing fence may be used in such a manner that the combined height of the pool and fence will equal a height not less than six (6) feet.

124.04 DISTANCE FROM PROPERTY LINE. No part of a swimming pool enclosure shall be constructed within four (4) feet of a property line, other wall, fence or other structure, which can be readily climbed by children.

124.05 ACCESS. All gates and doors in the fence or wall shall be self-latching or self-closing. At all times, when the pool is “unattended,” such gates, doors, steps, ladders, ramps or any other device affording access to the pool shall be secured against unauthorized access.

“Unattended” means the absence of an adult person in the outdoor swimming pool or within constant eyesight of said pool and no more than twenty (20) feet therefrom.

124.06 INSPECTION. Persons maintaining an outdoor swimming pool pursuant to this chapter shall be deemed to consent to periodic inspections of same for compliance with this and other chapters in this Code of Ordinances at reasonable times by City employees

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 130

BUILDING STANDARDS-DANGEROUS BUILDINGS

130.01 Enforcement Officer

130.05 Conduct of Hearing

130.02 General Definition of Unsafe

130.06 Posting of Signs

130.03 Unsafe Building

130.07 Right to Demolish

130.04 Notice to Owner

130.08 Costs

130.01 ENFORCEMENT OFFICER The Mayor shall be responsible for the enforcement of this chapter.

130.02 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 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, Sec. 657.1 & 364.12[3a])

130.03 UNSAFE BUILDING "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. 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.
3. Material Deterioration. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. 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.
5. 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.
6. 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.
7. 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 percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
8. 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.
9. 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.
10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
11. 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.
12. 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.

130.04 NOTICE TO OWNER The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

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

130.05 CONDUCT OF HEARING If requested, the Council shall conduct a hearing in accordance with the following:

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

130.06 POSTING OF SIGNS The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF YALE, 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.

130.07 RIGHT TO DEMOLISH In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

130.08 COSTS Costs incurred under Section 130.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this code.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his recommendation carefully.

TITLE V - BUILDING AND PROPERTY REGULATIONS**CHAPTER 142****ABANDONED VEHICLES**

142.01 Definitions	142.06 Towing and Storage Fees of
142.02 Authority to Take Possession of Abandoned Vehicles	Privately Owned Garages
142.03 Notice by Mail	142.07 Disposal of Operable Vehicles
142.04 Notification in Newspaper	142.08 Disposal of Inoperable Vehicles
142.05 Extension of Time	142.09 Proceeds from Sale
	142.10 Duties of Demolisher

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

1. "Abandoned Vehicle": shall mean any of the following:

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

- A. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable, or
 - B. A vehicle that has remained illegally on public property for more than seventy-two (72) hours, or
 - C. A vehicle that has been unlawfully parked on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days, or
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
2. However a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.
 3. "Demolisher": shall mean any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

4. "Police Authority": shall mean the Iowa highway safety patrol or any law enforcement agency of a county or city.

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

142.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES A police authority may, and on the request of any other authority having the duties of control of highway or traffic, shall take into custody any abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire other personnel, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

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

142.03 NOTICE BY MAIL The police authority which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lien holders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within twenty-one (21) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, claim and interest in the vehicle and that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by police authority or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle within the twenty-one (21) day reclaiming period, the owner and lien holders shall no longer have any right, title, claim, or interest in or to the motor vehicle. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lien holders after the expiration of the twenty-one (21) day reclaiming period.

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

142.04 NOTIFICATION IN NEWSPAPER If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under section 142.03. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in section 142.03.

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

142.05 EXTENSION OF TIME The owner or any lien holders may, by written request delivered to the police authority prior to the expiration of the twenty-one (21) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

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

142.06 TOWING AND STORAGE CHARGES OF PRIVATELY OWNED GARAGES The amount of towing charges and the rate of storage charges by privately owned garages shall be established by resolution of the Council.

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

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

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

142.08 DISPOSAL OF INOPERABLE VEHICLES Inoperable abandoned vehicles shall be disposed of as follows:

1. Disposal by City. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the police authority to a demolisher unless it is deemed practicable to sell it as provided in Section 142.07. A sale to a demolisher shall not require the notification procedures or public auction, but an endeavor shall be made to obtain as much compensation as possible to defray any costs to the City.

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

2. Disposal by Other Persons. A person or the City or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable, to a demolisher for junk' without the title.

(Code of Iowa, Sec. 321.90[2e])

142.09 PROCEEDS FROM SALES Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety (90) days, and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Public Safety.

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

142.10 DUTIES OF DEMOLISHER Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. When a demolisher acquires a motor vehicle under Section 142.08, demolisher shall apply to the police authority for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the State Department of Public Safety for cancellation.

(Code of Iowa, Sec. 321.90[3a])

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 143

JUNK AND JUNK VEHICLES

143.01 Definitions

143.03 Junk, Junk Vehicles and Unlicensed

143.02 Junk, Junk Vehicles and Unlicensed

Vehicles a Nuisance

Vehicles Prohibited

143.04 Exceptions

143.05 Notice to Abate

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

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk..
2. "Junk Vehicle" means any vehicle within the corporate limits of the City and which has any one of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken or Loose Part. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
 - C. Habitat for Animals or Insects. Any vehicle which has become or which can reasonably be expected by its condition to become a habitat for rats, mice, or snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.
 - F. Defective or Obsolete Condition. Any vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.
4. "Unlicensed" means any vehicle which is not displaying a valid current license as required by the laws of the State of Iowa.

143.02 JUNK, JUNK VEHICLES AND ULICENSED VEHICLES PROHIBITED It shall be unlawful for any person to store, accumulate, or allow to remain on any property in the person's control, any junk , junk vehicle or unlicensed vehicle.

143.03 JUNK, JUNK VEHICLES AND ULICENSED VEHICLES A NUISANCE It is hereby declared that storage within the corporate limits of any junk, junk vehicle or unlicensed vehicle upon private property, unless excepted by Section 143.04, constitutes a threat to the health and safety of the citizens and is a nuisance with the meaning of Section 657.1 of the Code of Iowa. If any junk, junk vehicle, or unlicensed vehicle is stored upon private property in violation thereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

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

143.04 EXCEPTIONS The provisions of this chapter shall not apply to any junk or a junk vehicle stored within:

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

143.05 NOTICE TO ABATE Upon discovery of any junk. junk vehicle or unlicensed vehicle, stored upon private property in violation of Section 143.03, the police authority shall within five (5) days initiate abatement procedures as outlined in Sections 23.01 through 56.09.

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

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 144

BUILDING NUMBERING

144.01 Definitions

143.03 Building Numbering Map

143.02 Owner Requirements

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

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

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

1. Obtain Building Number The owner shall obtain the assigned number to the principal building from the clerk.

(Code of Iowa, Section 364.12[3d])

2. Display Building Number The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half inches in height and of a contrasting color with their background.

