

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 Lenox, Iowa, 2001.

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined in the Code of Iowa, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Lenox, Iowa.
3. “Clerk” means the city clerk of Lenox, Iowa.
4. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. “Code of Ordinances” means the Code of Ordinances of the City of Lenox, Iowa, 2001.
6. “Council” means the city council of Lenox, Iowa.
7. “County” means Taylor County or Adams County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.

11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Lenox, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
15. "Shall" imposes a duty.
16. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
17. "State" means the State of Iowa.
18. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
19. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

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

(Code of Iowa, Sec. 364.1)

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

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

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

1.07 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances,

the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

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

(Code of Iowa, Sec. 380.2)

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

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

(Code of Iowa, Sec. 718.5)

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any

matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

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

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

1.15 STANDARD PENALTY - CIVIL. 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, which violation is Civil in nature shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00).

(Code of Iowa, Sec. 364.3[6])

(Ord. 319 – Aug.03 Supp.)

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CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

2.04 Number and Term of Council
2.05 Term of Mayor
2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Lenox, 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. 148 adopting a charter for the City was passed and approved by the Council on October 9, 1973. The terms of Council members changed to overlapping four-year terms by Ordinance No. 190 adopted December 19, 1979.

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CHAPTER 3

BOUNDARIES

3.01 CORPORATE LIMITS. The corporate limits of the City are described as all of that area contained within the following described properties within Taylor County and Adams County, Iowa, as follows:

In Taylor County, Iowa:

Section 8, Township 70 north, range 32 west, and

The NE¹/₄ of Section 7, Township 70 north, range 32 west, and

The S¹/₂ of the SE¹/₄ of Section 6, Township 70 north, range 32 west, and

The E¹/₂ of the SW¹/₄ of Section 5, Township 70 north, range 32 west, and

The W¹/₂ of the SE¹/₄ of Section 5, Township 70 north, and

The SW¹/₄ of the NE¹/₄ of Section 5, Township 70 north, and

The N¹/₂ of the NE¹/₄ of Section 5, Township 70 north, and

Beginning at a point 63 feet south of the SE corner of the NE¹/₄ of the NW¹/₄ of Section 5, Township 70 north, thence north 690 feet to a corner post, thence west 160 feet to a corner post, thence south 15° west 280 feet, thence west 161 feet, thence south 325 feet parallel with the first named line, thence south 75° 30 minutes east, 413 feet to the P.O.B., and

Beginning at a point 221 feet south of the SE corner of the NE¹/₄ of the NW¹/₄ of Section 5, Township 70 north, thence west 24 feet, thence south 948 feet, thence east 24 feet, thence north 948 feet to the P.O.B.

A tract of land located in the NW¹/₄ of the NW¹/₄ of Section 17, Township 70 north, range 32 west of the 5th P.M., more particularly described as: Beginning at the northwest corner of said Section 17, thence due east along the north line of the NW¹/₄ of said Section 17, a distance of 67.30 feet to an iron pin, said pin being on the east right-of-way line of Iowa Highway #49, and said pin also being the true point of beginning, thence due east along the north line of the NW¹/₄ of said Section 17, a distance of 654.40 feet to an iron pin, thence S 00°14'35" W a distance of 1324.02 feet to an iron pin, said pin being on the south line of the NW¹/₄ NW¹/₄ of said Section 17, thence N 89°54'40" W along the south line of the NW¹/₄ NW¹/₄ of said Section 17 a distance of 673.84 feet to an iron pin, said pin being on the east right-of-way line of Iowa Highway #49, thence N 00°18'15" E along the east right-of-way line of Iowa Highway #49, a distance of 238.39 feet to an iron pin, thence N 89°41'45" E a distance of 18.00 feet to an iron pin, thence N 00°18'15" E along the east right-of-way line of Iowa Highway #49, a distance of 1084.70 feet to the true point of beginning, containing 20.00 acres, subject to all recorded easements.

A parcel of the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) of Section 17, Township 70 North, Range 32, West of the 5th P.M., in Taylor County, Iowa, more particularly described as: Commencing at the P-K nail on the Northwest (NW) Corner of the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) of said Section 17, thence S 89°54'40" E along the north line of the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) of said Section 17 a distance of 52.26' to a ½" iron pin on the point of beginning, thence S 89°54'40" E along the north line of the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) of said Section 17 a distance of 665.84' to a ½" iron pin, thence S 00°14'35" W a distance of 603.03' to a ½" iron pin, thence S 88°51'30" W a distance of 666.68' to a ½" iron pin on the east line of Iowa Highway #49, thence N 00°18'15" E along the east line of Iowa Highway #49 a distance of 617.29' to the point of beginning, containing 9.33 acres.

all of the above described land in Taylor County being in Township 70 North, Range 32 West of the 5th P.M., Taylor County, Iowa, and

In Adams County, Iowa:

The S¹/₂ of the SE¹/₄ of Section 32, Township 71 North, Range 32 West of the 5th P.M., Adams County, Iowa

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

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

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

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

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

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

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

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

1. Standard Civil Penalties.
 - A. First Offense - Not to exceed \$500.00

B. Each Repeat Offense - Not to exceed \$750.00

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

2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

4.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 60 and subject to the conditions of Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

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

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.

4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.

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

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

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

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

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.07 Conflict of Interest
5.02 Bonds	5.08 Resignations
5.03 Duties: General	5.09 Removal of Appointed Officers and Employees
5.04 Books and Records	5.10 Vacancies
5.05 Transfer to Successor	5.11 Gifts
5.06 Meetings	

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.
(Code of Iowa, Sec. 64.19)
3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.
(Code of Iowa, Sec. 64.23[6])
4. Record. The Clerk shall keep a book, to be known as the “Record of Official Bonds” in which shall be recorded the official bonds of all City officers, elective or appointive.
(Code of Iowa, Sec. 64.24[3])

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

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

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

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

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

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

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

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.
(Code of Iowa, Sec. 21.4)
2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.
(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the 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])

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of twenty-five hundred dollars (\$2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[11])

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

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

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

was elected, if during that time the compensation of the office has been increased.

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

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

(Code of Iowa, Sec. 372.15)

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

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

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

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

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

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

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

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

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CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition shall not sign it. Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the Secretary of State and shall include information required by the Code of Iowa.

(Code of Iowa, Sec. 45.3)

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

(Code of Iowa, Sec. 45.4)

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

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

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

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

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

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

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

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

3. **Petty Cash Fund.** The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collection-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and

charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

4. Change Fund. The finance officer is authorized to draw a warrant/check for establishing a change fund for the purpose of making change without commingling other funds to meet the requirements of the office. Said change fund shall be in the custody of the finance officer, who shall maintain the integrity of the fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the

requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Two signatures are required on all City checks. Checks shall be prenumbered and signed by the Clerk and one other authorized person, 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 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.

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

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

8.06 Applications
8.07 Approval
8.08 Exemption Repealed
8.09 Dual Exemptions Prohibited

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the local assessor as of January 1 of each year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from

the City Council of the City upon the recommendation of the Iowa Department of Economic Development.

4. “New machinery and equipment assessed as real estate” means new machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph “e”, Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

5. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

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

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

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

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

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

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

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

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

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

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

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

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

8.08 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

8.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

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CHAPTER 9

URBAN REVITALIZATION

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.

ORDINANCE NO.	ADOPTED	NAME OF AREA
307	February 14, 2000	Urban Revitalization Area
325	February 28, 2005	Urban Revitalization District

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CHAPTER 10

URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
338	August 11, 2008	Lenox Economic Development Urban Renewal Area
343	November 7, 2009	2009 Addition to the Lenox Economic Development Urban Renewal Area

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

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

(Code of Iowa, Sec. 376.2)

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

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

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

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

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

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

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

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

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

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

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

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

1. Mayor Pro Tem
2. Police Chief
3. Fire Chief
4. Library Board of Trustees
5. Utility Board of Trustees
6. Pool Board
7. Park Board
8. Golf Board
9. VMAS Board and Directors
10. Zoning Board of Adjustment

15.04 COMPENSATION. The salary of the Mayor is two hundred fifty dollars (\$250.00) per month.
(*Code of Iowa, Sec. 372.13[8]*)

15.05 VOTING. The Mayor is not a member of the Council and shall not vote as a member of the Council.
(*Code of Iowa, Sec. 372.4*)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is vice president of the Council.

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

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

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

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

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

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

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

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CHAPTER 17

COUNCIL

17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.100)

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

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of twenty-five thousand dollars (\$25,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

1. Regular Meetings. The 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 its own rules and maintain records of its proceedings.

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

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

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

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

17.06 COMPENSATION. The salary of each Council member is twenty-five dollars (\$25.00) for each meeting of the Council attended.

(Ord. 322 – Feb. 04 Supp.)

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

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation
18.02 Powers and Duties: General
18.03 Publication of Minutes
18.04 Recording Measures
18.05 Publication
18.06 Authentication
18.07 Certify Measures

18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal

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

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

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

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

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

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

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

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published

at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

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

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control

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

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

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

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

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

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

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

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

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

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

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

1. 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 o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

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

CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of the Treasurer

19.01 APPOINTMENT. The Mayor shall appoint subject to Council approval the Treasurer. The Treasurer will serve at the discretion of the Council.

19.02 COMPENSATION. The Treasurer is paid such compensation as specified by resolution of the Council.

19.03 DUTIES OF THE TREASURER. The duties of the Treasurer 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 belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statement and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

10. Reconciliation with Clerk. Reconcile the Treasurer's books with the Clerk's every month.

(Ch. 19 - Ord. 364 – Aug. 14 Supp.)

CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation
20.05 Review and Comment

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents
20.09 Representation of City Employees

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

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

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

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

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

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

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

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

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

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

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor or Council.

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

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

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

CHAPTER 21

LIBRARY BOARD OF TRUSTEES

21.01 Public Library	21.07 Nonresident Use
21.02 Library Trustees	21.08 Expenditures
21.03 Qualifications of Trustees	21.09 Annual Report
21.04 Organization of the Board	21.10 Injury to Books or Property
21.05 Powers and Duties	21.11 Theft
21.06 Contracting with Other Libraries	21.12 Notice Posted

21.01 PUBLIC LIBRARY. The public library for the City is known as the Lenox Public Library. It is referred to in this chapter as the Library.

21.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of five (5) members. Four (4) resident Board members are to be appointed by the Mayor with the approval of the Council. One (1) nonresident member shall also be appointed.

(Nov. 09 City Election and Ord. 344 – Feb. 10 Supp.)

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

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

1. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from four (4) of the nine (9) scheduled meetings held each fiscal year, except in the case of a serious reason for missing a meeting, with that reason being given either to the Librarian or the President of the Board, and receiving approval from the members of the Board. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and

of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City on behalf of the Library.

(Code of Iowa, Ch. 661)

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

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

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

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or

more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

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CHAPTER 22

PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission
22.02 Term of Office
22.03 Vacancies

22.04 Compensation
22.05 Powers and Duties

22.01 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 five (5) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

22.02 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)

22.03 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)

22.04 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)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. 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)

5. 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)

6. 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)

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

(Code of Iowa, Sec. 392.1)

CHAPTER 23

UTILITY BOARD OF TRUSTEES

23.01 Purpose
23.02 Appointment of Trustees
23.03 Compensation
23.04 Vacancies
23.05 Powers and Duties of the Board

23.06 Control of Funds
23.07 Accounting
23.08 Discriminatory Rates Illegal
23.09 Discontinuance of Board

23.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric and water utilities; and, as authorized by the vote of the electors on November 8, 2005, the management and control of the cable communication or television system, telephone or telecommunications system (including video, voice, telephone, data, and other forms of telecommunications and cable communications) utility by a Board of Trustees.
(Ord. 330 – May 06 Supp.)

23.02 APPOINTMENT OF TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, five (5) persons to serve as trustees for staggered six (6) year terms. No public officer or salaried employee of the City may serve on the utility board.
(Nov. 09 City Election and Ord. 345 – Feb. 10 Supp.)

(Code of Iowa, Sec. 388.3)

23.03 COMPENSATION. The Council shall by resolution set the compensation of Board members.

(Code of Iowa, Sec. 388.3)

23.04 VACANCIES. An appointment to fill a vacancy on the Board of Trustees shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

(Code of Iowa, Sec. 388.3)

23.05 POWERS AND DUTIES OF THE BOARD. The Board of Trustees may exercise all powers of the City in relation to the City Utilities it administers, with the following exceptions:

(Code of Iowa, Sec. 388.4)

1. Taxes, Ordinances and Bonds. The Board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

Code of Iowa, Sec. 388.4[1])

2. Property. The title to all property of the City utilities must be held in the name of the City, but the Utility Board has all the powers and authority of the City with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of such property, and the management, control, and operation of the same, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the City utilities, which are then outstanding.

(Code of Iowa, Sec. 388.4[2])

3. Reports to Council. The Board shall make a detailed annual report to the Council including a complete financial statement.

(Code of Iowa, Sec. 388.4[3])

4. Proceedings Published. Immediately following a regular or special meeting of the Board, the Secretary shall prepare a condensed statement of the proceedings of the Board and cause the statement to be published in a newspaper of general circulation in the City. The statement must include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the utility, for services regularly performed by them, must be published once annually showing the gross amount of the salary. Failure by the Secretary to make publication is a simple misdemeanor.

(Code of Iowa, Sec. 388.4[4])

(Ord. 330 – May 06 Supp.)

23.06 CONTROL OF FUNDS. The Board shall control tax revenues allocated to it as well as all moneys derived from operations.

(Code of Iowa, Sec. 388.5)

23.07 ACCOUNTING. Utility moneys are held in a separate utility fund, with a separate account for each utility.

(Code of Iowa, Sec. 388.5)

23.08 DISCRIMINATORY RATES ILLEGAL. A utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91, Code of Iowa.

(Code of Iowa, Sec. 388.6)

23.09 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue the utility board is subject to the approval of the voters of the City, except that the Board may be discontinued by resolution of the Council when the utility it administers is disposed of or leased for a period of over five (5) years.

(Code of Iowa, Sec. 388.2)

CHAPTER 24

POOL AND PARK BOARD

24.01 Establishment
24.02 Appointment and Term
24.03 Organization
24.04 Compensation
24.05 Recommendations

24.06 Joint Maintenance
24.07 Employees
24.08 Rules and Regulations
24.09 Fees

24.01 ESTABLISHMENT. There shall be a Pool and Park Board for the City consisting of five (5) members.

24.02 APPOINTMENT AND TERM. The Mayor shall appoint the members of the Board subject to approval of the Council, for overlapping terms of two (2) years. Vacancies on the Board shall be filled in the same manner for the balance of the term.

24.03 ORGANIZATION. The Board shall elect one of its members as Chairperson and may appoint one of its members or some other person as a Secretary to take minutes of meetings and maintain records of all activities.

24.04 COMPENSATION. There shall be no compensation attached to the office of Pool and Park Board member, and all services performed by the members of the Pool and Park Board shall be rendered without compensation therefor.

24.05 RECOMMENDATIONS. The Board shall submit requests or make recommendations to the Council for improvements to the pool or park and other grounds or facilities under its jurisdiction. Upon approval by the Council, City employees shall oversee the implementation and maintenance of said improvements.

24.06 JOINT MAINTENANCE. The Board shall, so far as possible, cooperate with any other boards or agencies within the City in providing for joint operation, grounds upkeep and maintenance of all recreation facilities under the jurisdiction of the Board within the City.

24.07 EMPLOYEES. The Board may recommend to the Council persons to employ as necessary for the operation and upkeep of the park, pool and other facilities under its jurisdiction. The Council shall fix the terms of employment, compensation and duties, and workers will be under the direct supervision of the City Clerk or their designee. The Chairperson of the Pool and Park Board,

on behalf of the Board, shall direct any issues concerning workers or performance of duties to the Office of City Hall.

24.08 RULES AND REGULATIONS. The Board has the power to make rules and regulations for the use of the pool and parks and other grounds or facilities under its jurisdiction, with approval of the Council. The rules shall be posted or publicized for adequate notice.

24.09 FEES. The Board, with approval of the Council, may establish fees for any private use of facilities that it may deem necessary to provide for revenues to cover the cost and associated requirements of the operation and maintenance of the pool, parks or facilities under its jurisdiction.

(Ch. 24 – Ord. 341 – Sep. 09 Supp.)

CHAPTER 25
PARK BOARD

(Ch. 25 Repealed by Ordinance No. 341 – Sep. 09 Supp.)
(See Chapter 24, Pool and Park Board)

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CHAPTER 26

GOLF BOARD

26.01 Establishment
26.02 Appointment and Term
26.03 Organization
26.04 Compensation
26.05 Records and Reports

26.06 Joint Maintenance
26.07 Employees
26.08 Rules and Regulations
26.09 Fees

26.01 ESTABLISHMENT. There shall be a Golf Board for the City consisting of six (6) appointed members and the president of the Lenox Country Club.

26.02 APPOINTMENT AND TERM. The Mayor shall appoint the six (6) members of the Board subject to approval of the Council, for overlapping terms of two (2) years, with three terms expiring annually. Vacancies on the Board shall be filled in the same manner for the balance of the term.

26.03 ORGANIZATION. The Board shall elect one of its members as Chairperson, one of its members or some other person as a Secretary, and one as Treasurer.

26.04 COMPENSATION. There shall be no compensation attached to the office of Golf Board member, and all services performed by the members of the Golf Board shall be rendered without compensation therefor.