(Code of Iowa, Section 364.12[3d])

3. Failure to Comply If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, Section 364.12[3d])

144.03 BUILDING NUMBERING MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

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TITLE VI - REGULATION OF BUSINESS AND VOCATIONS BEER, LIQUOR AND WINE CONTROL**CHAPTER 145****BEER, LIQUOR AND WINE CONTROL**

145.01 General Prohibition	145.04 Open Container on Streets and Highways
145.02 Persons Under Legal Age	145.05 Treatment for Intoxicated Persons
145.03 Public Consumption or Intoxication	145.06 Protective Custody
145.07 License or Permit Required	

145.01 GENERAL PROHIBITION It is unlawful to manufacture for sale, sell, offer or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon terms, conditions, limitations, and restrictions enumerated in State law and this Code of Ordinances.

(Code of Iowa, Sec. 123.2)

145.02 PERSONS UNDER LEGAL AGE A person shall not sell, give, or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under legal age, and a person or persons under legal age shall not individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47)

145.03 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)

145.04 OPEN CONTAINER ON STREETS AND HIGHWAYS A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this paragraph is guilty of a simple misdemeanor.

(Code of Iowa, Sec. 123.28)

145.05 TREATMENT FOR INTOXICATED PERSONS A person who appears to be intoxicated or incapacitated by a chemical substance in a public place and in need of help may be taken to a licensed treatment facility by a peace officer. If the person refuses the proffered help, the person may be arrested and charged with intoxication.

(Code of Iowa, Sec. 125.34[1])

If no licensed treatment facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons.

(Code of Iowa, Sec. 125.34[2])

145.06 PROTECTIVE CUSTODY The person being taken to a treatment facility is in protective custody and is not under arrest and no entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(Code of Iowa, Sec. 125.34[2])

145.07 LICENSE OR PERMIT REQUIRED It is unlawful for any person to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.2 and 123.171)

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS FRANCHISES**CHAPTER 150****NATURAL GAS FRANCHISE**

150.01 Franchise Granted

150.05 Rates

150.02 Excavations

150.06 Damage to Grantee's Property

150.03 Protection From Liability

150.07 Successors and Assigns

150.04 Agreement to Furnish Gas

150.08 Indemnity

150.01 FRANCHISE GRANTED The City hereby grants unto North Central Public Service Co., Division of Donovan Companies, Inc., an Iowa Corporation, its successors and assigns, hereinafter called the Grantee, a nonexclusive franchise and right for a period of twenty-five (25) years from and after the date the ordinance codified by this chapter became effective, to erect, construct, reconstruct, maintain and operate and use within the corporate limits of the City, as the same are now or hereafter may be located, manufactured and/or natural gas plant or plants, and/or distributing systems, or a combination of manufactured and natural gas plants or distributing systems, together with all appurtenances, pipes, mains, machinery, tanks and appliances necessary or useful thereto for the manufacture and/or distribution of natural and/or manufactured gas, or either or both of them whether said plant or plants, and transmission and distribution systems have been heretofore or hereafter may be constructed and installed, for the purpose of selling and supply ing gas to the City and the inhabitants thereof and others, together with the right and franchise to use the streets, alleys, avenues, bridges and public places of the City as the same now or may hereafter be located or extended for the purpose of install ing, constructing, reconstructing, maintaining, and operating thereon, therein, thereunder and there over said systems for the transmission and distribution of gas, consisting of gas plant or plants, gas works and/or distributing systems for manufactured and/or natural gas, or a combination of manufactured and natural gas plants and/or distributing systems together with all appurtenances, pipes, mains, machinery, tanks and appliances necessary or useful thereto for the manufacture and/or distribution of natural and/or manufactured gas, or either or both of them including pipe line or lines, to and through the City together with the franchise and right to operate and sell gas, either natural or manufactured, to the City and to the inhabitants thereof and others within and without the corporate limits of the City for any and all purposes, and under such restrictions and regulations as are herein contained, and under such other reasonable rules and regulations as hereafter may be provided by the rule-making body having jurisdiction thereof.

150.02 EXCAVATIONS In order to carry into effect the rights hereunder, the Grantee is authorized to make all necessary excavations in the streets, avenues, alleys and other public places of the City, but the same shall be done with the least possible interference or inconvenience to the public, individuals, or public property, and the Grantee shall at its own expense, in all cases, restore all streets, avenues, alleys and public places, and all pavements and excavations to their original condition.

150.03 PROTECTION FROM LIABILITY The grants herein contained are upon the express condition that the Grantee shall be liable for all damages caused by the negligence or mismanagement of the Grantee, its agents or employees in the construction, reconstruction and maintenance of said gas works or gas systems, and that it shall protect the City from any and all liability thereof.

150.04 AGREEMENT TO FURNISH GAS Grantee agrees to furnish and supply the City and its inhabitants with gas under such pressure and conditions as may reasonably be required under such rules and regulations as may be provided by the rule-making body having jurisdiction thereof, and only so long as Grantee can secure such supply of gas.

150.05 RATES Grantee shall have the right to supply, distribute and sell gas, both manufactured and natural, for any and all purposes to the City and its inhabitants thereof, and to charge therefore such just and reasonable rates as may hereafter be fixed and determined by the rate-making body having jurisdiction thereof, provided that the rates to be charged by the Grantee hereunder are reasonable and shall at all times be such as will yield to it a reasonable return from its property used and useful in the furnishing of gas.

150.06 DAMAGE TO GRANTEE'S PROPERTY Any person who shall cut, injure or destroy any of the buildings, machinery, equipment, pipes, fixtures, mains, tanks or other appurtenances or other property of the Grantee lawfully erected, maintained and being within the corporate limits of the City shall be deemed guilty of a misdemeanor.

150.07 SUCCESSORS AND ASSIGNS All of the provisions of this chapter shall apply to the successors and assigns of the Grantee with the same force and effect as they do the Grantee.

150.08 INDEMNITY The Grantee shall hold the City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said distribution systems and other construction hereby authorized.

EDITOR'S NOTE

Ordinance No. 66 adopting a gas franchise for the City was passed and adopted on October 5, 1982.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS FRANCHI SES**CHAPTER 151****ELECTRIC FRANCHISE**

151.01 Franchise Granted

151.04 Service Extension

151.02 Construction Standards

151.05 Rates

151.03 Restoration of Public Property

151.06 Successors

151.07 City Held Harmless

151.01 FRANCHISE GRANTED The City hereby grants unto the Iowa Electric Light and Power Company, an Iowa Corporation, its successors and assigns, hereinafter called the Grantee, a non-exclusive franchise and right, for a period of twenty-five (25) years from and after the date the ordinance codified by this chapter became effective, to erect, construct, reconstruct, maintain and operate within the corporate limits of the City, as the same now are or may hereafter be located or extended, a power plant, or plants, for the generation of electricity and/or a system or systems, for the transmission and distribution of electricity, whether said power plant, or plants, and transmission and distribution systems have been heretofore or may hereafter be constructed, together with the franchise and right to enter upon and to use and occupy the streets, avenues, alleys, bridges and other public places of the City as the same are now or may hereafter be located or extended, for the purpose of constructing, reconstructing, maintaining and operating thereon, therein, thereunder and there over said systems for the transmission and distribution of electricity, consisting of poles, posts, wires, cables, conduits and other equipment, appurtenances and construction necessary or incident to said systems and their use, including a high potential electric transmission line, or lines, to and through the City, and together with the franchise right to supply, distribute and sell electric energy to the City and to the inhabitants thereof and others within and without the corporate limits of the City for any and all purposes and upon such terms and conditions and under such restrictions and regulations as are hereinafter contained, and such other reasonable regulations as may hereafter be provided by the rule-making body having jurisdiction thereof.

151.02 CONSTRUCTION STANDARDS The construction of said transmission and distribution systems shall be in accordance with the specifications of the National Electrical Safety Code issued by the United States Department of Commerce, Bureau of Standards, as approved by the State Utilities Board. All poles, posts, wires, cables, conduits and other equipment, appurtenances and construction connected therewith shall be located, erected, adjusted and maintained so as not to interfere unreasonably with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, avenues, alleys, bridges or other public places.

151.03 RESTORATION OF PUBLIC PROPERTY Whenever the Grantee, in erecting, constructing, or maintaining said transmission and distribution systems, shall take up or disturb any pavement or sidewalk or make any excavation in the streets, avenues, alleys, bridges or public places of the City, such excavations shall be at once refilled and the pavement, sidewalk or other improvement, replaced to the satisfaction of the City officials.

151.04 SERVICE EXTENSION The Grantee shall extend its overhead transmission and distribution lines for each applicant for light, power or electric current as provided by the most current extension rules promulgated by the governing regulatory body.

151.05 RATES The Grantee shall have the right to supply, distribute and sell electricity for any and all purposes to the City and to the inhabitants thereof, and to charge therefore such just and reasonable rates as may hereafter be fixed and determined by the rate-making body established under the laws of the State and given jurisdiction thereof.

151.06 SUCCESSORS All of the provisions of this chapter shall apply to the successors or assigns of the Grantee, with the same force and effect as they do the Grantee.

151.07 CITY HELD HARMLESS The Grantee shall hold the City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said distribution and transmission systems and other construction hereby authorized.

EDITOR'S NOTE

Ordinance No. 67 adopting an electric franchise for the City was passed and adopted on April 5, 1983. Voters approved the franchise at an election held on May 10, 1983.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS FRANCHI SES**CHAPTER 152****TELEPHONE FRANCHISE**

152.01 Franchise Granted

152.05 Official Telephone

152.02 Location of Poles

152.06 Franchise Subject to Authority

152.03 Repair of Sidewalks or Street Pavement

of City

152.04 Signal Wires

152.07 Indemnity

152.01 FRANCHISE GRANTED Prairie Telephone Co., Inc., an Iowa corporation, its lessees, successors and assigns (hereinafter referred to as "Grantee") are hereby granted a nonexclusive franchise, right and privilege for a period of twenty-five (25) years to use the streets, alleys, bridges and other public places of the City for the purpose of erecting, maintaining and operating a communications system and in receiving and transmitting intelligence by electricity for all purposes, and in any manner and by any method or device.

152.02 LOCATION OF POLES The location of poles by the Grantee under authority of this chapter shall be subject to the super vision of the street commissioner or such other official as the Council may designate. All poles shall be neat and symmetrical and be so located as to minimize interference with the safety or convenience of persons traveling the streets, alleys, bridges and other public places.

152.03 REPAIR OF SIDEWALKS OR STREET PAVEMENT The Grantee shall properly repair or replace any sidewalk or street surface which may be displaced or damaged by it in the erection and maintenance of its communications system. Upon failure of the Grantee to do so and after twenty days notice in writing given by the Mayor to the Grantee, the City may repair or replace such portion of the sidewalk or street surface as may have been disturbed by the Grantee and collect the costs so incurred from the Grantee.

52.04 SIGNAL WIRES The Grantee shall, on demand, during the life of the franchise, provide cross arm or bracket space on each pole owned by it on which the City may desire to attach signal wires for the free use of the police and fire alarm systems of the City. All such wires shall be placed and maintained so as not to interfere with the convenient use and maintenance of the Grantee's communications system and the location of such wires shall be subject to the supervision of the Grantee. All such wires shall be placed and maintained in accordance with the National Electric Safety Code, as from time to time amended.

152.05 OFFICIAL TELEPHONE The Grantee shall, during the life of the franchise, install and maintain at its own expense at such City offices as the Council may designate, one business telephone (wall or desk) for the official use and benefit of the City.

152.06 FRANCHISE SUBJECT TO AUTHORITY OF CITY The Grantee agrees for and in behalf of itself, its lessees, successors and assigns, that all authority and rights granted in this chapter shall be subject to all rights, powers and authority now or here after possessed by the City to regulate, control and direct or otherwise by ordinance or resolution legislate concerning the exercise of the franchise herein granted and concerning the manner in which the Grantee shall use the streets, alleys, bridges and other public places of the City.

152.07 INDEMNITY The Grantee shall protect and save harmless the City from any and all cause of action, litigation, damage, loss and cost or expense which may accrue through or by reason of the construction, reconstruction, maintenance and operation of said communications system or the exercise of any other rights of the Grantee under and by virtue of the privilege granted in this chapter.

EDITOR'S NOTE

Ordinance No. 41 adopting a telephone franchise for the City was passed and adopted on January 7, 1969. Voters approved the franchise at an election held on February 19, 1969.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS FRANCHI SES**CHAPTER 153****CABLE TV FRANCHISE**

153.01 Franchise Granted	153.10 FM Programming
153.02 Right of Installation and Maintenance	153.11 Revocation of Franchise
153.03 Franchise Not Exclusive	153.12 Liability of Grantee
153.04 Conformity With Ordinances	153.13 Insurance Provisions of Grantee
153.05 Bonding Provisions	153.14 Compliance With FCC Requirements
153.06 Cable Service to Schools and City	153.15 Defenses of Grantee
153.07 Municipal Channel	153.16 Operating Regulations
153.08 Educational Channel	153.17 Assignment of Franchise
153.09 Equipment for Educational Use	153.18 Franchise Fee

153.01 FRANCHISE GRANTED Panora Co-op Cablevision, a corporation organized under the laws of the State of Iowa, its successors and assigns (herein collectively referred to as "Grantee"), are hereby granted and vested with the right, franchise and authority to acquire, construct and operate a cable television or community antenna television system and to sell and supply to individuals, firms and corporations, public or private, at any and all places within the corporate limits of the City, as said limits now are or hereafter at any time may be established, audio and video communications services, subject to the conditions and restrictions as hereinafter provided, for a period of fifteen (15) years.

153.02 RIGHT OF INSTALLATION AND MAINTENANCE The City grants to the Grantee, subject to the provisions herein, the right to erect, install, construct, reconstruct, replace, repair, maintain and operate in or upon, under, above, across and from the streets, avenues, highways, sidewalks, bridges and other public ways, easements, right-of-way, and lands, as now exist and all extensions thereof and additions thereto, in the City, all equipment, facilities, appurtenances, and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distributing electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional and multi-directional, of any nature and description, audio and video, embracing any and all of the frequencies of the electro magnetic spectrum, by studios, cameras, projectors, recorders, antennas, transmitters, microwaves, wires, cables, coaxial cables, and wave guides, and to otherwise engage in the business, services and activities generally known as and practiced now and in the future by cable television systems providing audio and video communications services in accordance with the laws of the United States of America, the State of Iowa, and the City.

153.03 FRANCHISE NOT EXCLUSIVE The franchise shall not be exclusive and shall not restrict in any manner the Council or any other governing body of the City in the exercise of any regulatory power which it now has or which may hereafter be authorized or permitted by the laws of the State.