26.05 RECORDS AND REPORTS. The Board shall keep a record of all its transactions and proceedings, and during the golf course's open season the Board shall submit a detailed monthly report to the Council at its first regular monthly meeting. Agendas shall be submitted to the Clerk for posting in required time prior to meetings, and minutes of Board meetings shall be submitted to the Council for review at the next regularly scheduled Council meeting. The Board shall submit an annual budget request to the Council by January 1 for the following fiscal year. A detailed annual report of the financial condition, activities and operation, facilities and programs shall be submitted at the end of the fiscal year. The revenues and expenditures of the golf course shall be under the control of the Clerk, reported monthly in the Council's financial report and a copy provided to each Board member quarterly or monthly during open season.

26.06 JOINT MAINTENANCE. The Board shall, so far as possible, cooperate with any other boards or agencies within the City in providing for

joint operation, grounds upkeep and maintenance of all recreation facilities within the City.

26.07 EMPLOYEES. The Board may hire a Course Manager and other employees as may be necessary for the operation of the golf course and, with approval of the Council, fix the terms of employment, salaries and duties.

26.08 RULES AND REGULATIONS. The Board has the power to make rules and regulations for the use of the golf course and other grounds or facilities under its jurisdiction, with approval of the Council. The rules shall be posted or publicized for adequate notice.

26.09 FEES. The Board, with approval of the Council, shall establish fees for the public and private use and instructional programs to provide for adequate revenue to cover the cost and associated requirements of the operation and maintenance of the golf course and other facilities under the Board's direction.

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CHAPTER 27

CITY ADMINISTRATOR

27.01 Appointment and Term
27.02 Compensation
27.03 Qualifications

27.04 Duties
27.05 Council Relations

27.01 APPOINTMENT AND TERM. The City Administrator shall be appointed by the majority vote of all members of the Council shall hold office at the discretion of the Council, and shall be subject to removal and termination by majority vote of all members of the Council, subject to the provisions and protections of Section 372.15 of the Code of Iowa.

27.02 COMPENSATION. The City Administrator shall receive such annual salary and benefits as the Council shall annually review and determine, and payment shall be made from the treasury of the City in the manner provided for the payment of compensation and allocation of benefits to other officers and employees of the City.

27.03 QUALIFICATIONS. The City Administrator shall be a person competent by education and/or experience to perform the duties imposed upon such person by this chapter. The City Administrator:

1. Shall possess a college degree in public administration or a related field and have (2) years experience in city administration or shall have a minimum of eight (8) years of practical experience in city administration, or shall possess any combination of education and experience which can be agreed upon by the City Council.
2. Following appointment, shall reside within the school district of Lenox Community Schools, or shall have an agreement with the Council and Mayor regarding adequate housing within a timeframe agreed upon.
3. Shall devote full time to the diligent and faithful performance of duties hereunder and shall not, during the term as Administrator, engage in any other employment or self-employment activities or endeavors or hold any other office or position, except with the approval of the Council, by motion.
4. Shall not, during the term as City Administrator, hold any position as officer or director of any “for-profit” organization which does business or carries on any activities in the City, or own more than five

percent (5%) of the outstanding stock of any corporation which does business or carries on activities within the City.

27.04 DUTIES. The duties of the City Administrator are as follows:

1. To supervise and direct the duties of the City Clerk and City Treasurer.
2. To supervise enforcement and execution of the City ordinances and resolutions and applicable State and Federal laws and regulations within the City.
3. To attend all meetings of the Council unless excused by the Mayor or majority of the Council members.
4. To recommend to the Council such measure as may be necessary or expedient for the good government and welfare of the City.
5. To have the general supervision and direction of the administration of the City government.
6. To supervise and conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
7. To supervise the performance of all contracts for work to be done for the City, supervise all purchases of material, supplies and equipment, and insure that such material, supplies and equipment are received and are of the quality and character called for by the contract.
8. To supervise the construction, improvements, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.
9. To be directly responsible to the Council for the administration of the City as directed by the Council.
10. To supervise and direct through established procedures, all officers, departments and employees of the City, specifically including but not limited to police, fire, streets, sewers, waste disposal and central administration. To effectuate this responsibility, the City Administrator shall have the power and authority to recommend employment of such assistants and other employees of the City for which the Council has approved.
11. To represent the City as directed by the Council, in all negotiations and relations with employees, contractors, consultants, other

governmental units and civic organizations in which the City may have an interest.

12. To cooperate with, assist and advise all administrative agencies, City boards and commissions and act as the Council's liaison and representative to such entities.

13. To investigate the performance and conduct of any department agency, officer or employee of the City, as deemed appropriate.

14. To keep the Council fully advised of the financial and other conditions of the City and of its future needs.

15. To supervise and assist City boards, commissions and all City departments in the preparation, administration and operation of the City's annual budget.

16. To make to the Council periodic reports of the general condition of the City in writing at such intervals as the Council directs.

17. To advise, assist and consult with the City Attorney on all City legal matters.

18. To formulate and recommend employment and personnel policies, compensation schedules and benefits; to prepare and maintain job descriptions for all City employees, all with the approval of the Council; to supervise and direct negotiations in all matters relating to collective bargaining.

19. To compile and maintain current and up-to-date information regarding all funding sources of the City, including State and Federal grant and loan programs; to plan, develop, prepare and submit, with the approval and at the direction of the Council, applications for grants, loans and other sources of funding and to administer all such funding.

20. To make recommendations to the Council and to participate in projects and endeavors to support and promote economic growth and development in the City.

21. To faithfully represent the Council and the City in intergovernmental relations.

22. To have the power to employ, reclassify, discipline or suspend any employee under the Administrator's direct control. The City Administrator shall also have the power to employ, reclassify, discipline, suspend or discharge any employee under the supervision and control of any department head, but only with the concurrence of the department head. The City Administrator shall not have the authority to employ or appoint, reclassify, discipline, suspend or discharge the Police Chief,

Fire Chief, the Compliance Officer, the Public Works Director, the City Clerk or the City Attorney. However, the City Administrator shall, when appropriate, recommend to the Council action regarding such appointed officers or employees of the City and shall also recommend to and seek direction from the Council when the Administrator and a department head are not in agreement in regard to the employment, reclassification, suspension, discipline or discharge of a City employee.

23. To perform such other duties as the Mayor or Council may direct.

27.05 COUNCIL RELATIONS. The City Administrator shall not participate in campaign activities in any City election, except by casting his or her vote, and shall not appoint an elected City official to any City office or employment position.

(Chapter 27 – Ord. 353 – Mar. 13 Supp.)

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CHAPTER 28

NEIGHBORHOOD CENTER BOARD

28.01 Establishment
28.02 Appointment and Term
28.03 Organization
28.04 Compensation
28.05 Recommendations

28.06 Records and Reports
28.07 Employees
28.08 Rules and Regulations
28.09 Fees

28.01 ESTABLISHMENT. There shall be a Neighborhood Center Board for the City consisting of five (5) members.

28.02 APPOINTMENT AND TERM. The Mayor shall appoint the members of the Board subject to approval of the Council, for overlapping terms of two (2) years. Vacancies on the Board shall be filled in the same manner for the balance of the term.

28.03 ORGANIZATION. The Board shall elect one of its members as Chairperson and may appoint one of its members or some other person as a Secretary to take minutes of meetings and maintain records of all activities.

28.04 COMPENSATION. There shall be no compensation attached to the office of Neighborhood Center Board member, and all services performed by the members of the Neighborhood Center Board shall be rendered without compensation therefor.

28.05 RECOMMENDATIONS. The Board shall submit requests or make recommendations to the Council for improvements to the Neighborhood Center and other grounds or facilities under its jurisdiction. Upon approval by the Council, City employees shall oversee the implementation and maintenance of said improvements.

28.06 RECORDS AND REPORTS. The Board shall keep a record of all its transactions and proceedings, and shall submit a detailed monthly report to the Council at its first regular monthly meeting. Agendas shall be submitted to the Clerk for posting in required time prior to meetings, and minutes of Board meetings shall be submitted to the Council for review at the next regularly scheduled Council meeting. The Board shall submit an annual budget request to the Council by January 1, for the following fiscal year. A detailed annual report of the financial condition, activities and operation, facilities and programs shall be submitted at the end of the fiscal year. The revenues and

expenditures of the Neighborhood Center shall be under the control of the Clerk, reported monthly in the Council's financial report.

28.07 EMPLOYEES. The Board may hire a Manager and other employees as may be necessary for the operation of the Neighborhood Center and, with approval of the Council, fix the terms of employment, salaries and duties.

28.08 RULES AND REGULATIONS. The Board has the power to make rules and regulations for the use of the Neighborhood Center and other grounds or facilities under its jurisdiction, with approval of the Council. The rules shall be posted or publicized for adequate notice.

28.09 FEES. The Board or its designee, with approval of the Council, shall establish prices for the items for sale within the Neighborhood Center to provide for adequate revenue to cover the cost and associated requirements of the operation and maintenance of the center and other facilities under the Board's direction.

(Ch. 28 - Ord. 357 – Sep. 13 Supp.)

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CHAPTER 30

POLICE DEPARTMENT

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

30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons
30.11 Contract Law Enforcement

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.4)

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

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

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

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

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

(Code of Iowa, Sec. 804.17)

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

(Code of Iowa, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

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CHAPTER 35

FIRE DEPARTMENT

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

35.08 Obedience to Fire Chief
35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside Fire District
35.13 Mutual Aid
35.14 Authority to Cite Violations

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

(Code of Iowa, Sec. 364.16)

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

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

35.03 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

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

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

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

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

35.06 ELECTION OF OFFICERS. The department shall nominate a Fire Chief and elect such other officers as its constitution and bylaws may provide, but the nomination of the Fire Chief shall be subject to appointment by the Mayor and approval of the Council. The appointment shall be for a term of two (2) years or to fill a vacancy. The Council shall be furnished the department's attendance records for drills, meetings and fires, and shall give due consideration to such records in approving the appointment of a Fire Chief. The Mayor may remove the Fire Chief by written order setting out the reasons

for removal, which shall be filed with the Clerk. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

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

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

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

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

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)

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

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

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

35.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and

such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 100.41)

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

36.01 PURPOSE. In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

36.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal

Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable for all of the following:

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.

2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Chief of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Police Chief, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02[4].

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CHAPTER 37

MUNICIPAL AMBULANCE SERVICE

37.01 Purpose	37.08 Workers Compensation Insurance
37.02 Constitution and Bylaws	37.09 Liability Insurance
37.03 VMAS Board	37.10 Injuring Equipment; Interfering with Volunteers
37.04 Powers and Duties of the VMAS Board	37.11 Compensation; Charges
37.05 Directors of Ambulance Service	37.12 VMAS Department Funds
37.06 Duties of Directors	37.13 Ambulance Volunteers
37.07 Ambulance Volunteer Duties	37.14 Duties of Citizens

37.01 PURPOSE. A volunteer municipal ambulance service, referred to in this chapter as “VMAS”, is established for the City and community.

37.02 CONSTITUTION AND BYLAWS. The VMAS department shall adopt bylaws as its Board may deem best and necessary to accomplish the objectives of the department, subject to Council approval. Changes or amendments to the bylaws must be approved by the Council. Where the bylaws are silent or not clear, the Council shall determine policy to accomplish the objects of the department.

37.03 VMAS BOARD. The VMAS Board is hereby created to oversee the functions and operations of the Volunteer Municipal Ambulance Service. The Mayor shall appoint the number of members of the Board as required in the bylaws with approval of the Council for overlapping terms of three (3) years. Vacancies shall be filled in the same manner as the original appointment for the balance of the unserved term.

37.04 POWERS AND DUTIES OF THE VMAS BOARD. The VMAS Board shall have the following powers and duties:

1. Advise Council. Advise and inform the Council on all ambulance service matters in compliance with VMAS bylaws.
2. Authority. Oversee all functions and operations of the VMAS as outlined in the bylaws.
3. Budget. Submit a proposed annual budget no later than the date requested each year by the Council. The VMAS shall be limited to the annual approved budget and shall provide for adequate revenue to cover the associated expenditures of the operation, maintenance and capitalized needs of the service.
4. Reports. Submit all reports to the Council as outlined in the bylaws.

5. Rules and Regulations. Make rules and regulations governing VMAS with the approval of the Council. A copy of the bylaws and rules and regulations shall be on file at the office of the Clerk.

37.05 DIRECTORS OF AMBULANCE SERVICE. The members of the VMAS shall nominate Directors of the Ambulance Service, and elect the captains and such other officers as the bylaws may provide, but the nomination of the Directors shall be subject to the Board's approval and recommendation to the Mayor for appointment. Appointment by the Mayor shall be subject to approval by the Council.

37.06 DUTIES OF DIRECTORS. The Directors of the VMAS will be subject to all bylaws of the VMAS and under the direct supervision of the VMAS Board.

37.07 AMBULANCE VOLUNTEER DUTIES. Volunteers of the VMAS shall be regulated by the VMAS Board and subject to the VMAS bylaws.

37.08 WORKERS COMPENSATION INSURANCE. The Council shall contract to insure the City against liability for workers compensation and against statutory liability for the cost of hospitalization, nursing and medical attention for volunteer ambulance service workers injured in the performance of their duties. All volunteer ambulance workers shall be covered by the contract.

37.09 LIABILITY INSURANCE. The Council shall contract to insure against public liability of the City or members of the VMAS for injuries, death or property damages arising out of and resulting from the performance of department duties.

37.10 INJURING EQUIPMENT; INTERFERING WITH VOLUNTEERS. It is unlawful to hinder any volunteer ambulance worker in the performance of his or her duties. No ambulance volunteer shall take or use any apparatus, tools or equipment for his or her private use. It is unlawful to willfully cut, injure, deface or destroy any VMAS equipment or apparatus.

37.11 COMPENSATION; CHARGES. The compensation and method of compensation to members of the VMAS and the charges for such ambulance service shall be set by majority vote of the Board, subject to Council approval, from time to time, but said review of compensation and charges shall be done at times no less than that dictated in the bylaws.

37.12 VMAS DEPARTMENT FUNDS. The City Clerk-Treasurer is responsible for keeping adequate and appropriate books and ledgers concerning all VMAS expenditures, funds and accounts.

37.13 AMBULANCE VOLUNTEERS. Residents of the Lenox area over eighteen (18) years of age, of good health and possessing or undergoing such other training required by the State of Iowa may be nominated as volunteer ambulance attendants. Nominations shall be submitted by the Director of the Ambulance Service to the Board and unless rejected within thirty (30) days the nominations shall be approved.

37.14 DUTIES OF CITIZENS. It is the duty of every citizen, in cases of emergency, to obey the orders of any ambulance volunteers and in such cases where a person neglects or refuses to obey such orders, said person will be guilty of a simple misdemeanor for resisting or obstructing an emergency medical care provider.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.07 Barbed Wire and Electric Fences
41.02 False Reports to or Communications with Public Safety Entities	41.08 Discharging Weapons
41.03 Refusing to Assist Officer	41.09 Throwing and Shooting
41.04 Harassment of Public Officers and Employees	41.10 Urinating and Defecating
41.05 Abandoned or Unattended Refrigerators	41.11 Fireworks
41.06 Antenna and Radio Wires	41.12 Interference with Official Acts

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.2)

41.04 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.

No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.08 DISCHARGING WEAPONS.

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

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

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

41.10 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor,

hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

41.11 FIREWORKS. The use or exploding of fireworks within the City are subject to the following:

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

(Code of Iowa, Sec. 727.2)

2. Sales – General Requirements.

A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City Clerk.

- (1) License: Proof of valid license issued from the state fire marshal.
- (2) Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.

B. Dates of Sale: Consumer fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified.

- (1) Approved consumer fireworks sales meeting the requirements of this Chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.
- (2) Approved consumer fireworks sales meeting the requirements of this Chapter shall be allowed from an approved temporary structure between June 13 and July 8.

C. Safety Requirements: The following safety requirements shall be adopted for all locations where consumer fireworks are sold:

- (1) Smoking, open flame source, or matches shall not be located within 50 feet where consumer fireworks are sold. The following exemptions apply:
 - a. Lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where consumer fireworks are not the primary business.
 - b. Locations that engage in consumer fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.
 - (2) Individual consumer fireworks devices or opened consumer fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.
 - (3) Consumer fireworks sales shall only be allowed in areas zoned for business or light industry use.
 - (4) Any person engaged in consumer firework sales in any other zone other than commercial zoned areas shall not be approved for sales within the city limits.
 - (5) No person shall sell a DOT 1.4 class consumer firework to a person under the age of 18.
 - (6) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.
3. Fireworks – Discharging General Requirements
- A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
 - B. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be

discharged on a public place with the exception of the city park, so long as all trash, wrappers, and wires are properly disposed of.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

- (1) July 1 thru July 5 from the hours of 9:00 a.m. to 10:00 p.m. *Exception: discharge hours are extended to 11:00 p.m. on July 4th only.*
- (2) December 30 thru January 2 from the hours of 9:00 a.m. until 10:00 p.m. *Exception: discharge hours are extended to 12:30 a.m. on January 1.*

F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

H. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display 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:

- (1) Personal Injury: \$250,000 per person.
- (2) Property Damage: \$50,000.
- (3) Total Exposure: \$1,000,000.

4. Violations. All violations of any provisions of this Chapter may be punished by a fine up to \$750.00.

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

(Section 41.11 – Ord. 371 – Nov. 17 Supp.)

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

(Code of Iowa, Sec. 719.1)

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

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

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

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

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

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

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

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has

accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

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

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The Council 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 reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from improper influences and criminal activity that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:

A. “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.

B. “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 standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

C. “Minor” means any unemancipated person under the age of eighteen (18) years. The curfew established applies only to a “minor” fifteen (15) years of age or younger.

D. “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 law enforcement 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 six (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.

E. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes 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 section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

F. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

G. "Unemancipated" means unmarried and/or still under the custody or control of a responsible adult.

2. Curfew Established. It is unlawful for any minor fifteen (15) years of age or younger to be in any public place between the hours of twelve o'clock midnight and five o'clock (5:00) a.m. of each day.
3. Exceptions. The following are exceptions to the curfew:
 - A. The minor is accompanied by a responsible adult.
 - B. The minor is on the sidewalk or property where the minor resides.
 - C. The minor is present at or is traveling between home and one of the following:
 - (1) 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.
 - (2) Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity.

- (3) Governmental or political activity or, if traveling, within one hour after the end of the activity.
 - (4) School activity or, if traveling, within one hour after the end of the activity. Any school activity which takes place outside of the City shall be deemed to have ended upon the return of the participants by school-provided transportation to the school grounds.
 - (5) 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.
- D. The minor is on an emergency errand for a responsible adult;
 - E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.
4. 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.
 5. Enforcement Procedures.
 - A. 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 peace officer on the street shall, in the first instance, use his or her best judgment in determining age.
 - B. 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 to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A peace 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.

C. Notification of Responsible Adult. After a minor is taken into custody, the peace 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 time as the court may direct.

D. 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 time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the peace officer 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.

B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a simple misdemeanor.

C. Minor's First Violation. In the case of a first violation by a minor, the peace officer 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.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a simple misdemeanor.

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

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

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

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

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed
47.06 Camping

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

(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) a.m., except by arrangement or permission granted by the Park Board.

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

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CHAPTER 48

DRUG PARAPHERNALIA

48.01 Purpose

48.02 Controlled Substance Defined

48.03 Drug Paraphernalia Defined

48.04 Determining Factors

48.05 Possession of Drug Paraphernalia

48.06 Manufacture, Delivery or Offering For Sale

48.07 Penalty

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

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

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

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators - Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;

- J. Air driven pipes;
- K. Chillums;
- L. Bongs;
- M. Ice pipes or chillers.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.
4. Proximity To Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.

12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

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

48.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

48.07 PENALTY. In addition to or in the alternative to the standard penalty, the City or an interested person may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the Court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this chapter.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

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

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue,

highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.08)**

7. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**

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

9. 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.

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

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

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

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

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

50.08 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.

† **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

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

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

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

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

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

(Code of Iowa, Sec. 364.13)

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

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

51.01 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any:
 - A. Vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - (1) Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - (2) Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, topper, steering wheel or trunk lid.
 - (3) Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - (4) Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - (5) Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable; or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or

more; or which is in such condition that it cannot be legally driven or operated upon the highways of the State.

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

B. Vehicle licensed with the County Treasurer which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable; or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more; or other which is in such condition that it cannot be legally driven or operated upon the highways of the State.

C. Any other 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.

(Ord. 318 – Jul. 02 Supp.)

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

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

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

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

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

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 52

OUTSIDE PARKING AND STORAGE OF VEHICLES

52.01 Definitions

52.02 Declaration of Nuisance

52.03 Unlawful Parking and Storage

52.04 Exceptions

52.01 DEFINITIONS. For use in this chapter, the following words are defined:

1. “Driveway” means the hard surfaced area leading from the street or alley, whichever is the shortest and/or most direct route to the nearest City right-of-way whether an alley or street to a garage not to exceed 1½ times the width of the garage to a maximum of 36 feet wide. In the case of no garage, a single driveway not to exceed 24 feet wide from the street or alley to a house or to a location where a garage could be by ordinance is permitted. In cases where a detached building being used as a garage or capable of storing a car is on the property, a second driveway is permitted. In no case will more than two (2) driveways per addressed location be allowed.
2. “Front yard area” means all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property line. The front shall be determined by the address assigned to the property.
3. “Side corner lot” means the yard area adjacent to the street right-of-way on a corner lot extending from the front yard along the side of the structure to the rear property line.
4. “Trailer” means every vehicle without power designed for carrying persons or property and for being pulled by a motor vehicle.

52.02 DECLARATION OF NUISANCE. The outside off-street parking or storage on property used for residential purposes, in violation of Code of Ordinance for the City of Lenox, Iowa Section 69.11, 69.12 or any other provision of the Code of Ordinances for the City of Lenox or the Code of the State of Iowa is declared to be a public nuisance because it (a) obstructs views on street and private property, (b) creates cluttered and otherwise unsightly areas, (c) decreases adjoining landowners’ and occupants’ enjoyment of their property and neighborhood, (d) may endanger the safety of children at play, (e) may harbor rats, insects, and other undesirable pests, and (f) otherwise adversely affects property values and neighborhood patterns.*(Ord. 379 – Feb. 19 Supp.)*

52.03 UNLAWFUL PARKING AND STORAGE.

1. No person may store or allow the placement or storage for more than twenty-four (24) hours of any ice fishing houses, skateboard ramps or other similar non-permanent structures in the front yard area or side yard corner lots of property used for residential purposes.
2. No person may place, store or allow the placement or storage of pipe, lumber, forms, steel, machinery or similar materials including all materials used in connection with a business outside on property used for residential purposes.

52.04 EXCEPTIONS. The prohibitions of this chapter do not apply to the following:

1. Any motor vehicle parked on a driveway.
2. Any truck, pickup truck or other vehicle belonging to a public utility being used to serve a residence or any vehicle making a pickup or delivery parked for a reasonable amount of time.

(Ch. 52 – Ord. 348 – Apr. 11 Supp.)

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Rabies Vaccination
55.02 Animal Neglect	55.10 Owner's Duty
55.03 Livestock Neglect	55.11 Confinement
55.04 Abandonment of Cats and Dogs	55.12 At Large: Impoundment
55.05 Livestock	55.13 Disposition of Animals
55.06 At Large Prohibited	55.14 Impounding Costs
55.07 Damage or Interference	55.15 Number of Animals
55.08 Annoyance or Disturbance	

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

1. "Animal" means a nonhuman vertebrate.
(*Code of Iowa, Sec. 717B.1*)
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
(*Code of Iowa, Sec. 717.1*)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

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

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

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

(*Code of Iowa, Sec. 717.2*)

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

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations; EXCEPT it shall be legal to harbor or keep any members of the cattle, goat, horse, sheep or swine family where each animal shall individually have not less than 7,500 square feet of contiguous land, excluding buildings, without further approval of the City.

(Ord 314 - Jan. 02 Supp.)

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

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

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

(Ord 315 - Jan. 02 Supp.)

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

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

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

(Code of Iowa, Sec. 351.37, 351.41)

55.14 IMPOUNDING COSTS. Impounding costs are a \$35.00 pick up fee plus the costs of the impoundment as established by the impoundment facility.

55.15 NUMBER OF ANIMALS. It is unlawful for an owner to harbor or house on the same premises more than four (4) animals over the age of six (6) months unless such animals are in a licensed state kennel or pet shop, veterinary hospital or animal grooming shop. All owners shall show proof of vaccination for rabies on any dog six (6) months and older. No person shall harbor such animals as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance. Upon discovery of excess number of animals or unsanitary conditions the Enforcement Officer shall be asked to do an investigation. If the investigation reveals a violation the owner shall be asked to abate the conditions and if the animals exceed the allowed amount the owner shall have 90 days to reduce the number.

(Ord. 336 – Dec. 07 Supp.)

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CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

56.01 Definitions

56.02 Keeping of Dangerous Animals Prohibited

56.03 Keeping of Vicious Animals Prohibited

56.04 Seizure, Impoundment and Disposition

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

1. “Dangerous animal” means:
 - A. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - B. Bats;
 - C. Black widow spiders and scorpions;
 - D. Raccoons, opossums and skunks;
 - E. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;
 - F. Any dog trained to attack human beings upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Iowa or the United States or a branch of the armed forces of the United States;
 - G. The American Pit Bull Terrier breed of dog;
 - H. The American Staffordshire Terrier breed of dog;
 - I. Any dog which has the appearance and characteristics of being predominantly of the breeds of American Pit Bull Terrier or American Staffordshire Terrier.
2. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal within the City. Persons who owned, possessed or kept a dangerous animal on the effective date of this chapter are permitted to continue to own, possess or keep those animals only, but are not permitted to replace an animal which dies, is sold, transferred or otherwise disposed of.

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

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

56.04 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 or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal 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 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 the 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 serious 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 Mayor.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of 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 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 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 the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

(Ch. 56 – Ord. 337 – Dec. 07 Supp.)

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CHAPTER 57

DOG LICENSING

57.01 License Required
57.02 License Fees
57.03 Delinquency
57.04 License Tags

57.05 Duplicate Tags
57.06 License Records
57.07 Kennel Dogs
57.08 Penalties

57.01 LICENSE REQUIRED.

1. Every owner of a dog over the age of six (6) months and kept inside the City limits of Lenox SHALL procure a license for the animal from the City.
2. All owners of dogs will be required to obtain such license within six (6) months of the ordinance codified by this chapter taking effect.
3. Every owner of a dog will make application to City Hall on forms provided by the City.
4. The application form shall state the breed, sex, age, color, markings and name of the dog, the name, address and telephone number of the owner. Owners will provide proof of rabies vaccination with the application for each dog along with the expiration of the vaccination.
5. All licenses will be valid for the period of the rabies certificate. The license must be renewed when the certificate expires and proof of re-vaccination is provided.

57.02 LICENSE FEES. The fee for the license shall be established by resolution of the City Council of Lenox.

57.03 DELINQUENCY. The license shall become delinquent 3 days after the expiration of the rabies certificate. A delinquency fee of \$10.00 will be added to the cost of the license renewal on or after said date.

57.04 LICENSE TAGS. Upon receipt of application and fee, each owner will be provided a license in the form of a metal tag with an unique identifying number on the tag, the year in which it was issued and the name of the City. The tag shall be securely fastened to the collar or harness of the dog it is issued for and worn at all times by the dog for which it was issued. Tags may not be transferred from one dog to another. Expired tags are to be removed and replacements obtained upon expiration. Tags may be obtained 30 days prior to expiration with proof of an updated rabies certificate.

57.05 DUPLICATE TAGS. Upon filing an affidavit with the City Clerk that a tag has been lost or destroyed, a replacement tag may be obtained for a fee of three dollars (\$3.00). The Clerk shall enter the new number into the license records.

57.06 LICENSE RECORDS. The City Clerk shall keep records of all licenses issued. These records will show:

1. The serial number of the tag issued and date of each application.
2. A description and name of the dog, along with the name, address and telephone number of the owner.
3. A copy of the rabies vaccination record and the date of expiration.
4. All other data which may be required by law or by the direction of the Council.

57.07 KENNEL DOGS. Dogs which are kept or raised for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter. The keeping of three (3) or more dogs for the purposes of breeding shall constitute a kennel business. Dog kennels are considered a business and NOT a home business and shall only be allowed in properly zoned business districts.

57.08 PENALTIES. The penalty for violation of this chapter shall be a simple misdemeanor. The owner shall be issued a citation requiring them to appear in court. Any unlicensed dog shall be impounded in the designated impound location until such time as all provisions of this chapter are met or it is necessary for the animal to be taken to a veterinarian's office for the purpose of receiving the required vaccination or the animal is permanently removed from the City limits of the City of Lenox.

(Chapter 57 – Ord. 354 – Mar. 13 Supp.)

[The next page is 301]

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Lenox Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including the following designated streets:
 - A. Main Street from Michigan Street to Iowa Street;
 - B. Michigan Street from Walnut Street to Pine Street;
 - C. Ohio Street from Walnut Street to Pine Street;
 - D. Temple Street from Walnut Street to Pine Street;
 - E. Illinois Street from Walnut Street to Main Street;
 - F. Walnut Street from Iowa Street to Michigan Street;
 - G. Iowa Street from Walnut Street to Locust Street.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

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

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the Police Chief.

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

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

(Code of Iowa, Sec. 102.4 & 321.236[2])

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

(Code of Iowa, Sec. 321.273)

60.06 PEACE OFFICER'S AUTHORITY. A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Traffic Control Devices
61.02 Installation
61.03 Compliance
61.04 Crosswalks

61.05 Traffic Lanes
61.06 Necessity of Signs
61.07 Standards

61.01 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.

61.02 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)

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

(Code of Iowa, Sec. 321.256)

61.04 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 road-way, and at such other places as traffic conditions require.

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

61.05 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[4] & 321.255)

61.06 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.

61.07 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)

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Vehicles on Sidewalks
62.03 Clinging to Vehicle
62.04 Quiet Zones
62.05 Funeral Processions

62.06 Tampering with Vehicle
62.07 Open Containers in Motor Vehicles
62.08 Obstructing View at Intersections
62.09 Reckless Driving
62.10 Careless Driving
62.11 Engine Brakes and Compression Brakes

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B – Proof of security against liability.
3. Section 321.32 – Registration card, carried and exhibited.
4. Section 321.37 – Display of plates.
5. Section 321.38 – Plates, method of attaching, imitations prohibited.
6. Section 321.79 – Intent to injure.
7. Section 321.91 – Penalty for abandonment.
8. Section 321.98 – Operation without registration.
9. Section 321.99 – Fraudulent use of registration.
10. Section 321.174 – Operators licensed.
11. Section 321.174A – Operation of motor vehicles with expired license.
12. Section 321.180 – Instruction permits.
13. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
14. Section 321.193 – Restricted licenses.
15. Section 321.194 – Special minor’s licenses.
16. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

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

41. Section 321.302 – Overtaking on the right.
42. Section 321.303 – Limitations on overtaking on the left.
43. Section 321.304 – Prohibited passing.
44. Section 321.306 – Roadways laned for traffic.
45. Section 321.307 – Following too closely.
46. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
47. Section 321.309 – Towing; convoys; drawbars.
48. Section 321.310 – Towing four-wheel trailers.
49. Section 321.312 – Turning on curve or crest of grade.
50. Section 321.313 – Starting parked vehicle.
51. Section 321.314 – When signal required.
52. Section 321.315 – Signal continuous.
53. Section 321.316 – Stopping.
54. Section 321.317 – Signals by hand and arm or signal device.
55. Section 321.319 – Entering intersections from different highways.
56. Section 321.320 – Left turns; yielding.
57. Section 321.321 – Entering through highways.
58. Section 321.322 – Vehicles entering stop or yield intersection.
59. Section 321.323 – Moving vehicle backward on highway.
60. Section 321.324 – Operation on approach of emergency vehicles.
61. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
62. Section 321.330 – Use of crosswalks.
63. Section 321.332 – White canes restricted to blind persons.
64. Section 321.333 – Duty of drivers.
65. Section 321.340 – Driving through safety zone.
66. Section 321.341 – Obedience to signal of train.
67. Section 321.342 – Stop at certain railroad crossings; posting warning.
68. Section 321.343 – Certain vehicles must stop.

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

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

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

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

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

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

62.05 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic

rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

(Code of Iowa, Sec. 321.324A)

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

62.07 OPEN CONTAINERS IN MOTOR VEHICLES.

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

(Code of Iowa, Sec. 321.284)

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

(Code of Iowa, Sec. 321.284A)

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

62.08 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction shall be deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

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

(Code of Iowa, Sec. 321.277)

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

(Code of Iowa, Sec. 321.277A)

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

62.11 ENGINE BRAKES AND COMPRESSION BRAKES.

1. It is unlawful for the driver of any vehicle to use or operate, or cause to be used or operated within the City limits any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred (300) feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.

(Ord. 342 – Jan. 10 Supp.)

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CHAPTER 63

SPEED REGULATIONS

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

63.04 Special Speed Restrictions
63.05 Minimum Speed

63.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

63.02 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the Code of Iowa and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District — Twenty (20) miles per hour.
2. Residence or School District — Twenty-five (25) miles per hour.
3. Suburban District — Forty-five (45) miles per hour.

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

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

63.04 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 listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 15 MPH Speed Zones. A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Main Street from Michigan Street to Iowa Street.

2. Special 20 MPH Speed Zones. (Repealed by Ordinance No. 328 – Jul. 05 Supp.)

3. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Van Buren Street from Brooks Street to the 500 block of E. Van Buren on the south side of Van Buren and from Brooks Street to the City limits on the north side of Van Buren.

B. On Locust Street south from Dallas Street to 120th Street.

(Ord. 362 – Aug. 14 Supp.)

4. Special 40 MPH Speed Zones. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Van Buren Street from the 500 block of E. Van Buren to the City limits.

5. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Brooks Street from the 600 block to Iowa Street south and from Iowa Street to the 500 block north.

(Ord. 346 – Oct. 10 Supp.)

63.05 MINIMUM SPEED. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Left Turn for Parking

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

(Code of Iowa, Sec. 321.311)

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

The 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 above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

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

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

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield
65.02 School Stops

65.03 Stop Before Crossing Sidewalk
65.04 Stop When Traffic Is Obstructed
65.05 Yield to Pedestrians in Crosswalks

65.01 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.

65.02 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)

65.03 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)

65.04 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.

65.05 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)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges
66.05 Truck Route

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

(Code of Iowa, Sec. 321.471 & 472)

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

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

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

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. When truck routes have been designated in accordance with Chapter 61, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other.

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing

67.01 WALKING IN STREET. Pedestrians shall at all times, when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 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])

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CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled
69.02 Park Adjacent to Curb
69.03 Park Adjacent to Curb – One-way Street
69.04 Angle Parking
69.05 Angle Parking – Manner
69.06 Parking for Certain Purposes Illegal

69.07 Parking Prohibited
69.08 Persons With Disabilities Parking
69.09 Truck Parking Limited
69.10 Snow Removal
69.11 Parking in a Residential Yard
69.12 Outside Parking and Storage

69.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. Main Street on both sides from Ohio Street to Illinois Street;
2. The three parking spaces in front of City Hall.
3. Temple Street on both sides from Pine Street to Walnut Street except on the north side of West Temple in front of the Post Office.
4. Maple Street in front of the elementary school.

5. Walnut Street across the street from the Methodist Church west.
6. Lane Street, Spear Street and Michigan Street around the Catholic Church.
7. Main Street in front of 207 N Main. *(Ord. 363 – Aug. 14 Supp.)*
8. Ohio Street in front of 104 W. Ohio. *(Ord. 363 – Aug. 14 Supp.)*
9. Ohio Street in front of 106 W. Ohio St. *(Ord. 385 – Jul. 19 Supp.)*

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

(Code of Iowa, Sec. 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours or for any of the following principal purposes:

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

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

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

1. Crosswalk. On a crosswalk.

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

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

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

3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358 [3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358 [6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358 [8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358 [9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358 [10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358 [11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the 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. Churches, Nursing Homes and Other Buildings. 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. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

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

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

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute

improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

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

69.09 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.

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

- 1. Where such parking is controlled or limited by designated traffic control devices placed in accordance with Chapter 61. Where it is posted “no truck parking” said prohibition shall not apply to pickup, light delivery or panel delivery trucks.
- 2. Trailers shall be attached to a motor vehicle while parked upon a public street or alley. Further, a trailer shall not be parked on a public street or alley such that the “dolly” or tongue jack of the trailer is resting upon said street or alley.
- 3. A stock truck, stock trailer, garbage truck or other vehicle, which has not been cleaned of its contents or sealed against emission of obnoxious or foul odors, shall not be parked on public streets or alleys, or on public or private grounds, including parking lots, for a period of more than thirty (30) minutes. This prohibition shall not apply to areas zoned industrial.

4. No person shall park a semi-truck or semi-trailer, attached or detached, on any public street or alley adjacent to a residential district within the City except when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. At no time shall a semi-truck and/or semi-trailer be parked on a public street or alley within the City for a period of time to exceed four (4) hours.

(Ord. 355 – Sep. 13 Supp.)

69.10 SNOW REMOVAL. No person shall park, abandon, or leave unattended any vehicle on any public street or alley during snowfall or snow removal operations until snow has ceased to fall and the snow has been removed or plowed from said street or alley.

1. Annually, prior to November 1, the City shall publish a newspaper notice alerting residents of the snow removal ordinance.
2. Prior to the enforcement of the parking ban, the public shall be notified that the ordinance is in effect via methods such as local radio, local cable, social media, text alerts, or other means as available.

(Ord. 359 – Dec. 14 Supp.)

69.11 PARKING IN A RESIDENTIAL YARD. No person shall park or store a vehicle in the front yard, back yard or side yard in a residential district except in a front yard on an improved surfaced driveway, or except on a temporary basis as provided herein. As used in this section, “front yard” means the open space in that portion of a yard between the street and the face of the structure and a line extending from the left side of the lot to the right side of the lot. The line, as viewed from the street shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The improved surface shall not contain more than 50% of the front yard as described. A corner lot shall be deemed to have two front yards. As used in this section, “back yard” means the open or enclosed space in that portion of a yard to the opposite side of the face of the dwelling, garage, other building or alternatively in the rear of the structure. As used in this section, “side yard” means the open or enclosed space in that portion of the yard which is neither categorized as front yard or back yard, as defined herein. As used in this section, “improved surface” means gravel, asphalt, concrete, or any other material designated by the Council. Temporary parking will be permitted and shall include, but not be limited to, weekend visitors, family gatherings, special

events, large gatherings or a snow emergency that are temporary in nature. No temporary parking shall exceed 24 hours. This intent is to allow temporary parking only, not permanent parking. Provided, however, that at no time shall such temporary parking or driving into the yard be the cause of ruts and/or the non-growth of grass in the yard which shall be determined by the enforcement officer.

(Ord. 378 – Feb. 19 Supp.)

69.12 OUTSIDE PARKING AND STORAGE. No person shall park or store a combination of more than two (2) watercrafts, trailers, recreational vehicles, boat trailers, boat carriers, golf carts or gators, camping trailers, campers or material, supplies or equipment related thereto in any residential yard. The right to parking camping trailers and campers as set out herein does not establish the right to occupy such camping trailers or campers while lawfully parked. No such vehicle or equipment shall be used for living, sleeping or housekeeping purposes while so parked or stored.

(Ord. 378 – Feb. 19 Supp.)

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety 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 twenty dollars (\$20.00) payable at the office of the City Clerk within 72 hours of the date of the violation. After 72 hours of the date of violation a late payment penalty fee of fifteen dollars (\$15.00) will be assessed to all admitted violations. The fine for admitted parking violations and the amount of the late payment fee may be subject to future modifications Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Ord. 326 – May 05 Supp.)

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

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

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

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

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

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

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked 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 Forty-eight Hour Period. When any vehicle is left parked for a continuous period of forty-eight (48) 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])

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CHAPTER 74

GOLF CARTS

74.01 Definitions
74.02 Inspections
74.03 Rules of Operation

74.04 Restrictions on Use
74.05 Penalties

74.01 DEFINITIONS. For use in this chapter, the following words are defined:

1. “Golf cart” means a cart typically used for the transport of people and equipment upon a golf course.
2. For purposes of this section only, “golf cart” will also refer to a John Deere Gator, Polaris Ranger, Kawasaki Mule or other similarly designed and operated vehicle with either a bench or bucket seat designed for and capable of carrying more than one person.
3. “Golf cart” does not include a snowmobile or all-terrain vehicle (ATV).

74.02 INSPECTIONS. All golf carts must be inspected prior to operation upon the City streets. The inspection will be carried out at the Lenox Police Department during normal daytime business hours or by appointment only during non-business hours or on weekends. Carts passing inspection will be authorized for operation until July 1st of the following year at which time they must be re-inspected. Carts approved for operation will be given an identifying sticker which must be placed and displayed upon the front to the cart in a visible location. The inspection will be for the purpose of verifying the golf cart has the proper safety equipment, adequate brakes and is in good operating condition. The Police Department shall be permitted to charge a reasonable fee for the inspection.

74.03 RULES OF OPERATION. The following rules shall apply to the operation of golf carts within the City:

1. Only persons possessing a valid motor vehicle license may operate golf carts on City streets.
2. Golf carts may be operated on City streets only from sunrise to sunset, regardless of whether the golf cart is equipped with lights.
3. Any golf cart operated upon a City street shall be equipped with a slow moving vehicle sign on the back as well as a bicycle safety flag, and all carts shall have adequate brakes.

4. Golf carts shall yield the right-of-way to other motor vehicles at all uncontrolled intersections regardless of the dictates of Section 321.319 of the Code of Iowa.
5. Golf carts shall operate in single file.
6. Golf carts are not subject to the registration provisions of Chapter 321, Code of Iowa.
7. Golf carts authorized for operation under this section must obey all traffic regulations.

74.04 RESTRICTIONS ON USE. Golf carts shall not operate on the following City streets:

1. Any portion of Brooks Street except to cross from one side to another.
2. Any portion of Van Buren Street on which the posted speed limit exceeds 25 MPH.

74.05 PENALTIES. Failure to abide by the required provisions of this chapter may result in the operating privileges of the approved cart and/or the owner and/or operator of the cart to be revoked by the Chief of Police. Violations of this section may also result in a Police Officer issuing a simple misdemeanor citation requiring the owner and/or operator of the cart to appear before a magistrate.

(Ch. 74 – Ord. 350 – May 11 Supp.)

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Places of Operation

75.05 Negligence

75.06 Accident Reports

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

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration and not for the purpose of regulation.

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

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

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

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

(Code of Iowa, Ch. 321G)

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

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

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

2. Exceptions. ATVs and snowmobiles may be operated on prohibited streets only under the following circumstances:

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

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

B. Direct Crossing. ATVs and snowmobiles may make a direct crossing of a prohibited street provided:

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

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

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

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

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

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

(Code of Iowa, Sec. 321G.13[8])

4. Trails. ATVs shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

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

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

operated on any City land without a snow cover of at least one-tenth of one inch.

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

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

(Code of Iowa, Sec. 321G.18)

75.06 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

(Code of Iowa, Sec. 321G.10)

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CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations
76.02 Traffic Code Applies
76.03 Double Riding Restricted
76.04 Two Abreast Limit
76.05 Bicycle Paths
76.06 Speed
76.07 Emerging from Alley or Driveway

76.08 Carrying Articles
76.09 Riding on Sidewalks
76.10 Towing
76.11 Improper Riding
76.12 Parking
76.13 Equipment Requirements
76.14 Special Penalty

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

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

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

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

(Code of Iowa, Sec. 321.234 [3 and 4])

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

76.05 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

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

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

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

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

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

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

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

76.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. **Business District.** No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

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

2. **Other Locations.** When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

3. **Yield Right-of-way.** Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

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

76.10 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.11 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the

bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

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

76.13 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

2. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Extension of Time

80.06 Fees for Impoundment

80.07 Disposal of Abandoned Vehicles

80.08 Disposal of Totally Inoperable Vehicles

80.09 Proceeds from Sales

80.10 Duties of Demolisher

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

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

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

3. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section

may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (10) day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten (10) day reclaiming period.

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

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

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

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

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

80.06 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

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

80.07 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.08 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor

vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.09 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 lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

80.10 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. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 BOARD OF TRUSTEES. The management and control of the City's Water Utility are the responsibility of the Utility Board of Trustees established in Chapter 23 of this Code of Ordinances.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.
11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow

exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Public Works Director of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. **Objectionable Wastes.** Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. **Septic Tanks.** Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. **Untreated Discharge.** Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these

Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements

96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of one hundred dollars (\$100.00) for residential and commercial customers or two hundred dollars (\$200.00) for industrial customers to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work and to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber approved by the City.

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

96.05 CONNECTION REQUIREMENTS. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. Only the Superintendent shall make the connection. The excavated area for the installation to the City sewer shall meet with safety standards set out in the OSHA manual 2226 1991 (Revised) or most current. Connections shall be made in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. Installation. The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
 - A. Recommended grade at one-fourth ($\frac{1}{4}$) inch per foot.
 - B. Minimum grade of one-eighth ($\frac{1}{8}$) inch per foot.
 - C. Minimum velocity of 2.00 feet per second with the sewer half full.

- D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.
7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
- A. Clay sewer pipe - A.S.T.M. C-700 (extra strength).
 - B. Extra heavy cast iron soil pipe - A.S.T.M. A-74.
 - C. Ductile iron water pipe - A.W.W.A. C-151.
 - D. P.V.C. - SDR26 - A.S.T.M. D-3034.
10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint, and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.
12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and

backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.08 INSPECTION REQUIRED. All building sewer installations shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Surface Waters Exception

97.03 Prohibited Discharges

97.04 Restricted Discharges

97.05 Restricted Discharges - Powers

97.06 Special Facilities

97.07 Control Manholes

97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

- B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required
98.05 Discharge Restrictions

98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage
98.09 Minimum Lot Area

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Special Rates
99.04 Service Charge Exemption
99.05 Private Water Systems

99.06 Payment of Bills
99.07 Variances and Relief
99.08 Lien for Nonpayment
99.09 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system in accordance with the following:

1. Basic Service Charge. A monthly minimum service charge of:
 - A. \$23.40 for each residential premise
 - B. \$23.40 for each commercial premise
 - C. \$35.10 for each nonresident premise (resident not located within the City limits)
2. Usage Charge. A usage charge of \$7.02 per 1,000 gallons of water consumed each month, except with regard to the car wash operation located at northern ½ of Lots 1 & 2 BLK 5 Corp. Lenox, a charge of \$7.02 per 1,000 gallons of water consumed, less 25% each month shall apply.

(Ord. 377 – Nov. 17 Supp.)

99.03 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.04 SERVICE CHARGE EXEMPTION. A customer may add a separate water meter to measure water that is not discharged into the public sewer system. The additional meter must be installed in accordance with regulations established by the Utility Board. Upon approved installation, the sewer service charge shall not apply to all water measured through such meter. However, a

customer shall be liable for sewer service charges on all such separately metered water, retroactive from the date of installation of the meter, if it is found that any such water was discharged into the public sewer system.

99.05 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.06 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions as payment for water, electric and cable service as established by the Utility Board of Trustees. To the extent that the sewer service charges are billed as part of a combined service account, utility services may be discontinued if the account becomes delinquent.

99.07 VARIANCES AND RELIEF. Per the policy of the Lenox Municipal Utilities Board of Trustees:

The billing for any meter may be appealed to the Board of Trustees for relief. If relief is granted the bill will be adjusted by charging the average price the customer has been paying in the previous quarter, plus the first twenty five dollars and fifty cents (\$25.50) of the average and the entire bill over this amount will be reduced by fifty percent (50%). Relief for accidental wastage will only be granted one (1) time in any twelve (12) month period.

1. In the event that accidental wastage of water enters the sanitary sewer system, and should the Board of Trustees move to provide relief, the applicant's sewer bill will be amended to reflect the above formula for the same month, at the applicant's request.

2. In the event that accidental wastage of water does not enter the sanitary sewer system, and should the Board of Trustees move to provide relief, the applicant's sewer bill will be adjusted by charging the average price the customer has been paying over the previous quarter, at the applicant's request. Sewer relief for accidental wastage will only be granted one (1) time in any twelve (12) month period.

3. In extraordinary circumstances, a measureable quantity of water may be billed to sewer over an extended period of time and yet never enter the sewage treatment system, such as in the case of a faulty or non-existent meter for water entering a system which does not result in sewage (for example, irrigation or a cooling tower). In these rare cases,

the customer may appeal to the City Council for a variance on the sewer bill. The applicant must be able to submit estimates for the water which did not enter the sewer system. If a variance is granted the bill for the period covered by the variance will be adjusted by using the estimated sewer usage for the previous three months as submitted by the applicant. The applicant will then receive a credit on his or her bill reflecting the difference between the amount paid and the amount calculated by estimated usage. The period of the variance shall not exceed one year, and the credit on the account will be divided over a number of months equal to the variance period. Such a variance will only be granted one (1) time in any five (5) year period.

(Ord. 358 – Sep. 13 Supp.)

99.08 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly, and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.09 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

(99.08 & 99.09 renumbered by Ord. 358 – Sep. 13 Supp.)

[The next page is 465]

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Open Dumping Prohibited
105.03 Sanitary Disposal Required	105.09 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.10 Waste Storage Containers
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Separation of Yard Waste Required	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 waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

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

1. “Collector” means any person authorized to gather solid waste from public and private places.

2. “Director” means the director of the State Department of Natural Resources or any designee.

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

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

(Code of Iowa, Sec. 455B.361[2])

4. “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.

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

(IAC, 567-100.2)

6. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

7. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

8. “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.

9. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

10. “Residential premises” means a single-family dwelling.

11. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

12. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

13. “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)

14. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped,

improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.

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

15. “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)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

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

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. 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[3c])

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 building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

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. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

6. Back Yard Burning. The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.

(IAC, 567-23.2[3f] and 567-20.2[455B])

7. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

8. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

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

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 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)

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

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

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

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

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

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, 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.

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

(IAC, 567-104.9[455B])

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

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

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

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom

as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

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

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:
 - A. For each residential premises – \$12.00 per month
 - B. For each multi-housing unit – \$1.00 per month, which fee shall be collected by the collector and reimbursed to the City on a monthly basis.
 - C. The Council may adjust collection fees by resolution.
2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment for gas service as established in the Gas Service Rules and Regulations.
3. Exemptions. Household residents and residential property owners who are over 62 years of age and are on old age assistance or welfare relief shall be exempt from said service charge for a period of one year upon submission and approval of their application for relief by the Council. In other cases of hardship, the Council may, upon application and upon such further investigation and proof as the Council may deem proper, issue individual exemptions for a period of time, not to exceed one year. Individuals entitled to exemptions may refile said application upon expiration of said exemption.

(Ord. 324 – Mar. 05 Supp.)

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

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CHAPTER 110

NATURAL GAS SERVICE

110.01 Establishment
110.02 Rates
110.03 Categories of Service
110.04 Right to Enter and Read Meter
110.05 Shutting Off Gas

110.06 Rules Adopted
110.07 Wholesale Sales
110.08 Other Services and Charges
110.09 (Repealed by Ordinance No. 317)

110.01 ESTABLISHMENT. A Municipal Gas Works is established as authorized by vote of the electors on November 23, 1965.

110.02 RATES. The following monthly rates are hereby established in order to allow for the payment of all past, current and future obligations of the Natural Gas System expenses, maintenance, upkeep and expansion as necessary:

1. Meter charge for customers with a Rotary Meter with a capacity of 10,000 CCF or more shall pay a monthly meter charge of \$100 regardless of the amount of gas used.
2. Meter charge for residential customers shall pay a monthly meter charge of \$8.00 regardless of the amount of gas used. Meter charge for farm tap/commercial customers shall pay a monthly meter charge of \$15.00 regardless of the amount of gas used.
3. Charge for Gas Used. Each customer shall pay a monthly charge based on the actual volume of gas used, measured in CCF, multiplied by a rate consisting of the following: the cost of natural gas paid by the City per CCF for the month charged plus up to \$.20 per CCF for 1 CCF through 40,000 CCF. For Industrial 1 rate 40,001 CCF per month and up, a charge up to \$.10 per CCF.

(Ord. 386 – Jul. 19 Supp.)

110.03 CATEGORIES OF SERVICE. The Council, by resolution, shall from time to time establish various rate categories according to cost, service, amount, whether interruptible or standby, as well as provide for minimum charges, late payment penalty and connection or reconnection charges. Within the various categories, the charges shall be of uniform application to all users within said category.

110.04 RIGHT TO ENTER AND READ METER. Authorized City employees shall have the authority to enter the premises of any customer at

reasonable hours to read and/or remove the gas meter or change said meter in the pursuit of maintenance and safety programs.