153.04 CONFORMITY WITH ORDINANCES The Grantee shall at all times during the term of the franchise conform with, submit to, and carry out any and all ordinances relating to any person furnishing audio and video communications services by cable television to the City or its inhabitants now in force or that may hereafter be enacted.

153.05 BONDING PROVISIONS Grantee shall obtain suitable surety or liability bond in the amount of \$10,000.00 payable to the City, which shall be forfeited in the event of a default of construction of the system contemplated under this chapter. Said bond shall not be allowed to lapse without prior notice to and approval from the City.

153.06 CABLE SERVICE TO SCHOOLS AND CITY Grantee shall provide and install a color cable line or lines, without charge, to all present and future school buildings, both public and private, and to all municipally owned or leased buildings located within the limits of the City. Grantee shall provide free labor and materials for wiring one room in each of the buildings mentioned in this section. Grantee will provide maintenance for the system at Grantee's cost. Grantee shall make free of charge all improvements as technology permits to serve properly the schools and municipal buildings. Grantee shall provide, without charge, all programming available requested by the City or school system.

153.07 MUNICIPAL CHANNEL Grantee shall furnish without charge to the City or its assigns, a cable systems channel to be used by the City or its assigns, for whatever purpose it wishes. The channel space herein gratuitously furnished the City or its assigns shall not be used in any commercial manner or means, and shall not be set over or assigned to any person other than one engaged in public or free education, community service or providing health, public safety, instructional or welfare services to the City or its inhabitants and no subscriber or Grantee shall be in any manner at any time charged any rate, rates or fees for the use of the channel space herein gratuitously given to the City or its assigns.

153.08 EDUCATIONAL CHANNEL Grantee shall maintain without charge at least one channel specifically designated for use by any and all recognized education authorities located in the City, both public and private, for such instructional and educational purposes as they may determine. Grantee shall make no per-channel or per-program charge of any kind to any subscriber for the privilege of receiving the channel designated for use by the educational authorities. In the event a conflict exists in the scheduling time of cable casting between the public and private schools in the City, the Grantee shall make available for use an additional channel.

153.09 EQUIPMENT FOR EDUCATIONAL USE Grantee shall provide to the schools such equipment it owns and technology it has, at reasonable times and upon reasonable request, as will permit said schools to produce and transmit programs of an educational nature without cost to the district. Grantee shall, free of charge, provide to the schools textbooks such as are available to them on matters such as equipping, purchasing, installing, and operating the school district's own studio facilities.

153.10 FM PROGRAMMING Grantee may make available to the elementary and secondary schools, both public and private, a minimum of one audio only channel, which shall be capable of producing a signal receivable on an FM receiver.

153.11 REVOCATION OF FRANCHISE If Grantee shall fail to comply with any of the provisions of the franchise or default in any of its obligations hereunder, except for causes beyond the reasonable control of Grantee, and shall fail within thirty (30) days after written notice from the City to commence and within a reasonable time complete the correction of such default or non compliance, the Council shall have the right to revoke the franchise and all rights of the Grantee hereunder. In the event Grantee shall be adjudicated bankrupt or placed in receivership, the City may declare the franchise herein granted forfeited and hereunder terminated.

153.12 LIABILITY OF GRANTEE Grantee shall at all times defend, indemnify, protect and save harmless the City and its political subdivisions from and against any and all liability, losses and physical damage to property and bodily injury or death to the City or to persons, including payments made under worker's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance and operation of the Grantee's cable televisions system, and resulting from or by any negligence, fault or misconduct on the part of the Grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance for the protection of itself and the City and its political subdivisions. Grantee shall hold the City and its political subdivisions harmless against damages resulting from legal action which may be brought against it in connection with the establishment and/or operation of Grantee's cable television system in the City and shall defend at its expense any action brought against the City and its political subdivisions by reason of the erection, construction, replacement, removal, maintenance and operation of Grantee's cable television system. Grantee shall carry worker's compensation insurance coverage on its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance and operations of Grantee's plant and equipment. Grantee shall be notified of any claim, demand or action brought against the City or its political subdivisions for which the City or its political subdivisions may seek reimbursement or defense as provided hereunder, and the City or its political subdivisions shall not settle, capitulate or admit any such claim, demand or action.

153.13 INSURANCE PROVISIONS OF GRANTEE The Grantee shall promptly, after granting cable TV franchise, provide insurance as specified herein:

1. General Liability \$500,000 combined single limit
(including contractual, independent per occurrence
contractors, Broad from Property \$500,000 aggregate
Damage, Personal Injury,
Underground Explosion and Collapse
hazards)
2. Automobile Liability; \$500,000 combined single
(including all owned, non-owned limit
and hired autos)
3. Worker's Compensation Statutory benefits \$100,000 Coverage B
4. Umbrella Liability \$1,000,000 combined
(applying directly excess single limit
of above liability coverages) \$1,000,000 aggregate

All policies shall name the City, its employees, servants, agents and officers as additional named insured parties. In addition, the City shall receive at least ten (10) days prior written notice of any cancellation or change in any of said insurance policy or policies. Grantee shall furnish the City with a Certificate of Insurance from Grantee's carrier indicating that there is such insurance coverage as herein provided, and if requested by the City, shall submit to the City two (2) certified copies of said policies.

153.14 COMPLIANCE WITH FCC REQUIREMENTS Grantee shall at all times comply with all the rules and regulations of the Federal Communications Commission or any duly authorized agency of the United States of America, and all laws duly enacted now or hereafter by the United States Congress or the Iowa General Assembly, and any and all rules and regulations of said Federal Communications Commission or other duly authorized United States Governmental Agency, and said duly enacted laws shall immediately become a part of this chapter and in all manner and respect binding upon the Grantee. Should any rules and regulations of the Federal Communications Commission or any duly authorized agency of the United States of America take effect subsequent to the enactment of this chapter, but are not binding on existing franchises, the Grantee agrees to abide by any change the City may desire, consistent with the subsequent rules and regulations as may be established by the Federal Communications Commission or any duly' authorized agency of the United States of America.

153.15 DEFENSES OF GRANTEE Should the Grantee at any time set up against the City in any claims or proceeding any condition or term of the franchise as being unreasonable, arbitrary, illegal or void, or that the City had not power or authority to make such term or condition, or that any section of this chapter is void, unreasonable, arbitrary, illegal or unconstitutional, the City may, at its option, void the franchise herein granted to the Grantee in its entirety.

153.16 OPERATING REGULATIONS Grantee shall at all times comply with the terms and conditions of Chapter 154 of this Code of Ordinances, which regulates the cable television system operating within the City.

153.17 ASSIGNMENT OF FRANCHISE Grantee shall not sell, transfer or encumber its system or the franchise nor shall any change of ownership in the company to the extent of twenty-five (25) percent of the now existing holdings be transferred by Grantee without first securing approval of the City.

153.18 FRANCHISE FEE A franchise fee shall be paid by the Grantee to the City during the period of the franchise in accordance with the pertinent provisions of Chapter 154.

EDITOR'S NOTE

Ordinance No. 68 adopting a cable TV franchise for the City was passed and adopted on April 19, 1988. Voters approved the franchise at an election held on May 3, 1988.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS FRANCHI SES**CHAPTER 154****CABLE TELEVISION REGULATIONS**

154.01 Educational System	154.18 Transmission and Distribution
154.02 Telecast of School Activities	Structures
154.03 Use of Studio and Other Production Facilities	154.19 Restoration of Ground Surface
154.04 Noncommercial Public Access Channel	154.20 Alteration of Grade Requirement
154.05 Leased Access Channels	154.21 Placement of Poles and Other Fixtures
154.06 Emergency Warning System	154.22 Temporary Removal of Wires
154.07 Automated Services	154.23 Tree Trimming
154.08 Local Office of Grantee	154.24 Street Obstructions
154.09 Rules and Regulations	154.25 Defenses of Grantee
154.10 Installation and Maintenance of Equipment	154.26 Signal Quality
154.11 FCC Standards	154.27 Continuity of Service
154.12 Installation of Cables	154.28 Program Alteration Prohibited
154.13 City's Use of Existing Poles	154.29 Removal of Existing Antenna
154.14 Filing of Plats	154.30 Removal of Equipment Upon
154.15 Approval by Council of Cable Location	Expiration of Franchise
154.16 Conformity With City Ordinances	154.31 Revocation of Franchise
154.17 Hold Harmless Clause	154.32 Insurance
	154.33 Payment of Costs

154.01 EDUCATIONAL SYSTEM The Grantee shall provide, when available other than on an experimental basis, to schools both public and private, of the City, the type of cable that will permit school buildings within the City and selected classrooms within said school buildings, to not only receive cable broad casts but also to permit live cable broadcasts to originate from each building, and selected classrooms in those buildings. Such a two-way cable system shall be linked at the Grantee's expense to Grantee's head-end permitting programs originating live in the school buildings to be transmitted over the educational channels.

154.02 TELECAST OF SCHOOL ACTIVITIES Grantee shall not televise tape or in any way reproduce or show to the general public any school activity, either as a public service or as a commercial activity, without the prior approval of the school involved.

154.03 USE OF STUDIO AND OTHER PRODUCTION FACILITIES grantee shall allow the City and recognized educational authorities located in the City, both public and private, to use its studio and other production facilities, equipment and material, on reasonable notice, at reasonable times, and at a reasonable charge, if any, but in no event shall such charge exceed actual Grantee's cost. Grantee shall provide at no charge such technical assistance as may be reasonably required in the production of instructional, educational and civic programs.

154.04 NONCOMMERCIAL PUBLIC ACCESS CHANNEL Grantee shall maintain at least one specially designated, noncommercial public access channel available to groups and individuals on a first come, nondiscriminatory basis, together with equipment and facilities reasonably necessary for the production of programming on such channel. Grantee shall make no charge for use of such channel, but may make a reasonable charge for production costs, if any, which are incurred in live studio presentations exceeding five minutes. Grantee shall make no per-channel or per-program charge of any kind to any subscriber for the privilege of receiving the channel(s) designated for public access.

154.05 LEASED ACCESS CHANNELS Grantee, after satisfying the cable casting requirements of Section 1.03, 1.04 and 1.05 of this chapter, may lease channel space to any organization, group, or individual at a reasonable charge.

154.06 EMERGENCY WARNING SYSTEM Grantee shall provide an emergency warning system so that emergency information may be given simultaneously on all channels of Grantee's cable television system, and during an emergency, Grantee shall allow proper City officials the complete use of its cable television system.

154.07 AUTOMATED SERVICES Grantee may make available such automated video services and such audio service as it wishes.

154.08 LOCAL OFFICE OF GRANTEE Grantee shall maintain an office or a designated agency either within the City or within a neighboring community which can be easily reached by public transportation for the purpose of receiving, investigating and responding to service complaints from subscribers. Grantee shall make every reasonable effort to resolve any and all complaints to the satisfaction of the subscribers. Grantee shall report monthly to the City Clerk the date and substance of each complaint received and the date and nature of action taken by Grantee to respond to such complaint.

154.09 RULES AND REGULATIONS Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of this chapter or with the rules and regulations. Grantee shall submit to the City the form of its service agreement between Grantee and its subscribers and the channel users, and users of production facilities and shall furnish to the City any amendments in the service agreement.

154.10 INSTALLATION AND MAINTENANCE OF EQUIPMENT Grantee's plant and equipment, including the antenna site, head-end, distribution system, towers, structures, poles, wires, under ground cables and appurtenances shall be installed in accordance with good engineering practices and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or with the improvement the City may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places, and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the National Electrical Code of the National Board of Fire Underwriters and the National Electric Safety Code (outside work) and such applicable laws of the State of Iowa and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in good order and repair. The Grantee agrees to first obtain the approval from the City before installing the same. Grantee shall furnish good cable television reception service and maintain its system in reasonable repair and working order. Circumstances beyond control of Grantee shall obviate these requirements. Any complaint about service or cable TV reception shall be filed with the Council.

154.11 FEDERAL COMMUNICATIONS COMMISSION STANDARDS Grantee's cable television system shall meet technical standards of the Rules and Regulations of the Federal Communications Commission, and Grantee shall perform the periodic tests and make the measurements specified in such rules.

154.12 INSTALLATION OF CABLES The City hereby grants the right, privilege and authority to Grantee to lease, rent or in any other manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. Grantee shall install its cable on existing poles owned by other holders of public licenses and franchises within the corporate limits of the City whenever possible for the installation of its cable. When installation of cable on its poles is not possible, or when the holders or other public licenses or franchises have installed underground cable, then in that event, unless the Council shall otherwise decide, the cable used by the Grantee shall be installed underground. Grantee shall only be allowed to erect its own poles upon receiving the permission of the Council to do so.

154.13 CITY'S USE OF EXISTING POLES The City shall retain and hereby does retain the right to utilize the existing poles for future City use, and to require the removal of the cable by Grantee where existing poles are not sufficient to adequately handle the proposed City use and Grantee's cable.

154.14 FILING OF PLATS Grantee shall file with the City Engineer a copy, true and accurate, of maps and/or plats of all existing and proposed installations upon the streets. These maps and plats shall conform to the requirements of the City Engineer and shall be kept continuously up to date.

154.15 APPROVAL BY COUNCIL OF CABLE LOCATION Grantee shall submit to the Council for its recommendation and approval and referral to the Council detailed drawings of the location of underground cable in the City right-of-way and shall not deviate from said drawings unless prior approval is obtained from the City.

154.16 CONFORMITY WITH CITY ORDINANCES Grantee shall be required to conform to all present City codes, including but not limited to plumbing and electrical codes and any ordinance providing for the manner and method of cutting streets, excavations in right-of-way and backfills. Grantee shall restore all property of the City and its inhabitants thereof to its original condition after the installation of either overhead or underground cable.

154.17 HOLD HARMLESS CLAUSE Grantee shall hold the City harmless from any damages which Grantee's cable, equipment or other integral parts of its system may incur as a result of any action by any City employee when carrying out said employee's duties.

154.18 TRANSMISSION AND DISTRIBUTION STRUCTURES All transmission and distribution structures, lines and equipment erected by Grantee within the City shall be so located as to cause minimum interference with the proper use of the streets, alleys and public ways and places and to cause minimum interference with the rights or reasonable convenience of the property owners who adjoin any of the said streets, alleys, or other public ways and places.