110.05 SHUTTING OFF GAS. The City may shut off the gas supply to a customer when said customer may be affecting the safety or proper operation of the system.

110.06 RULES ADOPTED. Gas tariff rules and regulations and any amendments thereto pertaining to the operation and maintenance of the City's natural gas system are on file with the State Utilities Board and are hereby adopted and included in this chapter by reference.

110.07 WHOLESALE SALES. Wholesale sales of natural gas by the City to the cities of Prescott, Clearfield and Bedford, Iowa, shall be governed by the contracts signed by the parties.

110.08 OTHER SERVICES AND CHARGES. The City may purchase or furnish and establish charges for such services in connection with the natural gas system as the Council, by resolution, may approve from time to time.

110.09 RATE ADJUSTMENT FOR COST OF PURCHASED GAS.
(REPEALED BY ORDINANCE NO. 317 – JUL. 02 SUPP.)

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

11. The agents or employees of a person or club holding a liquor control license or retail wine or beer permit under Chapter 123, Code of Iowa, shall not sell, give, or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer. For violation of this subsection, the scheduled fine for a person or agent who is employed by a licensee or permittee is five hundred dollars.

(Ord. 320 – Aug.03 Supp.)

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CHAPTER 121

CIGARETTE PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

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

(Code of Iowa, Sec. 453A.1)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps,

clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer's permit shall be suspended for a period of thirty (30) days.
3. For a third violation within a period of three (3) years, the retailer's permit shall be suspended for a period of sixty (60) days.
4. For a fourth violation within a period of three (3) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36 (6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall

report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 License Not Transferable
122.02 Definitions	122.11 Time Restriction
122.03 License Required	122.12 Revocation of License
122.04 Application for License	122.13 Hearing
122.05 License Fees	122.14 Record and Determination
122.06 Bond Required	122.15 Appeal
122.07 Denial of Permit	122.16 Effect of Revocation
122.08 License Issued	122.17 License Exemptions
122.09 Display of License	122.18 Charitable and Nonprofit Organizations

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of fifteen dollars (\$15) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. For one week \$10
2. For one year or major part thereof..... \$25

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 DENIAL OF PERMIT. Upon the application of a person, the police department shall run a background check upon the applicant. The City Clerk may deny the application for a permit if the applicant has been convicted of a forcible felony (arson, assault, burglary, child endangerment, kidnapping, murder, robbery, or sexual abuse,) or an act of dishonesty (fraud, larceny, shoplifting, identify theft, forgery, or perjury). The denied applicant may request a hearing with the City Council to appeal the denial of a permit, within ten (10) days of date of denial, by filing a written request with the City Clerk. The City Council will conduct a hearing within ten (10) days of filing the request for hearing. After hearing the City Council may approve the permit or deny the permit based upon a reasonable articulation of public health and safety.

122.08 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.09 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.10 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.11 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.12 REVOCATION OF LICENSE. Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to 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.

The Clerk shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.13 HEARING. A hearing shall be held before the Council 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.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Lenox School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

(Ch. 122 – Ord. 366 – Dec. 14 Supp.)

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Traveling on Barricaded Street or Alley

135.05 Use for Business Purposes

135.06 Washing Vehicles

135.07 Burning Prohibited

135.08 Excavations

135.09 Maintenance of Parking or Terrace

135.10 Failure to Maintain Parking or Terrace

135.11 Dumping of Snow

135.12 Driveway Culverts

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 321.369)

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

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

135.06 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any

automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

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

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

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:

A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;

B. A statement of the purpose, for whom and by whom the excavation is to be made;

C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and

D. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the

course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored 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. Any patchwork done to any concrete street or curb must be properly based to the satisfaction of the City and be pinned to the existing concrete. The depth of the concrete should be a minimum of one inch more than the existing concrete. Asphalt streets should be repaired at a minimum depth of six inches. (*Ord. 368 – July 15 Supp.*)
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.
9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
10. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of one thousand dollars (\$1,000.00) to guarantee such compliance.

135.09 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.10 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.11 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.12 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.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.12 Interference with Sidewalk Improvements
136.02 Definitions	136.13 Awnings
136.03 Removal of Snow, Ice and Accumulations	136.14 Encroaching Steps
136.04 Removal of Existing Sidewalks	136.15 Openings and Enclosures
136.05 Responsibility for Maintenance	136.16 Fires or Fuel on Sidewalks
136.06 City May Order Repairs	136.17 Defacing
136.07 Sidewalk Construction Ordered	136.18 Debris on Sidewalks
136.08 Permit Required	136.19 Merchandise Display
136.09 Sidewalk Standards	136.20 Sales Stands
136.10 Barricades and Warning Lights	136.21 Variance
136.11 Failure to Repair or Barricade	

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Abutting property” means the property directly connecting to the public right-of-way.
2. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
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 on the public right-of-way in business, residential or suburban areas.
8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the

excavating, filling or depositing of material in the public right-of-way in connection therewith.

9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. 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 48 hours after the cessation of the storm or the cause of accumulations, the City may do so or hire a private contractor to do so and assess the costs against the property owner for collection in the same manner as property tax. *(Ord. 381 – Feb. 19 Supp.)*

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

136.04 REMOVAL OF EXISTING SIDEWALKS. Property owners shall not, unless for a temporary period not to exceed six (6) months, remove existing sidewalks without a prior resolution of consent passed by the Council. Removal for a temporary period shall require an approved building permit, at no fee, with a set deadline not to exceed six (6) months.

136.05 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.06 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])

136.07 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.08 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a building 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. No fee is required for such permit. Inspection shall be required for compliance with this chapter in two phases: (1) following grade preparation and (2) upon completion of the work. Permit approval shall not be considered final until all inspections are completed and all work approved. Any work found to be non-compliant shall be required to be repaired or replaced. (*Ord. 381 – Feb. 19 Supp.*)

136.09 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 public sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Exceptions. Exceptions to the required material and one-course construction may be approved by the Zoning Administrator for the accommodation of decorative materials such as brick, stone or decorative cement applications provided that all other requirements of this section are met, including subsection 1 of this section.
4. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
5. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
6. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall, except for that portion used as a drive, be at least three (3) feet wide and four (4) inches thick and contraction joints shall be no more than four (4) feet apart. That area of the residential sidewalks used as a drive or driven over by vehicular traffic shall not be less than six (6) inches thick.
 - B. Business District sidewalks shall, unless exempted by resolution of the Council, be at the option of the Council the greater of either eight (8) feet in width or the distance from the edge of the building located at or near the lot line to the curbing, or the same width as the adjoining sidewalk. All business district sidewalks shall be not less than the same thickness and length as residential sidewalks. For the purpose of this chapter, the

following streets are designated as business district streets, wherein sidewalks meeting these specifications shall be constructed:

- (1) Commencing at the intersection of Ohio Street and Main Street south to the intersection of Iowa Street and Main Street; commencing at the intersection of Temple Street and Walnut Street east to the intersection of Temple Street and Pine Street; commencing at the intersection of Illinois Street and Walnut Street east to the intersection of Illinois Street and Main Street.
 - (2) Churches and schools in residential districts may be considered as though they were in a business district.
- C. Driveway areas shall be not less than six (6) inches in thickness.
7. Location.
- A. In business districts the sidewalks shall abut upon the property lines of the respective street.
 - B. In residential sections, the sidewalks shall be parallel to and a distance of one foot from the respective property lines, unless otherwise determined by the Council.
8. Adjoining Sidewalks. All adjoining sidewalks shall connect smoothly and evenly (defined as the same exact width and level at connection). Where there is a difference in elevation between adjoining sidewalks, compensation for the difference in elevation shall be made gradually, over a distance which shall not be less than the final four (4) feet before the walks join.
9. Grades. All sidewalk grades shall be the grade of the top of the surface of the walk at the edge of the walk nearest the property line. All sidewalks shall have at least a two-tenths of an inch per foot slope toward the curb and terraces between the sidewalks and curbs shall have a uniform grade of two and one-half percent (three-tenths of an inch to the foot) from the inside of the walk sloping to the outside of the curb, unless otherwise ordered by resolution of the Council. The construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that, when completed, such sidewalk will be at the established grade, and be one inch above the adjacent ground. Exceptions may be granted by the Zoning Administrator where it is necessary to construct the sidewalk around an obstructing object such as a tree to allow for adequate walking space between the sidewalk and the

obstruction. Grade for such exceptions shall allow for drainage toward the curbside of the sidewalk.

10. Grades in Business District. In business districts the grade of the sidewalk line shall be the grade of the adjacent curb line and in residence sections shall be parallel to and above the grade of the adjacent curb line as determined under subsection 8 of this section, unless otherwise determined by resolution of the Council. Exceptions shall be made to accommodate approved accessible sections for persons with disabilities.

11. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.

12. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 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 persons with disabilities using the sidewalk.

(Code of Iowa, Sec. 216C.9)

136.10 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.11 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner’s contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.12 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.13 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.14 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.15 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

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

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

(Code of Iowa, Sec. 716.1)

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

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

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

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

136.21 VARIANCE. Individual property owners may, upon payment of a fee of twenty dollars (\$20.00), contract with the Council for a period of time for a variance from the literal provisions of this chapter in instances where in the Council's opinion strict enforcement would cause undue hardship due to circumstances unique to the property in consideration. The Council may impose written conditions and terms for variance, which will be signed by the property owner and by an authorized officer for the City. It shall run with the land and be so recorded in the County Recorder's office at the property owner's expense.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

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

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

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

(Code of Iowa, Sec. 392.1)

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

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

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

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

(Code of Iowa, Sec. 364.7)

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CHAPTER 139

NAMING OF STREETS

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

139.04 Official Street Name Map
139.05 Revision of Street Name Map

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

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

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

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

(Code of Iowa, Sec. 354.26)

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

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

changes were made in the Official Street Name Map: (brief description),”
which entry shall be signed by the Mayor and attested by the Clerk.

CHAPTER 140

DRIVEWAYS

140.01 Definitions

140.02 Permit

140.03 Fee for Permit

140.04 Driveway Requirements

140.05 Sidewalks

140.06 Excavations

140.07 Revocation of Permit

140.08 Inspection and Approval

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

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street, often referred to as “right-of-way.”
2. “Paving” includes any kind of hard surfacing, including, but not limited to, portland cement concrete, bituminous concrete, brick or combinations of such materials, with the necessary base. Paving does not include surfacing with oil, gravel, oil and gravel, or chloride treatment.

140.02 PERMIT. Before any person shall construct or repair a driveway, said person shall obtain a written building permit from the Clerk. The permit application shall be directed to the Zoning Administrator. 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 proposed plan of construction or repair, which shall include the depth, width and type of surfacing material to be used. No other plan shall be followed except by written permission of the Zoning Administrator, who may allow amendments to the application or permit that do not conflict with this chapter. The permit shall be approved, indicating the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six (6) months after the date of issuance, if the driveway is not constructed within that time.

140.03 FEE FOR PERMIT. Before any permit is issued, the applicant shall pay to the Clerk a permit fee of twenty-five dollars (\$25.00). Upon request, the applicant shall be issued a receipt therefor. There shall be no fee for driveways if constructed with new construction.

140.04 DRIVEWAY REQUIREMENTS. All newly constructed driveways shall be of paving of a depth of not less than six (6) inches and shall be at least ten (10) feet in width or include a 20-foot opening into a paved street. The driveway may be placed directly on a compact and well-drained soil. Where the soil is not well drained, a four-inch sub-base of compact, clean, coarse gravel, sand or cinders shall be laid. The driveway shall not slope less than one-fourth inch per foot toward the roadway. The maximum driveway width at the curb line shall be twenty-five (25) feet, unless the Council approves a greater width.

140.05 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

140.06 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter by grinding the curb to the satisfaction of the City or pouring concrete at least 18 inches past the curb line into the street and pinning it to the existing concrete. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three (3) months after refilling. *(Ord. 369 – July 15 Supp.)*

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

140.08 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the Zoning Administrator within five (5) business days of notification of completion of the work. A record of approved permits shall be maintained in the office of the Clerk. If approval is refused, the work shall be corrected immediately until all sections of this chapter are complied with. If the work has not been properly completed, the City shall have the right to finish or correct work and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

CHAPTER 141

CONTROLLED ACCESS FACILITIES

141.01 Exercise of Police Power
141.02 Definition
141.03 Right of Access Limited
141.04 Access Controls Imposed

141.05 Unlawful Use of Controlled Access Facility
141.06 Permitted Access Points
141.07 Speed Limits
141.08 Parking Restricted

141.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

141.02 DEFINITION. The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

141.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

141.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Project No. F-486(2). On the Primary Road System extension improvement, Project No. F-486(2), Taylor County, Primary Road No. 49, within the City, described as follows:

From Station 631+00, east side (south corporation line, east) to Station 657+48, east side (south corporation line, west) and from Station 657+48 to Station 678+70

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-486(2), on file in the office of the Clerk.

2. Project No. F-49-1 (1) 20-87. On the Primary Road System extension improvement, Project No. F-49-1 (1) 20-87, Primary Road No. 49, within the City, described as follows:

Beginning at Station 11+70 [equals Station 678+70 Project F-486(2)], thence northerly to Station 16+97.75, and on the west side from Station 16+97.75, continuing northerly to Station 30+15 (the north corporation line, west)

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-49-1 (1) 20-87, on file in the office of the Clerk.

141.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

141.06 PERMITTED ACCESS POINTS. Points of access are hereby permitted as follows:

(Code of Iowa, Sec. 306A.4)

1. Project No. F-486(2), Taylor County. The compiled list furnished by the Iowa Highway Commission of drives and entrances provided for access under the improvement specified as Project No. F-486(2) is hereby recorded as follows:

STATION	SIDE OF STREET	WIDTH	USE OF DRIVE OR ENTRANCE
662+21	left	18 feet	residence
662+72	right	18 feet	residence
664+11	left	18 feet	residence
664+20	right	18 feet	residence
664+04	left	18 feet	residence
665+74	left	18 feet	residence
668+60	left	35 feet	commercial
670+12	left	18 feet	residence
671+11	right	24 feet	residence (joint)
671+97	right	18 feet	residence
671+98	left	35 feet	commercial
672+76	left	35 feet	commercial

141.07 SPEED LIMITS. It is unlawful for any motor vehicle to exceed a speed of thirty (30) miles per hour from Station 657+48.0 to Station 677+70.4.

141.08 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted as follows:

1. **Projects Described.** Parking of any nature is prohibited from Station 661+47.5 to Station 678+70 for a distance of thirty-five (35) feet back of the sidewalk line of intersection street approaches. Parking from Station 631+00 to Station 661+47.5 shall be in accordance with a Council resolution passed on September 19, 1957, and on file with the Clerk. Parking of any nature is hereby prohibited on both sides of Primary Road No. Iowa 49 from Station 11+70 [equals Station 678+70 Project F-486(2)] thence northerly to Station 16+97.75 and on the west side from Station 16+97.75 thence northerly to Station 30+15, the north corporation line.
2. **Minor Street Approaches.** Parking shall be prohibited on all minor street approaches for a distance of thirty-five (35) feet in advance of the stop sign.
3. **Minor Street Exits.** Parking shall be prohibited on the exit side of a minor street for a distance of thirty-five (35) feet.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Zoning Administrator is responsible for the enforcement of this chapter.

145.02 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, 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. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. 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.
2. 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.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, 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.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. 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.

145.04 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 the owner of record, according to Section 364.12[3h] 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 or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 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.[†]

145.06 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 LENOX, 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.

145.07 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])

145.08 COSTS. Costs incurred under Section 145.07 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 to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

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

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor

or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

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

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

1. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

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

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

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Map

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

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

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

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

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

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

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

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

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 152

HEIGHT OF GRASS

152.01 Purpose
152.02 Height of Grass
152.03 Violation
152.04 Notice

152.05 Failure to Cut Grass
152.06 Additional Violation
152.07 Exceptions

152.01 PURPOSE. The purpose of this chapter is to establish a maximum height that grass on lands within the City may be grown before it must be cut.

152.02 HEIGHT OF GRASS. The allowable maximum height of grass and/or weeds shall be eight (8) inches in developed residential, business and industrial zoned districts; twelve (12) inches in undeveloped residential, business and industrial zoned districts; and eighteen (18) inches in unplatted districts other than agricultural districts. The property owner and occupant are also jointly and severally responsible for mowing the abutting space between the lot line and the curb line or edge of the traveled portion of the street right-of-way and one half of any alley abutting the property. A lot may be exempted from the provisions of this chapter on the following conditions:

1. All owners of property abutting such lot must consent in writing.
2. A firebreak thirty (30) feet in width on all sides of such lot shall be mowed to the height of not more than eight (8) inches.
3. The lot shall contain no “noxious weeds” as defined in Chapter 317 of the Code of Iowa.
4. The property owner shall assume in writing all liability for such condition and indemnify the City for any claims or damages related thereto.

152.03 VIOLATION. Upon determination by visual observation and measurement that a violation of this chapter has occurred, the City will post notice on the primary entrance of the premises informing the landowner and occupants of the violation and the action that is to be taken.

(Ord. 380 – Feb. 19 Supp.)

152.04 NOTICE. The notice shall set forth that the property owner has forty-eight (48) hours from the date of the notice to have the grass cut so that the height conforms with this chapter. The notice shall set forth the address of the property in question and shall instruct the landowner that the notice constitutes notice for the balance of the summer and that further action will be

taken by the City to remedy the problem if it occurs again on the same property without additional notice being given. *(Ord. 380 – Feb. 19 Supp.)*

152.05 FAILURE TO CUT GRASS. If the property owner fails to cut the grass so that it conforms with this chapter within the time period set forth in the notice, the Public Works Director may cause the grass to be cut and the cost of this action will be assessed against the property. The fee for this service will be set by resolution.

152.06 ADDITIONAL VIOLATION. Any landowner who violates this chapter will be given one notice per summer and the City will be authorized to respond to additional violations without additional written notice being given.

152.07 EXCEPTIONS. This chapter pertains to all residential, business and industrial land within the City limits, but excludes agricultural land within the City.

(Ch. 152 – Ord. 323 – Feb. 04 Supp.)

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CHAPTER 155

FENCES OR WALLS

155.01 Purpose
155.02 Definition
155.03 Vision Clearance
155.04 Fences and Walls

155.05 Screening or Buffer Walls
155.06 Permit Required
155.07 Variance
155.08 Fence Frames

155.01 PURPOSE. The purpose of this chapter is to ensure uniformity within the City that will not cause disregard for the interests, safety and rights of neighboring property owners.

155.02 DEFINITION. The terms “fence” and “wall” as used in this chapter apply to fences and walls constructed around the perimeter of the property.

155.03 VISION CLEARANCE. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between the height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the public right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines

155.04 FENCES AND WALLS. In any zoning district, fences and walls not exceeding eight (8) feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards so as not to obstruct the view of adjoining properties. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

1. (Repealed by Ordinance No. 352 – Mar. 13 Supp.)
2. No electric or barbed wire fence shall be erected/constructed without prior approval from the Council. Approval shall only be given when the safety, health and well-being of the general public is required.
3. All fences or walls shall be maintained in good condition, aesthetically appealing in appearance and conform with the standard local practices.

155.05 SCREENING OR BUFFER WALLS. In any zoning district where a fence or wall is required by the zoning or subdivision regulations or any other provisions of this Code of Ordinances, to serve as a screening wall, buffer wall

or other separating or protective wall, the restriction of Section 155.03 shall yield to the requirements of such other specific provision.

155.06 PERMIT REQUIRED. A building permit shall be required for the construction of a fence or any reconstruction that shall alter the fence as it previously existed. The fee shall be as stated in Chapter 165 of this Code of Ordinances.

155.07 VARIANCE. Property owners may request a variance to any of the sections of this chapter. A variance may be granted by a resolution of the Council where in the Council's opinion the variance would not serve to contradict the purpose of this chapter.

155.08 FENCE FRAMES. The frame of a fence, including posts and supports, shall be placed on the inside of the fence. This section does not apply to fences erected prior to the effective date of this chapter.

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CHAPTER 156

SIGNS

156.01 Purpose	156.12 Exemptions
156.02 Definitions	156.13 Obstruction to Doors, Windows or Fire Escapes
156.03 Permits Required	156.14 Signs Not to Constitute a Traffic Hazard
156.04 Application for Permit	156.15 Face of Sign
156.05 Permit Issued	156.16 Goose Neck Reflectors
156.06 Permit Fees	156.17 Spotlights and Floodlights Prohibited
156.07 Unsafe and Unlawful Signs	156.18 Ground Signs
156.08 Permit Revocation	156.19 Wall Signs
156.09 Painting Required Every Two Years	156.20 Roof Signs
156.10 Wind Pressure and Dead Load Requirements	156.21 Projecting Signs
156.11 Removal of Certain Signs	156.22 Removal Upon Abandonment of Use

156.01 PURPOSE. The purpose of this chapter is to provide that signs shall be safely constructed and kept in a safe condition and that signs shall not be located so as to cause a safety hazard.

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

1. “Erect” means to build, construct, attach, hang, suspend or affix, and also includes the painting of wall signs.
2. “Facing” or “surface” means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
3. “Ground sign” as regulated by this chapter means any sign supported by uprights or braces placed upon the ground and not attached to any building.
4. “Illuminated sign” means any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
5. “Incombustible material” means any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
6. “Projecting sign” means any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached. All projecting signs shall be illuminated signs, as defined by this chapter.

7. “Roof sign” means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
8. “Sign” means and includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed outdoors in view of the general public.
9. “Street line” means the place where the public sidewalk begins and the private property line ends.
10. “Structural trim” means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.
11. “Wall sign” means all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

156.03 PERMITS REQUIRED. It is unlawful for any person to erect, repair, alter, relocate or maintain within the City any sign or other advertising structure as defined in this chapter without first obtaining a permit and making payment of the fee required by Section 156.06.

156.04 APPLICATION FOR PERMIT. Application for a permit shall be made upon forms provided by the City and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
4. One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
5. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this chapter and all other ordinances of the City.
6. Name of person erecting the structure.
7. Written consent of the owner of the building, structure or land on which the structure is to be erected.

8. Such other information as is required to show full compliance with this chapter and all other ordinances of the City.

156.05 PERMIT ISSUED. It is the duty of the Zoning Administrator, upon the filing of an application for a permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it appears that the proposed structure is in compliance with all the requirements of this chapter and all other ordinances of the City, the Zoning Administrator shall then issue the permit. If the work authorized under a permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.

156.06 PERMIT FEES. Every applicant, before being granted a permit, shall pay to the Clerk the annual permit fee, for each such sign or other advertising structure regulated, of five cents (\$.05) per square foot, provided that, in no event shall the minimum fee for each sign be less than one dollar (\$1.00).

156.07 UNSAFE AND UNLAWFUL SIGNS. If the Zoning Administrator finds that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Zoning Administrator shall give written notice thereof to the permit holder. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order within ten (10) days after such notice, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the Council, and if such an appeal is on file, the ten-day compliance period shall be extended until ten (10) days following the Council's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, the Zoning Administrator may order the removal of such sign summarily and without notice to the permit holder. Such an order may be appealed to the Council, and if the Council reverses, it shall order restitution at the City's expense.

156.08 PERMIT REVOCATION. Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding section, shall have the permit as to such sign or signs revoked, and

another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one year from the date of revocation.

156.09 PAINTING REQUIRED EVERY TWO YEARS. The owner of any sign as defined and regulated by this chapter shall be required to have it properly painted at least once every two (2) years, including all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent rust.

156.10 WIND PRESSURE AND DEAD LOAD REQUIREMENTS. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required by the City.

156.11 REMOVAL OF CERTAIN SIGNS. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Zoning Administrator, and upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such signs and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

156.12 EXEMPTIONS. The provisions and regulations of this chapter shall not apply to the following signs; provided however, said signs shall be subject to the provisions of Section 156.09:

1. Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only.
2. Signs painted on the exterior surface of a building or structure; provided, however, if said signs have raised borders, letters, characters, decorations or lighting appliances, they shall be subject to the provisions of Section 156.19 and all applicable provisions of this chapter.
3. Bulletin boards not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
4. Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding sixteen (16) feet in area.

5. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two (2) square feet in area.
6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary emergency or non-advertising signs as may be approved by the Council.

156.13 OBSTRUCTION TO DOORS, WINDOWS OR FIRE ESCAPES.

No sign shall be erected, located or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

156.14 SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DRIVE IN," "DANGER" or any other word phrase, symbol or character or be so lighted or lights operated in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this chapter shall have posts, guides or supports located within the right-of-way of any alley or street.

156.15 FACE OF SIGN. All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

156.16 GOOSE NECK REFLECTORS. Goose neck reflectors and lights shall be permitted on ground signs, roof signs and wall signs; provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

156.17 SPOTLIGHTS AND FLOODLIGHTS PROHIBITED. It is unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

156.18 GROUND SIGNS.

1. All ground signs for which a permit is required under this chapter shall have a surface or facing of incombustible material; provided however, combustible structural trim may be used thereon.
2. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
3. It is unlawful to erect any ground sign whose total height is greater than twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above street level.
4. Ground signs shall have an open space not less than two (2) feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half of the square footage of such open space. No ground sign shall be nearer than two (2) feet to any other sign, building or structure.
5. No ground sign shall be nearer the street than the building line.
6. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three and one-half (3½) feet below the natural surface of the ground, and shall be supported and braced by timbers or metal rods in the rear thereof, extending from the top thereof to a point in the ground at least a distance equal to one-half the height of such sign, measured along the ground, from the posts or standards upon which the same is erected.
7. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.
8. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

156.19 WALL SIGNS.

1. All wall signs for which a permit is required under this chapter shall have a surface or facing of incombustible material; provided, however, combustible structural trim may be used thereon.

2. No wall sign shall cover wholly or partially any wall opening or project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of five hundred (500) square feet.
3. No wall sign shall be permitted to extend more than six (6) inches beyond the building line, and shall not be attached to a wall at a height of less than ten (10) feet above the sidewalk or ground.
4. All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than 3/8-inch in diameter embedded in said wall at least five (5) inches; provided, however, such signs may rest in or be bolted to strong, heavy, metal brackets or saddles set not over six (6) feet apart, each of which shall be securely fixed to the wall as herein provided. In no case shall any wall sign be secured with wire, strips of wood or nails.
5. All wall signs shall conform to the requirements of Section 156.10 of this chapter.

156.20 ROOF SIGNS.

1. Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided, however, incombustible structural trim may be used thereon.
2. No roof sign shall have a surface or facing exceeding three hundred (300) square feet or have its highest point extended more than twenty (20) feet above the roof level.
3. No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
4. All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level, and have at least five (5) feet clearance between the vertical supports thereof.
5. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to another part thereof or interfere with openings in said roof and shall comply with Section 156.14 of this chapter.
6. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the buildings. No roof sign shall be supported or anchored to the wood framework of a building.

7. All roof signs shall conform to the requirements of Section 156.10 of this chapter.

156.21 PROJECTING SIGNS.

1. Every projecting sign, including the frames, braces and supports thereof, shall be designed by a structural engineer or manufacturer, shall be approved by the Zoning Administrator, shall be constructed of incombustible materials, shall be illuminated, and shall be two-faced.

2. The reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property, and no floodlight or spotlight or reflectors of the goose neck type shall be permitted on projecting signs.

3. The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semi-transparent incombustible material. Any glass forming a part of any sign shall be safety glass or plate glass at least ¼-inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass. One section, not exceeding three (3) square feet in area, constructed of wire glass or safety glass shall be permitted on each side of a sign.

4. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains or hinges.

5. Projecting signs shall be limited in area as follows:

A. Horizontal projecting signs – fifty (50) square feet each side. “Horizontal projecting sign” means any sign which is greater in width than in height.

B. Vertical projecting signs – one hundred (100) square feet each side. “Vertical projecting sign” means any sign which is greater in height than in width.

6. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.

7. Every projecting sign shall be placed at least twelve (12) feet above the public sidewalk over which it is erected, and of a distance not greater than two (2) feet nor less than one (1) foot from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto. Every projecting sign erected over public driveways, alleys and thoroughfares shall be placed not less than fifteen (15) feet above the level of same.

8. Every projecting sign shall be erected in full compliance with Sections 156.14 and 156.15 of this chapter.
9. Projecting signs exceeding ten (10) square feet in area or fifty (50) pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. Said signs shall be attached to masonry walls with galvanized expansion bolts at least 3/8-inch in diameter, shall be fixed in the walls by means of bolts extending through the wall, and shall contain proper size metal wash or plate on the inside of the wall.
10. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.
11. V-shaped signs, consisting of two (2) single-faced signs erected without a roof or ceiling are not permitted.

156.22 REMOVAL UPON ABANDONMENT OF USE. It is the responsibility of the owner of the sign to remove such sign when its advertising or other commercial use is abandoned.

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CHAPTER 157

ON-SITE STORAGE CONTAINERS

157.01 Purpose

157.02 Definitions

157.03 Restrictions on On-Site Storage Containers on Residential Properties

157.04 Permit Required

157.05 Conflicts

157.06 Violation - Penalties

157.01 PURPOSE. The purpose of this chapter is to protect the public health, safety, and welfare, and promote positive aesthetics on residential properties in the City of Lenox by regulating the placement within the City of Lenox of certain On-Site Storage Containers that are designed, and more suitable, for use as commercial storage, or for the transportation of goods or other cargo.

157.02 DEFINITIONS. For purposes of this chapter, the term “On-Site Storage Container” shall mean:

1. Any container or vessel originally designed for, or used in, the packing, storage, shipping, movement or transportation of cargo, freight, goods, equipment or commodities; and/or
2. Any container or vessel designed to be, or capable of being, mounted or moved by rail, truck, or ship by means of being mounted on a chassis or other transport device, including portable on-site storage containers, or units having similar characteristics;
3. Any railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar pre-fabricated items originally built for purposes other than the storage of goods and materials.

157.03 RESTRICTIONS ON ON-SITE STORAGE CONTAINERS ON RESIDENTIAL PROPERTIES.

1. No On-Site Storage Container shall be permitted in any residentially-zoned district of the City, or on any property within the City used for residential purposes.
2. An On-Site Storage Container shall not be considered to be an “Accessory Building” under Chapter 165.09.
3. Notwithstanding the provisions set forth in Subsection (1) of this section, the temporary placement of portable On-Site Storage Containers on residentially-zoned properties, or on properties the primary use of which are residential, for the limited purpose of temporary storage to

accommodate a move, a remodeling project, or the clean-up of a casualty loss, shall be permitted for a period of time not exceeding thirty (30) days in any one calendar year unless approved by council in emergency situations.

4. Notwithstanding the provisions set forth in Subsection (1) of this section, licensed and bonded contractors may use On-Site Storage Containers for the temporary location of an office, or the temporary storage of equipment, and/or materials during construction which is taking place on the property where the container is located, if the use of the container is authorized pursuant to a City building permit under §157.04 below.

157.04 PERMIT REQUIRED.

1. A building permit is required prior to placement of an On-Site Storage Container larger than 32 square feet in area that is otherwise allowed under this Ordinance. The proposed On-Site Storage Container must be accessory to the permitted use of the property, and shall meet the setback requirements of the underlying zone.

2. On-Site Storage Containers shall not be stacked above the height of a single container, except within the light industrial zone, and only in the rear yard of the property.

3. On-Site Storage Containers shall not be used for any advertising purpose and shall be kept free of all alpha-numeric signage and writing. All containers shall be one solid color.

4. As a condition of placement, On-Site Storage Containers may be required to be fenced or screened from abutting properties and/or right-of-way pursuant to the provisions of the underlying zoning regulations.

5. On-Site Storage Containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot usage.

6. On-Site Storage Containers shall not occupy required off-street parking, loading or landscaping areas.

7. Materials stored within Storage Containers are subject to inspection and approval by local and state fire marshals.

8. On-Site Storage Containers must be set and level.

157.05 CONFLICTS. In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Lenox City Code or other ordinances of the City, the terms and provisions of the chapter shall take precedence and to the extent of any such conflict, the terms and conditions

of any existing provisions of the Lenox City Code or other ordinances of the City shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

157.06 VIOLATION – PENALTIES. A violation of the provisions of this chapter shall be deemed to be a municipal infraction pursuant to Iowa Code §364.22, and subject to enforcement and remedial action as permitted thereunder.

(Ch. 157 – Ord. 376 – Nov. 17 Supp.)

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CHAPTER 165

ZONING REGULATIONS

165.01 Purpose	165.25 Height, Area and Environmental Regulations; Light Industrial District
165.02 Definitions	165.26 Industrial District
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165.13 Zoning Districts Dividing Property	165.37 Powers and Duties of the Zoning Administrator and Clerk
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165.16 Building Height	165.40 Building/Occupancy Permit
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165.18 Lot Line	165.42 Administrator to Act Within Thirty Days
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165.20 Exception for Owners of Contiguous Lots	165.44 Records of the Zoning Administrator
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165.22 Residential District	165.46 Regulations and Uses in B-2 Downtown Business District
165.23 Regulations and Uses in Business District	
165.24 Light Industrial District	

165.01 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land and to promote the health, morals, safety and general welfare in the City.

165.02 DEFINITIONS. For use in this chapter, the following terms or words shall be interpreted or defined as follows:

1. “Building” means any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.
2. “Dwelling” means a building used as living quarters for one or more families with a minimum width of twenty-two (22) feet for at least sixty-five percent of the length of the dwelling unit (said dimension to be exclusive of attached garages, porches or other accessory structures), placed on permanent frost-free foundation (including garages), provide for a minimum of 770 square feet of floor space, not including mobile home parks. Dwelling facades shall be generally parallel to frontage property lines. The façade shall be determined by the massing of the building.
(Ord. 365 – Dec. 14 Supp.)

3. "Home occupation" includes any occupation or profession conducted solely by resident occupants in their places of abode involving primarily service and not the sale of commodities upon the premises, provided that not more than one-fourth of the area of one floor may be used for such purpose and that there are no exterior or interior alterations and provided further no sign is used other than a non-illuminated nameplate which is no more than two (2) square feet in area.
4. "Lot" includes the words "plat" and "parcel."
5. "Portable building/structure" means a structure or building that is not permanently secured to the ground or not attached to something having a permanent location on/in the ground. All portable buildings/structures less than thirty-two (32) square feet DO NOT require a permit.
6. "Sign" – See Chapter 156.
7. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on/in the ground, or attached to something having a permanent location on/in the ground (i.e. fence).
8. "Used or occupied," as applied to any land or building, includes the words "intended, arranged or designed to be used or occupied."

165.03 ESTABLISHMENT OF DISTRICTS. The City is hereby divided into the following districts:

1. Residential District
2. Business District
3. B-2 Downtown Business District
4. Light Industrial District
5. Industrial District

(Ord. 383 – Mar. 19 Supp.)

165.04 ZONING MAP. The location and boundaries of the zoning districts established by this chapter are set forth on the map entitled "Zoning Map" which is located in the City Hall and hereby made a part of this chapter. Said map, together, with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. *(See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)*

165.05 CONFORMANCE. Except as hereinafter provided, no building or land shall be used or occupied and no building or part thereof shall be erected,

converted, enlarged, reconstructed or structurally altered without a building/occupancy permit in compliance with the district regulations established by this chapter for the district in which the building or land is located.