154.19 RESTORATION OF GROUND SURFACE In case of any disturbance by Grantee of sod, shrubbery, trees, pavement, sidewalk, driveway or appurtenances and fixtures which are located on public or private property, Grantee shall, at its own cost and expense, and in a manner approved by the Council, replace and restore all sod, shrubbery, trees, pavement, sidewalk, driveway or appurtenances and fixtures located on public or private property, in as good a condition as before said work was commenced.

154.20 ALTERATION OF GRADE REQUIREMENT In the event that at any time during the period of the franchise, the City shall elect to alter or change the grade of any street, alley or public way, Grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduit, manholes and other fixtures at its own expense. Should the City for any reason determine the need for the temporary removal or relocation of the poles, wires, cables, underground conduits, manholes and other fixtures of the Grantee, the Grantee shall comply with the City's request at Grantee's own expense.

154.21 PLACEMENT OF POLES AND OTHER FIXTURES Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric or telephone fixtures, water hydrants or mains. 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 a manner as not to interfere with the usual travel on said street, alleys and public ways.

154.22 TEMPORARY REMOVAL OF WIRES Grantee shall on request of any person holding a building permit issued by the City, temporarily raise or lower its lines to permit the moving of the buildings. The expense of such temporary removal, raising or lowering of lines shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment in advance. Grantee shall be given not less than five (5) days advance notice to arrange for such temporary wire changes.

154.23 TREE TRIMMING Grantee shall have the authority to trim trees upon and overhanging streets, alleys and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee, all trimming to be done under the supervision of the City and at the expense of the Grantee.

154.24 STREET OBSTRUCTIONS Any opening or obstruction in the streets or other public ways made by the Grantee in the course of construction, operation or removal of cable installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Grantee shall, whenever it is deemed necessary by the City Engineer, install such steel plates as may be necessary to allow a public roadway to remain open while Grantee is in the course of the construction, operation, or removal of cable installations. Grantee further agrees to comply with any and all ordinances which the City has pertaining to opening or obstructions in the streets or other public ways.

154.25 DEFENSES OF GRANTEE Should the Grantee at any time set up against the City in any claim or proceeding any condition or term of the franchise as being unreasonable, arbitrary, illegal or void or that the City had not power or authority to make such term or condition, or that any section of this chapter is void, unreasonable, arbitrary, illegal or unconstitutional, the City may, at its option, void the franchise granted to Grantee in its entirety.

154.26 SIGNAL QUALITY A Grantee shall deliver a picture in black and white or in color that is undistorted, free from ghost images, and accompanied by proper sound to subscribers with typical standard production television sets in good repair. A Grantee shall transmit signals of sufficient strength to produce good pictures with good sound at all outlets throughout the City with other electrical or electronic systems.

154.27 CONTINUITY OF SERVICE

1. All subscribers shall receive continuous service so long as their financial and other obligations to the Grantee are satisfied, in the event that the Grantee elects to overbuild, rebuild, modify or sell the system, or the Council gives notice of its intent to terminate the franchise or if the franchise is not renewed, for whatever reason, the Grantee shall take all reasonable steps within its control to act so as to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. In the event of a change of Grantee, or in the event a new operator acquires the system, the Grantee shall cooperate with the City

- and new Grantee or operator in maintaining continuity of service to all subscribers. During such interim period Grantee shall be entitled to the CATV system revenues for any period during which it actually operates the system, in order to cover the reasonable costs for continuing its services.
2. The Grantee shall immediately and fully inform the City of any cessation of operations of 72 or more hours duration, shall sign records of the special tests and shall prepare a report interpreting the results of the tests and recommending corrective actions to be taken by the Grantee. The Grantee shall forward to the City such records without revisions, deletions or substitutions.

154.28 PROGRAM ALTERATION PROHIBITED All programs of broad casting stations carried by a Grantee shall be carried without alteration in compliance with FCC regulations.

154.29 REMOVAL OF EXISTING ANTENNA A Grantee shall in no way tamper with or remove an existing television antenna without the owner's consent.

154.30 REMOVAL OF EQUIPMENT UPON EXPIRATION OF FRANCHISE Upon the expiration or termination of any cable television franchise, a Grantee shall remove its poles, cable television transmission and distribution systems, and all other appurtenances from the streets, sidewalks and public ways of the City, when ordered to do so by the City, and shall restore the same to their original condition unless, upon such expiration or termination the CATV system, including all such equipment, is transferred to a subsequent Grantee to be utilized pursuant to a franchise granted by the City. If a Grantee refuses to remove such items or fails to remove such items in a reasonable time after notification by the City, the City shall have the right and authority to remove such poles, cable television transmission and distribution systems, and other appurtenances from the City streets, sidewalks, and public ways. The Grantee shall reimburse the City for all reasonable costs associated with such removal.

154.31 REVOCATION OF FRANCHISE

3. In the event of a material breach of the terms and conditions of the Grantee's franchise and the subsequent failure of the Grantee to correct its default under or non compliance with the terms of its franchise, the Council shall revoke the franchise and all rights of Grantee thereunder. A material breach of the franchise shall include, but not be limited to:
 - a. The Grantee's violation of any material provision of the franchise or any material rule, order, regulation or determination of the Council made pursuant to the franchise; or
 - b. The Grantee's attempt to evade any material provision of the franchise or to practice any fraud or deceit upon the subscribers, the City or the general public; or
 - c. The Grantee's failure to begin or complete system construction or system extension as provided in the franchise; or
 - d. The Grantee's failure to provide the types of services required in this chapter; or
 - e. The Grantee's failure to restore service after 96 consecutive hours of interrupted service, except where the City has been fully informed regarding such crisis and the steps being taken to remedy the crisis as required in Section 154.28(2) of this chapter; or
 - f. The Grantee's material misrepresentation of a fact in the application for or negotiation of the franchise or in any other appearance before or document submitted to the Council or to subscribers.
4. The Council shall not revoke Grantee's franchise if the interruption in service is without fault of Grantee or occurs as a result of circumstances beyond its control; however, the Grantee shall not be excused by mere economic hardship or by misfeasance or malfeasance of its shareholders, directors, officers, or employees.
5. Upon a material breach, the City shall make written demand that the Grantee immediately comply with any such provision, rule, order or determination under or pursuant to its franchise. If the violation by the Grantee continues for a period of 90 days following such written demand without the submission of written proof that the correction action has been taken or is being actively and expeditiously pursued, the City may recommend revocation of the franchise to the Council. The City shall cause to be served upon Grantee, at least 20 days prior to the date of such Council hearing, a written notice of intent to request such revocation and the time and place of the hearing. Public notice shall be given not less than four days or more than 20 days prior to the hearing and shall include a description of the issue which the Council is to consider.

6. The Council shall hear and consider the issue and shall hear any person interested therein, and shall determine in its discretion, whether or not any violation by the Grantee of the franchise has occurred.
7. If the Council determines that a violation of the franchise has occurred the Council shall, by resolution, declare that the franchise of the Grantee shall be revoked and terminated unless there is compliance within such period as the Council may fix, such period not to be less than 60 days, provided no opportunity for compliance shall be granted for a violation by reason of fraud or misrepresentation.
8. At the expiration of said period, the Council shall determine whether Grantee has achieved compliance. The Council may then revoke the franchise forthwith on finding that Grantee has failed to achieve compliance or may further extend the period, at its discretion.