165.06 NONCONFORMING USES. Nonconforming uses or structures shall be subject to the following:

1. Applicability. For areas of less than one acre, the right to continue the nonconforming use of any land or structure shall be for a period of ten (10) years from the date of enactment of this chapter and thereafter cease unless prior to the passage of ten (10) years the owner or party in possession of said land or structure will file for recording with the Clerk a notice of intention to continue the nonconforming use as provided by Section 165.07.
2. Continuation. Any nonconforming use of land or structures for which there has been no filing of a notice of intention to continue the nonconforming use may, however, thereafter continue for a period of time as may be agreed upon by the Council under such terms and provisions as may be allowed.

165.07 RESTORATION. Subject to the provisions of Section 165.06, ordinary repairs, alterations or modernization may be made to any structure or portion thereof devoted to a nonconforming use, provided that:

1. No structural alterations may be made to such structure except those required by law or other regulation.
2. No nonconforming use is extended or enlarged.
3. A structure that is devoted to a nonconforming use which is destroyed or damaged in any manner or from any cause whatsoever, to the extent that the cost of restoration to the condition it was before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire structure, shall not be restored unless such structure when restored shall comply with all provisions of this chapter.
4. Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established and any subsequent use shall be in conformity with the provisions of this chapter.
5. Substitution. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not, unless waiver be given by

the Council for a specific period of time thereafter, be changed to a less restrictive use.

6. Recording of Nonconforming Uses. All continuations of nonconforming uses shall be recorded with the Clerk. The Clerk shall keep a written record available for public inspection. The Clerk shall cause all nonconforming use continuations to be recorded with the County Recorder and shall collect a fee of fifteen dollars (\$15.00) plus the County recording fee. The Clerk shall provide forms suitable for such purpose.

165.08 STREET FRONTAGE. No lot shall contain any building used in whole or in part for any purpose unless such lot abuts for at least twenty (20) feet on at least one street, or unless it has an exclusive, unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall not be more than one single family dwelling or one nonresidential land use for such frontage or easement.

165.09 ACCESSORY BUILDINGS. “Accessory building” means a secondary building located on the same lot as the main building, the use of which is naturally and normally incidental to that of the dominant use of the main building or land. No accessory buildings shall be erected in any required court or in any yard other than a rear yard except as hereinafter provided. Accessory buildings shall be at least seven (7) feet in distance from alley lines and from lot lines of adjoining lots which are in residential districts, and on a corner lot, they shall conform to the setback regulations of the principal building, or at least seven (7) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard requirements for the principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the rear yard and shall not exceed twelve (12) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a garage with maximum size four hundred forty (440) square feet on a minimum rear yard.

165.10 CORNER LOTS. For corner lots platted or of record after the effective date of this chapter, the front yard regulations shall apply to each street side of the corner lot.

1. Rear Yard. The rear yard requirements for a corner lot shall apply to the open space adjacent to the two lot lines that do not front upon a street. On corner lots platted or of record prior to the official date of the enactment of this chapter, the side yard regulations shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case there shall be a side yard on the longer street side of the corner lot of not less than

fifty percent (50%) of the front yard required on the lots to the rear of such corner lots, and no accessory building or said corner lot shall project beyond the setback line of the lots in the rear; and provided further, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street and of record or as shown by existing contract of purchase prior to the official date of the enactment of this chapter to less than twenty-eight (28) feet or to prohibit the erection of an accessory building.

2. Required Yard Reduction. No yard shall be reduced in area so as to make any yard or any other open space less than the minimum required by this chapter. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building or structure.

3. Density of Population. In the resident district, lot area shall not be less than 5,000 square feet per lot. There shall be no more than one dwelling unit placed on each lot as platted. This provision shall not apply to dwellings existing in December, 1964.

4. Percentage of Lot Covered by Buildings. All dwellings or other structures, including accessory buildings, shall not cover more than forty percent (40%) of the area of the lot or area, if not platted into lots. If more than one lot or area not platted is used, the percentage shall be computed on the combined size of the space.

5. Width and Depth of Yards. Each lot or area upon which a new building is erected shall conform to the following regulations regarding front and side yards.

A. There shall be a front yard having a depth of not less than twenty-five (25) feet, unless thirty percent (30%) or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed structure; or if there are buildings only upon one side, then beyond the straight line projected from the front of the nearest building, but this regulation shall not be interpreted to require a front yard of more than thirty-five (35) feet. Where the street is curved, the line shall follow the curve of the street, rather than to be a straight line.

- B. On corner lots bordering on two intersecting streets, the front yard provided for in paragraph A above shall be provided on both of such intersecting streets.
- C. Except as hereinafter provided in the following paragraph, there shall be a side yard on each side of the building having a width of not less than seven (7) feet.
- D. Wherever a lot of record has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than four (4) feet.
6. The frontage of dwellings may have additions no less than twenty (20) feet from the right-of-way and shall not obstruct the view of adjoining neighboring properties to intersecting streets in either direction.

165.11 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICT. Along any zoning boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this chapter, shall have a minimum width and depth equal to the average of the required minimum width or depth for such side yards, rear yards or courts in the two districts on either side of such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

165.12 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard required in this chapter unless specific yard requirements in this chapter require a greater setback. *[See Subsection 165.10(6).]*

165.13 ZONING DISTRICTS DIVIDING PROPERTY. Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

165.14 ANNEXATION OF LAND. In the event that new territory becomes a part of the area of jurisdiction of this chapter by reason of annexation, consolidation or detachment from any municipal corporation or otherwise, such territory shall automatically be classified a residential district and unless otherwise rezoned in accordance with the amendment proceedings hereof, provided, however, that any zoning classification in effect prior to such annexation or other extension of jurisdiction shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such change or amendment by this chapter.

165.15 TERRITORY NOT INCLUDED. In case any territory subject to the jurisdiction of this chapter has not been specifically included in any of the aforesaid districts, such territory shall automatically be classified as a residential district, until or unless otherwise rezoned in accordance with the amendment proceedings hereof; provided, however, any zoning classification in effect prior to the enactment of this chapter shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such changes or amendments by this chapter.

165.16 BUILDING HEIGHT. No building in any district shall exceed the height of three stories without approval of the Board of Adjustment.

165.17 PARKING SPACE. Multiple family dwellings shall have a minimum of one and one-half off-street parking spaces for each family unit.

165.18 LOT LINE. Buildings in the business district shall be permitted to build to the lot line.

165.19 USES PROHIBITED. The following uses are prohibited: all uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production of emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions, and in general, those uses which have been declared a nuisance in any court of record, or which may be unreasonably obnoxious, unhealthful or offensive by reason of the omission of odor, dust, smoke or noise.

165.20 EXCEPTION FOR OWNERS OF CONTIGUOUS LOTS. The side yard requirements and restrictions contained in this chapter shall not be construed to prevent an owner of contiguous lots of property from building over the common side lot line between said contiguous lots so long as the applicable minimum lot area requirements, minimum lot frontage requirements, minimum side yard requirements as they pertain to any boundaries not under common ownership, and the minimum rear yard requirements are met. If the owner of

said contiguous lots should sell all or a portion of either contiguous lot, in such event, the portion retained and the portion sold shall comply with the minimum side yard requirement of 165.10 (5) (C).

165.21 ENFORCEMENT.

1. This chapter shall be enforced by a zoning administrative officer. All building/occupancy permits shall be issued and signed by the Zoning Administrator. The charge for a building/occupancy permit application shall be determined by Council resolution. Administrative and clerical requirements shall be furnished by the Clerk.
2. When the Zoning Administrator is apprised of any violation of this chapter or the disregard or ignorance of any of the provisions thereof, said officer shall therewith, after proper investigation and confirmation, notify the owner of the property or owner's agent in writing and, if prompt correction is not made within three (3) days, then the Zoning Administrator shall notify the Mayor and City Attorney.
3. The Zoning Administrator may refuse or shall suspend permits subject to appeal to the Board of Adjustment.

165.22 RESIDENTIAL DISTRICT. The following uses of land are permitted in a residential district.

1. One and two-family dwelling units and with the approval of the Council, two or more multiple family dwelling units.
2. Churches and places of worship and parochial schools.
3. Public schools, public libraries, parks, playgrounds.
4. Greenhouses and customary agricultural operations.
5. Small home occupations, provided there are no signs or other evidence of such use other than a small announcement or professional sign in compliance with Section 165.02(3) of this chapter.
6. Acreages and all customary or usual farming operations in connection therewith.
7. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
8. "Bed and breakfast" means a dwelling for which transient lodging is provided for roomers for compensation. The number of rooming units shall not exceed four (4). Meals may be served to overnight guests. Use as a bed and breakfast is subject to approval by the Lenox City Council

after a public hearing. In making its determination the City Council shall consider all of the following:

- A. The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;
- B. Such use shall not impair an adequate supply of light and air to surrounding property;
- C. Such use shall not unduly increase congestion in the streets, or public danger of fire, safety and flood;
- D. Such use shall not diminish or impair established property values in adjoining or surrounding property;
- E. Such use shall be in accord with the intent, purpose and spirit of this chapter and the City's comprehensive plan;
- F. Such property is adequately supervised by either the owner or their agent to ensure the proper care and maintenance of the property, to ensure the health and safety of its guests, and so that the property will comply with the Lenox Code of Ordinances; and
- G. Such use shall make provisions for adequate off-street parking to accommodate its maximum occupancy.

(Subsection 8 – Ord. 382 – Feb. 19 Supp.)

9. Family homes, elder homes, licensed care facilities and licensed residential care facilities.

(Sec. 165.22 - Ord. 327 – Jul. 05 Supp.)

165.23 REGULATIONS AND USES IN BUSINESS DISTRICT. The following regulations and uses permitted shall apply in the business district:

- 1. All the uses permitted in any residential district shall be permitted.
- 2. Stores and shops for the conducting of any lawful retail business.
- 3. Personal service shops.
- 4. Banks, theaters, offices, restaurants.
- 5. Garages and filling stations upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such Board, and upon the securing of a permit therefor, subject to the following provisions:

- A. Pumps and lubricating or other devices are located at least fifteen (15) feet from any street line or highway right-of-way.
 - B. All fuel, oil or similar substances are stored at least twenty-five (25) feet distance from any street or lot line.
6. Wholesale businesses except those which may be noxious or injurious by reason of the production of emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions, and in general, those uses which have been declared a nuisance of any court of record, or which may be unreasonably obnoxious, unhealthful or offensive by reason of the emission of odor, dust, smoke or noise.
7. The wholesale or bulk storage of petroleum and other explosive or combustible mixtures is permitted subject to conformance to all rules, regulations by the Fire Chief and fire or safety ordinances pertinent to the storage of such products.
8. Other uses permitted:
- A. Advertising signs and billboards.
 - B. Amusement places.
 - C. Professional businesses.
 - D. Auction establishments.
 - E. Bakeries, beauty salons.
 - F. Electric sales and repair shops; appliance, radio, television sales, hardware, carpet sales.
 - G. Freight stations.
 - H. Hotels and motels.
 - I. Laundries and cleaning establishments including all types of coin-operated laundries and cleaning establishments.
 - J. Blacksmith and locksmith shops.
 - K. Telegraph-telephone service stations.
 - L. Painting and decorating shops.
 - M. Photographic galleries.
 - N. Plumbing shops.
 - O. Police and fire department stations; City, State or Federal administrative and operational buildings.

- P. Post Offices.
- Q. Printing, newspaper shops.
- R. Railroad passenger station.
- S. Recreation buildings and structures, lodge halls, legion posts, etc.
- T. Roofing and plastering shops or both.
- U. Sales and/or show rooms.
- V. Shoe repair shops, shoe sales, clothing sales.
- W. Undertaking establishments.
- X. Rodeo and fair grounds.
- Y. Cattle auction or sales establishments.
- Z. Restaurants, taverns, lounges, food sales.
- AA. Variety stores.
- BB. Banks and financial institutions.
- CC. Real estate offices, insurance sales.
- DD. Jewelry stores, barber shops.
- EE. Auto sales, auto repair.
- FF. Libraries.
- GG. Tractor and implement services and service vehicle.
- HH. Feed sales, lumber yards.
- II. Egg and food processing plants.
- JJ. Schools or academies.
- KK. Any other business of a nature similar to those indicated and which, in the opinion of the Board of Adjustment, are of the same general character as those listed above and which will not be detrimental to said district.
- LL. Carpenter and cabinet shops. *(Ord. 334 – Dec. 07 Supp.)*

165.24 LIGHT INDUSTRIAL DISTRICT. The following regulations and used permitted shall apply in a light industrial district:

1. All the uses permitted in any residential district shall be permitted.

2. Light industrial manufacturing and fabricating establishments and services such as the following are permitted:
 - A. Laboratories - experimental and testing.
 - B. Manufacturing or assembly of products not causing noxious fumes, smoke, odors or sounds.
 - C. (Repealed by Ordinance 333 – Dec. 07 Supp.)
 - D. Bakeries.
 - E. Other uses of a nature which would be incidental to the permitted uses. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, offensive or will pollute the air or water due to emission of dust, fumes, noise, odor, or water carried wastes except in the quantities permitted by State law.

**165.25 HEIGHT, AREA AND ENVIRONMENTAL REGULATIONS;
LIGHT INDUSTRIAL DISTRICT.**

1. No building within the light industrial district shall exceed thirty-five (35) feet in height.
2. Each parcel in a light industrial district shall have a front yard which is not less than that required by Section 165.27 of this chapter.
3. A minimum of one off-street parking place shall be provided for every employee employed by each industry or business within a light industrial district.
4. An internal physical barrier or buffer bordering the district shall be maintained by the industry or business so as to reduce the possible harmful or detrimental influence and contrast of this district on the abutting residential district. Permitted barriers or buffers may at a minimum be one of the following:
 - A. A buffer wall which shall not be less than six (6) feet in height constructed of a permanent low maintenance material approved by the Zoning Administrator such as concrete block, cinder block, brick, concrete, pre-cast concrete, tile block, etc.; the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; the use of weather resistant wood, metal or manufactured substitutes may be used as an accessory material for aesthetic quality.

B. A natural hedge screen or buffer with predominant planting of evergreen trees, shrubs and plants so when grown as to assure year-round effectiveness, shall be allowed. The density and height of planting shall be subject to the Zoning Administrator's approval and shall be adequate to serve as a solid and unpenetrable screen.

C. The burden of provision and selection of the buffer shall be on the occupier of the light industrial district with the approval of the Zoning Administrator.

D. Where the border of the light industrial district follows a street right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived or delayed such reasonable time, not to exceed two (2) years, as the Zoning Administrator may provide. This waiver or delay may be renewed at the expiration of each period of time.

165.26 INDUSTRIAL DISTRICT. The following regulations and uses permitted shall apply in an industrial district.:

1. All uses not otherwise prohibited by law except any residential use, or uses otherwise prohibited by ordinance.
2. Junk yards, or automobile wrecking yards, scrap iron, scrap paper or rag storage. Sorting or baling must be entirely enclosed within a fence, or by other means of concealment as approved by the Board of Adjustment.

165.27 YARDS REQUIRED. Each lot in the industrial district shall have a front yard not less than fifty (50) feet in depth.

165.28 AMENDMENTS. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Council may by ordinance, after advice thereon by the Planning and Zoning Commission and subject to the procedure provided in this chapter, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by the zoning ordinance or amendments thereof. It is the duty of the Planning and Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this chapter.

165.29 PROCEDURE FOR CHANGE. Applications for any change of district boundaries or classifications of property as shown on the zoning map and for regulation amendments shall be submitted to the Planning and Zoning Commission upon such forms, and all shall be accompanied by such data and information as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event a plat or map drawn to a scale of not less than two hundred feet to the inch (200' = 1") showing the land in question, its location, the length and location of each boundary thereof, the location of properties within three hundred (300) feet of such land. Each such application shall be verified by at least one of the owners or lessees or property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Commission itself shall be accompanied by its own motion pertaining to such amendment. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the name and addresses of the owners of all properties lying within three hundred (300) feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed.

165.30 COMMISSION HEARING NOTICE. Before submitting its recommendations to the Council, the Planning Commission shall hold at least one public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of such hearing. The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. These recommendations shall then be certified to the Council.

165.31 COUNCIL HEARING AND FINAL ACTION. After receiving from the Commission the certification of said recommendations on the proposed amendment or supplement, and before adoption of such amendment, the Council shall hold a public hearing thereon, no less than seven (7) or more than twenty (20) days' notice of the time and place of which shall be given by publication in a newspaper of general circulation in the City. Following such hearing and after reviewing the recommendations of the Commission thereon, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the zoning map. The Council may overrule the recommendations of the Commission by three-fourths vote of the full membership of the Council.

165.32 MAP CHANGE PENDING, ZONING CERTIFICATE, BUILDING PERMIT. Whenever the Council has taken under advisement a change or amendment of the zoning map from a less restricted district to a more restricted district classification, no zoning certificate or building permit shall be issued within sixty (60) days from the date such change or amendment was taken under advisement which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

165.33 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby created. The Board shall consist of five (5) members appointed by the Mayor and approved by the Council, each to be appointed for a term of five (5) years. The terms of office of members of the board are staggered so that in one year, one member is appointed and in each of the next two years two members are appointed. Members are removable for cause by the Mayor and the Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Terms shall be deemed to expire on July first of the applicable year.