154.32 INSURANCE Grantee shall promptly, after the granting of a Grantee's franchise, provide public liability insurance for personal injuries and/or death growing out of one accident or other cause in the following amounts: \$100,000 as to any one person, \$500,000 as to any one occurrence for injury or death to persons, and \$100,000 for damages to property, with, as to Grantee, so-called umbrella coverage of at least \$5,000,000; worker's compensation insurance as provided by the laws of the State of Iowa, as amended; and automobile insurance with limits of not less than \$100,000/\$500,000 of public liability coverage and automobile property damage insurance with a limit of not less than \$100,000 covering all automotive equipment, with, as to Grantee, so-called umbrella coverage of at least \$5,000,000. A Grantee shall maintain such insurance with insurance underwriters authorized to do business in the State of Iowa satisfactory to the City. All policies shall name the City, its employees, servants, agents and officers as additional named insured parties. In addition, the City shall receive at least 30 days prior written notice of any cancellation or change in any said insurance policy or policies. Grantee shall furnish the City with a certificate of insurance from Grantee's carrier indicating that there is such insurance coverage as herein provided, and if requested by the City shall submit to the City two certified copies of said policies.

154.33 PAYMENT OF COSTS In the granting of any cable television franchise, the City shall be governed by the applicable provisions of Chapter 364 of the Code of Iowa, or such other enactments of the General Assembly which might hereafter amend or supersede said chapter. Furthermore, any person asking the Council to initiate the submission of the question of granting a cable television franchise to the electors of the City or any person petitioning the Council to so submit the cable television franchise question shall pay the costs incurred in holding such franchise election.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS GENERAL**CHAPTER 160****CIGARETTE PERMITS**

160.01 Definitions	160.07 Permits Not Transferable
160.02 Minors	160.08 Expiration
160.03 Permit Required	160.09 Refunds
160.04 Application	160.10 Revocation
160.05 Fees	160.11 Renewal after Revocation
160.06 Issuance	

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

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

(Code of Iowa, Sec. 98.1)

2. "Place of Business" means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
3. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.

(Code of Iowa, Sec. 98.1)

160.02 MINORS A person shall not furnish to any minor less than eighteen years of age by gift, sale or otherwise, any smokeless tobacco, cigarette, or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. A person shall not, directly or indirectly, or by an agent, sell, barter or give to any minor under eighteen years of age any tobacco in any other form whatever except upon the written order of the minor's parent or guardian or the person in whose custody the minor is.

160.03 PERMIT REQUIRED No retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

160.04 APPLICATION A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 160.05 shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 98.13)

160.05 FEES The fee for issuing or renewing a cigarette permit shall be as follows:

(Code of Iowa, Sec. 98.13)

FOR PERMITS ISSUED OR RENEWED DURING:FEE

July, August or September \$ 75.00

October, November or December \$ 56.25

January, February or March \$ 37.50

April, May or June \$18.75

160.06 ISSUANCE The Council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals.

160.07 PERMITS NOT TRANSFERABLE A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the Council, if it decides to issue a new permit to the retailer, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

160.08 EXPIRATION Permits expire on June 30 of each year.

160.09 REFUNDS A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, as follows:

(Code of Iowa, 98.13)

PERMITS SURRENDERED DURING:AMOUNT OF REFUND

July, August or September \$ 56.25

October, November or December \$ 37.50

January, February or March \$ 18.75

160.10 REVOCATION The Council, after notice and hearing substantially in accordance with the provisions of Section 98.22 of the Code of Iowa, shall revoke a permit if it finds the retailer has violated the provisions of Section 160.02. Following similar notice and hearing, the Council may revoke a permit if it finds the retailer has violated any other provisions of this chapter, or if grounds exist that would be sufficient for refusal to issue such a permit. The Clerk shall give ten (10) days written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which the retailer may appear and be heard. The hearing shall be held at the regular meeting place of the Council.

(Code of Iowa, Sec. 98.22)

160.11 RENEWAL AFTER REVOCATION Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year after the date of revocation unless good cause to the contrary is shown the Council.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS GENERAL**CHAPTER 161****PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

161.01 Purpose	161.10 Display of License
161.02 Definitions	161.11 License Not Transferable
161.03 License Required	161.12 Time Restriction
161.04 License Exemptions	161.13 Revocation of License
161.05 Religious and Charitable Organizations	161.14 Notice
161.06 Application for License	161.15 Hearing
161.07 License Fees	161.16 Record and Determination
161.08 Bond Required	161.17 Effect of Revocation
161.09 License Issued	161.18 Rebates

161.01 PURPOSE The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. "Local Home Merchant" means any person living in the City or within the vicinity thereof who engages in merchandising business on a regular basis and who owns or rents a home in which said person keeps all or part of the merchandise, records, books, samples and miscellaneous other items associated with said person's business and who solicits customers on a house to house basis within the City or conducts business meetings or business parties within said person's home or the homes of others.
2. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
3. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
4. "Transient Merchant" means any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person, firm or corporation from being considered a transient merchant.

161.03 LICENSE REQUIRED Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided shall be in violation of this chapter.

161.04 LICENSE EXEMPTIONS The following are excluded from the application of this chapter.

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers. Farmers who offer for sale products of their own raising.
4. Students. Students representing the Panora, Yale, Jamaica, Bagley School Districts conducting projects sponsored by organizations recognized by the schools.
5. Milk Delivery. Milk delivery men who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

161.05 RELIGIOUS AND CHARITABLE ORGANIZATIONS Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Sections 161.06 through 161.15. All such organizations shall be required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk shall find that the organization is a bone fide charity or religious organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 161.17 of this chapter.

161.06 APPLICATION FOR LICENSE An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

161.07 LICENSE FEES A license fee of. \$2.00 for each day shall be paid to the Clerk prior to the issuance of any license to peddlers, solicitors or transient merchants.

161.08 BOND REQUIRED Before a license under this chapter shall be issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 81A of the Code of Iowa.

161.09 LICENSE ISSUED If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

161.10 DISPLAY OF LICENSE Each solicitor or peddler shall at all times while doing business in the City keep in such person's possession the license provided for in Section 161.09 and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

161.11 LICENSE NOT TRANSFERABLE Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

161.12 TIME RESTRICTION All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

161.13 REVOCATION OF LICENSE After notice and hearing, the Council may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or In the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

161.14 NOTICE The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

161.15 HEARING The Council shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Council may proceed to a determination of the complaint.

161.16 RECORD AND DETERMINATION The Council shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Council finds clear and convincing evidence of substantial violation of this chapter or State law.

161.17 EFFECT OF REVOCATION Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

161.18 REBATES Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

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TITLE VII - TRANSPORTATION**CHAPTER 175****STREETS AND ALLEYS-USE AND MAINTENANCE**

175.01 Removal of Warning Devices	175.07 Washing Vehicles
175.02 Obstructing or Defacing	175.08 Burning Prohibited
175.03 Placing Debris On	175.09 Excavations
175.04 Playing In	175.10 Maintenance of Parking or Terrace
175.05 Traveling on Barricaded Street or Alley	175.11 Failure to Maintain Parking or Terrace
175.06 Use for Business Purposes	175.12 Dumping of Snow
	175.13 Driveway Culverts

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

(Code of Iowa, Sec. 716.1)

175.02 OBSTRUCTING OR DEFACING It shall be unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

175.03 PLACING DEBRIS ON It shall be unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

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

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

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

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

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

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

175.09 EXCAVATIONS No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person shall first obtain a permit therefore as hereinafter provided or as provided in other sections of the Code of Ordinances.

1. Application. 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, for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said excavation and restoration of the street or alley surface.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades and Lighting. 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/property owner.

4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury — \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
7. 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 has the right to finish or correct such work and the expense shall be charged to the permit holder/property owner.
8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
9. Permit Issued. Upon approval of the application and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

175.10 MAINTENANCE OF PARKING OR TERRACE It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

175.11 FAILURE TO MAINTAIN PARKING OR TERRACE If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

175.12 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 a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent, 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])

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

TITLE VII - TRANSPORTATION**CHAPTER 178****STREETS AND ALLEYS-NAMING OF STREETS**

178.01 Naming New Streets

178.04 Official Street Name Map

178.02 Changing Name of Street

178.05 Revision of Street Name Map

178.03 Recording Street Names

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

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

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

(Code of Iowa, Sec. 409.17)

178.03 RECORDING STREET NAMES Following adoption of an ordinance naming or changing the name of a street, the Mayor and Clerk shall certify and file a copy thereof with the County Recorder and County Auditor.

(Code of Iowa, Sec. 409.17)

178.04 OFFICIAL STREET NAME MAP Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 178.04 of the Code of Ordinances of Yale, Iowa."

178.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the Council with an entry on the Official Street Name Map as follows: "On (by official action of the City Council, the following changes were made in the Official Street Name Map: (description), which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this chapter which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

TITLE VII – TRANSPORTATION**CHAPTER 179****STREETS AND ALLEYS- VACATION AND DISPOSAL**

179.01 Power to Vacate

179.04 Findings Required

179.02 Planning Commission

179.05 Disposal of Vacated Streets or Alleys

179.03 Notice of Vacation Hearing

179.06 Disposal by Gift Limited

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

(Code of Iowa, Sec. 306.10)

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

(Code of Iowa, Sec. 392.1)

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

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

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

(Code of Iowa, Sec. 364.15)

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

(Code of Iowa, Sec. 364.7)

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

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

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

ORDINANCE NO. ADOPTED

TITLE VII - TRANSPORTATION

CHAPTER 180

STREETS AND ALLEYS-STREET GRADES

180.01 Established Grades

180.02 Record Maintained

180.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

180.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

ORDINANCE NO. ADOPTED

TITLE VII – TRANSPORTATION**CHAPTER 185****SIDEWALKS-REGULATIONS**

185.01 Purpose	185.12 Failure to Repair or Barricade
185.02 Definitions	185.13 Interference with Sidewalk Improvements
185.03 Removal of Snow, Ice and Accumulations	185.14 Awnings
185.04 Responsibility for Maintenance	185.15 Encroaching Steps
185.05 Failure to Maintain - Personal Injuries	185.16 Openings and Enclosures
185.06 City May Order Repairs	185.17 Fires on Sidewalks
185.07 Sidewalk Construction Ordered	185.18 Fuel on Sidewalks
185.08 Permit Required	185.19 Defacing
185.09 Indemnification	185.20 Debris on Sidewalks
185.10 Sidewalk Standards	185.21 Merchandise Display
185.11 Barricades and Warning Lights	185.22 Sales Stands

85.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom Finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Defective Sidewalk” means any public sidewalk exhibiting one or more of the following characteristics:
 - a. Vertical separations equal to three-fourths (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 over 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 the design or construction grade equal to or greater than three-fourths inch per foot.
- 3. "Established Grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
 - 4. "One-course Construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
 - 5. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
 - 6. "Portland Cement" means any type of cement except bituminous cement.
 - 7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
 - 8. "Sidewalk Improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
 - 9. "Wood Float Finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

185.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

185.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

185.05 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain or repair defective sidewalks as required and action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to 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)

185.06 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

185.07 SIDEWALK CONSTRUCTION ORDERED. The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement petition the Council therefore, new permanent sidewalks shall not be required unless three-fourths (3/4) of all the members of the Council, by resolution, order the making thereof, all in accordance with state law for special assessments.

(Code of Iowa, Sec. 384.38)

185.08 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

185.09 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 such person's agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

185.10 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - c. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

11. Ramps for Handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 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 handicapped persons using the sidewalk.

(Code of Iowa, Sec. 601D.9)

185.11 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the 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.

185.12 FAILURE TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent to notify the City immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

185.13 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

185.14 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.

185.15 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.

185.16 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.

185.17 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

185.18 FUEL ON SIDEWALKS. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

185.19 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)

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

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

185.21 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.

185.22 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 VII - TRANSPORTATION**CHAPTER 195****AIRPORTS-AIRPORT AUTHORITY**

195.01 Authorization to Join Authority

195.04 Membership of Authority Committee

195.02 Mayor and Clerk to Execute

195.05 Board of Authority

195.03 Participation Contributions

195.06 Resignation by Committee Members

195.01 AUTHORIZATION TO JOIN AUTHORITY. The City is hereby authorized to join the Guthrie County Regional Airport Authority.

195.02 MAYOR AND CLERK TO EXECUTE. The Mayor is authorized and directed to execute the Guthrie County Regional Airport Authority Agreement (the "Agreement") on behalf of the City. The Clerk is likewise to sign and attest to the Agreement on behalf of the City. The Agreement is not a part of this chapter and may be amended by resolution of the Council approved at a single meeting of the Council.

195.03 PARTICIPATION CONTRIBUTIONS. Notwithstanding the provisions of Section 330A.15 of the Code of Iowa, no party to the Agreement shall provide for an assessment of an annual levy in excess of the following rates:

For fiscal years 1989 — 2004, \$.27 per \$1,000 of assessed value upon all the taxable property in the cities of Guthrie Center, Panora, Stuart and Yale.

For fiscal years 1989 — 2004, \$.13 per \$1,000 of assessed value upon all the taxable unincorporated property in the County.

195.04 MEMBERSHIP OF AUTHORITY COMMITTEE. In accordance with the Agreement, the City shall have one member on the Guthrie County Regional Airport Authority Committee, as shall each participating city, and Guthrie County, likewise, shall have one member on such committee.

195.05 BOARD OF AUTHORITY. The authority committee shall elect, in accordance with Section 330A.5 of the Code of Iowa, a Guthrie County Regional Airport Board consisting of seven members. Three members shall be appointed who reside in the unincorporated portion of Guthrie County. One member each from the four participating cities shall, likewise, be appointed who reside in their respective cities.

195.06 RESIGNATION BY COMMITTEE MEMBERS. Members of the Guthrie County Regional Airport Authority elected to the Board of that Authority, in accordance with Section 330.5 of the Code of Iowa, must resign from Committee. Upon such resignation, new Authority Committee members shall be designated by the City within 45 days as required by Section 330.4 of the Code of Iowa.

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