165.34 BOARD PROCEDURE. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure and keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Each session of the Board at which an appeal is to be heard shall be a public meeting with public notice of said meeting and business to be carried on, published in newspaper of general circulation in the City at least one time seven (7) days prior to the meeting. The board shall act within thirty (30) days upon receipt of an appeal. The Clerk is the official Secretary to the Board.

165.35 APPEALS TO THE BOARD OF ADJUSTMENT. An appeal in writing may be taken to the Board of Adjustment by any person, group or organization, public or private, affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Zoning Administrator notice of appeal specifying the grounds thereof. A fee of fifteen dollars (\$15.00) plus the cost of notice of publication shall accompany all notices of appeal. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

165.36 POWERS OF THE BOARD. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any other requirement, decision or determination made by the Zoning

Administrator in the enforcement of this chapter and may affirm or reverse in whole or part a decision of the Zoning Administrator.

2. To hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The Board of Adjustment may impose conditions which shall be in writing and signed by the parties involved in the granting of variance to insure compliance and to protect adjacent property.
3. To hold public hearings on, and decide the exceptions to or variations of this chapter as would be in harmony with the intent of this chapter.
4. To permit the extension of a district where the boundary line thereof divides a lot held in single ownership at the time of adoption of this chapter.
5. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan.
6. Permit reconstruction of a nonconforming building otherwise prohibited.
7. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition when related to the yard regulations of this chapter would prevent a reasonable or sensible arrangement of buildings on the lot.
8. After public notice and hearing, decide such other matters concerning this chapter as may be necessary to carry out the intent of this chapter and prevent undue hardship.

165.37 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR AND CLERK. The Zoning Administrator shall enforce this chapter and in addition thereto and in furtherance of said authority:

1. The Clerk shall receive all applications for permits required by this chapter and will notify the Zoning Administrator to take action on the application.
2. The Zoning Administrator shall investigate all appropriate facts and conditions of the application and upon positive analysis shall

authorize the Clerk to issue all zoning certificates and maintain records thereof.

3. The Clerk shall issue all occupancy permits and make and maintain records, thereof and publish as a part of Council meeting minutes.

4. The Zoning Administrator shall conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this chapter.

5. The Clerk shall maintain permanent and current records of the zoning ordinance, including, but not limited to, all maps, amendments, uses on review and variances.

6. The Clerk and Zoning Administrator shall provide and maintain a public information service relative to all matters arising out of the zoning ordinance.

7. The Clerk shall forward to the Council and Planning and Zoning Commission all applications for amendments to the ordinance.

8. The Zoning Administrator shall transmit to the Board of Adjustment applications for appeals, variances, uses on review or other matters on which the Board of Adjustment is required to pass under the ordinance.

9. The Zoning Administrator shall initiate, direct and review from time to time a study of the provisions of the zoning ordinance and make reports of recommendations to the Planning and Zoning Commission and the Council.

165.38 FILING PLANS. The following procedures apply to the application for a building/occupancy permit:

1. Every application shall be filed with the Clerk.
2. The application shall be accompanied by plans in duplicate, drawn to approximate scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.
3. The application shall show the exact location, size and height of any building or structure to be erected or altered.
4. In the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it

will appear after the work for which a permit is sought shall have been completed.

5. The existing and intended use of each building or structure or part thereof shall also be shown.
6. The number of families or housekeeping units the building is designated to accommodate shall be shown.
7. The exterior covering to be used shall be indicated, so as to be finished by standard local practices.
8. When no buildings are involved, the location of the present use and proposed use to be made of the lot shall be given, along with such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter.
9. One copy of such application and plans shall be returned to the applicant when such plans shall have been approved by the Zoning Administrator, together with such building/occupancy permit as may be granted.
10. All dimensions shown on these plans related to the location and size of the lot to be built upon, shall be based on actual survey.
11. The lot and the location of the building hereon shall be staked out on the ground before construction is started.

165.39 CERTIFICATE OF UTILITY APPROVAL. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by certificate of approval by the administrator of the proposed method of water supply and/or disposal of sanitary wastes and proof of conformance to State and Federal public health and water pollution codes.

165.40 BUILDING/OCCUPANCY PERMIT.

1. No building, structure or dwelling or addition thereto and no addition to a previous existing building, structure or dwelling shall be constructed until there has been approval of a building permit. The application therefor is to be accompanied by a "Filing Plan" defined in Section 165.38 and approval of the proposed method of water supply and/or disposal of sanitary wastes as provided in Section 165.39. A permit is required any time the ground is broken other than for landscaping (flowers, shrubs, trees) in compliance with regulations in this chapter, or for a new building, a new structure, an addition, patio,

sidewalk, driveway, fence or any and all other additions to property except for which exceptions have been provided for in this chapter.

2. It is unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until final inspection approving all construction and/or structural alterations has been received by the Zoning Administrator. Approval shall be designated by a signature of the Zoning Administrator in the “Completion Approval” section of the building permit.

3. Contractors/contracted laborers are not permitted to initiate work applicable under this chapter until the property owner has acquired the required permit.

4. A building/occupancy permit approval shall not be complete until the Zoning Administrator performs a final inspection to verify compliance with the original application and all regulations of this chapter.

5. Noncompliance of any or all of the regulations in this chapter shall be a municipal infraction and subject to fines as provided.

6. The appropriate permit fee as set forth below shall accompany all applications for a building permit, no portion of which fee shall be refunded unless the building permit is refused. The permit fee shall be made payable to the City and, upon request, the applicant shall be issued a receipt therefor. Fees apply to all permanent structures, buildings or dwellings as well as portable structures/buildings over thirty-two (32) square feet in dimension.

Sidewalks	No Fee Required
Driveways	See Chapter 140
Fences	\$.10 per linear foot
.....	(Maximum \$25.00)
Other Construction:	
Residential	\$25.00 Minimum
Unoccupied Structures.....	\$.05 per square foot in dimension
Occupied Buildings, Dwellings	Based on first floor dimensions
First 1500 square feet.....	\$.10 per square foot
All over 1500 square feet	\$.025 per square foot
Business, Industrial	\$.05 per square foot
.....	(Maximum \$1,000.00)

165.41 POSTING OF PERMITS. All permits shall be clearly posted by the zoning permit applicant and at all times be readily visible from the public street abutting the front lot line.

165.42 ADMINISTRATOR TO ACT WITHIN THIRTY DAYS. The Zoning Administrator shall act upon the building portion of the application on which he is authorized to act by the provisions of this chapter within thirty (30) days after they are filed in full compliance with all the applicable requirements. The Zoning Administrator shall either issue the building section of the building/occupancy permit within said thirty days or shall notify the applicant in writing of the refusal of such permit and the reasons therefor. Failure to notify the applicant in case of such a refusal within said thirty days shall entitle the applicant to a building/occupancy permit unless the applicant consents to an extension of time. The Zoning Administrator (or in the absence of the Zoning Administrator, a designated authorized City official) shall act upon the final inspection within ten (10) business days after the date of notification of completion of the project. Failure to begin performance of the final inspection within the ten business days shall entitle the applicant to occupy the applicable building or dwelling.

165.43 ALL PERMITS AND PLANS RECORDED WITH CLERK. A copy of all permits, certificates, plans, buildings, plats and actions by the Board shall be recorded with the Clerk. The Clerk shall keep all records on file for public inspection.

165.44 RECORDS OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall keep accurate records to be filed with the Clerk pertaining to actions taken to carry out the duties of this chapter. These records shall be open for public inspection.

165.45 UTILITY CONNECTIONS. No utility service shall be permanently turned on until the building/occupancy permit has been issued, except that temporary connections may be made under permits issued by the utilities for construction purposes only.

165.46 REGULATIONS AND USES IN B-2 DOWNTOWN BUSINESS DISTRICT. This district is composed of land and structures used primarily to provide retail trade, personal and business services of all kinds that contribute to the construction of a concentrated regional shopping and business center. The regulations are designed to permit a highly concentrated development of the permitted uses with the district. *Residential uses are not permitted in the B-2 Downtown Business District, EXCEPT for the following:*

1. Apartment units above the first floor; and
2. First floor apartments that do not exceed 40% of the square footage of the floor and which do not front Main Street; and

3. Completed existing apartment units on first floor at the time of adoption of this chapter.

The following regulations and uses permitted shall apply in the B-2 Downtown Business District:

1. Stores and shops for the conducting of any lawful retail business.
2. Personal service shops.
3. Banks, theaters, offices, restaurants.
4. Other uses permitted:
 - A. Advertising signs and billboards.
 - B. Amusement places.
 - C. Professional businesses.
 - D. Bakeries.
 - E. Bowling alleys.
 - F. Business or commercial schools.
 - G. Dancing or music studio for private instruction.
 - H. Barber shops or beauty parlors.
 - I. Electric sales and repair shops; appliance, radio, television sales, hardware, carpet sales.
 - J. Hotels and motels.
 - K. Grocery stores.
 - L. Interior decorating shops.
 - M. Painting and decorating shops.
 - N. Photographic galleries.
 - O. City, State or federal administrative and operational buildings.
 - P. Auto repair shops.
 - Q. Medical clinics.
 - R. Plumbing shops.
 - S. Printing, newspaper shops.
 - T. Recreation buildings and structures, lodge halls, legion posts, etc.
 - U. Roofing and plastering shops or both.

- V. Fitness or wellness centers.
- W. Sales and/or show rooms.
- X. Shoe sales, clothing sales.
- Y. Taverns.
- Z. Real estate offices.
- AA. Insurance sales.
- BB. Jewelry stores.
- CC. Libraries.
- DD. Carpenter and cabinet shops.

(Section 165.46 – Ord. 383 – Mar. 19 Supp.)

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CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 PURPOSE. The purpose of this chapter is to provide subdivision regulations for the orderly development of the City.

166.02 DEFINITIONS. For the purpose of interpreting this chapter, certain terms are defined as follows:

1. "Commission" or "Planning Commission" means the Lenox Planning and Zoning Commission.
2. "Easement" means a grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies or private individuals.
3. "Lot" means a parcel of land occupied or intended for occupancy by a building together with its accessory buildings, including open space for light and air as required by the zoning ordinance.
4. "Open space – public" means land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites, and other lands for public uses.
5. "Secretary of Planning and Zoning Commission" means the City Clerk.

6. "Street" means a way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley or other way. For the purpose of this chapter "streets" are divided into the following categories:

A. Major streets and highways are those which are used primarily for fast or heavy through traffic.

B. Collector streets are those which provide for traffic movement between major streets and highways and local streets including principal entrance streets of residential developments and streets for circulation within such developments.

C. Local streets are those used primarily to provide direct access to individual lots and for local traffic movements.

D. Alleys are passageways affording generally secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

E. Cul-de-sacs are neighborhood streets with only one outlet, sometimes called "dead-end streets," having a vehicular turn-around at the terminated end.

7. "Subdivision" means the division of a parcel of land into three (3) or more lots, or other subdivisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

166.03 PLATTING AUTHORITY. The Planning Commission is the official platting authority, and no plat of land subdivision lying within the City shall be filed or recorded by the appropriate County Recorder unless the plat has been endorsed by the Planning Commission. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by this chapter is declared to be a misdemeanor, punishable by law.

166.04 USE OF PLAT. The transfer of, sale of, agreement to sell or negotiation to sell land by reference to or exhibition of or other use of a subdivision that has not been given final approval by the Commission and recorded in the office of the County Recorder is prohibited, and the description by metes and bounds in the instrument of the transfer or other document shall not exempt the transaction from such penalties.

166.05 OPENING AND IMPROVING PUBLIC STREETS. The City Council shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street, which has not attained the status of a public street prior to the effective date of this chapter, unless such street corresponds to

the street location shown on an approved subdivision plat or on an official street map adopted by the Planning Commission. The Council may accept, lay out, open and improve any street not so platted after review and comment by the Commission on such action.

166.06 ERECTION OF BUILDINGS. No building permit shall be issued and no building shall be erected on any lot in the City unless the street giving access thereto has been accepted as a public street in accordance with this chapter, or unless such street has been accepted as a public street prior to the effective date of this chapter.

166.07 PRE-APPLICATION PROCEDURE. Whenever a subdivision of a tract of land within the City is proposed, the subdivider is urged to consult early and informally with the Secretary or a designated member of the Planning Commission. The subdivider may submit comprehensive plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for that pre-application review and no formal application is required.

1. The purpose of the pre-application review is to afford the subdivider an opportunity to avail himself or herself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans. At this stage, the subdivider should also consult with any lending institution that will be participating in the financing of the proposed development and with the Federal Housing Administration of the Housing and Home Finance Agency that may be insuring mortgages on houses that may be built in this land subdivision.

2. The various plat reviews required by this chapter may properly be made by the Secretary or a designated member of the Planning Commission, except in cases of conflict or unusual and difficult problems. Approval or disapproval in every case must be by action of the Commission.

166.08 APPLICATION FOR PRELIMINARY PLAT APPROVAL. Following the pre-application review of a proposed subdivision, the subdivider shall submit to the Chairperson of the Planning Commission, at least fifteen (15) days prior to the next regular meeting of the Commission, the following:

1. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent.

2. Five (5) copies of the preliminary plat and other documents, as specified in Section 166.10, said five copies to provide a review and record copy for the Planning Commission, subdivider, Zoning Administrator, City maintenance department and County health office.
3. A preliminary plat filing fee for the cost to the City for an engineer study of the preliminary plat as presented for review and approval.

166.09 REVIEW OF PRELIMINARY PLAT. The Planning Commission shall check the plat for conformance to the rules and regulations of this Code of Ordinances and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Secretary of the Commission by registered or certified mail to the person designated in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing. Thereafter, the Commission shall give tentative approval or disapproval to the preliminary plat. A notation of the action shall be made on two copies of the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. One copy shall be returned to the subdivider or agent and one copy added to the records of the Planning Commission. Tentative approval of a preliminary plat does not constitute approval of the final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one year unless an extension of time is applied for by the subdivider and approved by the Commission. If action on a preliminary plat is not taken by the Planning Commission within sixty (60) days of the date of the submittal, the preliminary plat shall be considered approved and a certificate of approval may waive this requirement and consent to an extension of time.

166.10 PRELIMINARY PLAT SPECIFICATIONS.

1. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred feet to one inch (100' = 1").
2. Sheet Size. Sheet size shall be 20 x 20 inches, or shall be the sheet size required by the County Recorder for recording purposes. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
3. Ground Elevations. The preliminary plat shall show ground elevations, based on the datum plane of the U. S. Coast and Geodetic Survey or a datum plane approved by the City Engineer as follows:
 - A. For land with slopes less than approximately two percent (2%) show spot elevations at all breaks in grade, along all

drainage channels or swales, and at selected points not more than 100 feet apart in all directions.

B. For all slopes more than approximately two percent, if the ground slope is irregular, show contours with an interval of not more than two feet. If the ground slope is regular, show contours with an interval of not more than five feet.

C. A tie to one or more bench marks shall be shown.

4. Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information:

A. Title.

B. Name and address of owner of record and of subdivider.

C. Proposed name of subdivision and its acreage.

D. North point and graphic scale and date.

E. Vicinity map showing location and acreage of subdivision.

F. Exact boundary lines of the tract by bearing and distance.

G. Names of owners of record of adjoining land.

H. Existing streets, utilities, and easements on and adjacent to the tract.

I. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single family dwellings.

J. Block numbers and lot numbers.

K. Provisions for water supply, sewerage and drainage.

L. Minimum building front yard setback lines.

M. Such street cross-section and centerline profiles as may be required by the City.

N. Present zoning classification.

166.11 FINAL PLAT PROCEDURE. After the preliminary plat of a proposed subdivision has been given tentative approval by the Planning Commission, the subdivider may, within one year from tentative approval, submit to the Planning Commission:

1. A letter requesting review and approval of a final plat, giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the final plat shall be sent.
2. Five copies of the final plat and other documents, as specified heretofore plus the original which shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the County Recorder. The five copies required shall be used: one plat for the files of the County Recorder, one copy for the Planning Commission, one copy for the Council, one copy for the City Clerk and one copy for return to the subdivider with certificate of approval of the Planning Commission thereon.
3. A final plat filing fee of \$25.00 and a recording fee of \$2.50 for each page to be recorded.

166.12 REVIEW OF FINAL PLAT. The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this chapter, and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission by registered or certified mail to the person designated in the letter requesting final review and approval, not less than five (5) days prior to the date of the hearing. Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the original drawing and all copies of the final plat including a statement of the reasons for disapproval if the final plat is disapproved. If action on a final plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

166.13 RECORDING OF FINAL PLAT. Upon approval of a final plat, the Chairperson of the Planning Commission shall have the final plat recorded by the appropriate County Recorder. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat as provided in Section 166.11(3).

166.14 FINAL PLAT SPECIFICATIONS. The final plat shall conform to and meet the specifications of the preliminary plat set out in subsections 1, 2 and 4, paragraphs A-D, F and H of Section 166.10 with the following additions:

1. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three) shall be accurately described on the plat.

2. Municipal, County and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
3. Exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one to five thousand.
4. Name of subdivision, exact location, widths, and names of all streets and alleys within and immediately adjoining the tract.
5. Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents.
6. Lot lines with dimensions to the nearest one-tenth foot and bearings.
7. Lots numbered in numerical order and blocks lettered alphabetically.
8. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use.
9. Accurate location, material and description of existing and proposed monuments and markers.
10. A statement, either directly on the plat or in an identified attached document, of any private covenants.

166.15 ENGINEER'S OR SURVEYOR'S CERTIFICATION. An engineer's or surveyor's certification shall be placed directly on the final plat as follows: *It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "Future," and their location, size, type and material are correctly shown; and that all engineering requirements of the subdivision regulations of the City of Lenox, Iowa, have been fully complied with.*

166.16 OWNER'S CERTIFICATION. An owner's certification shall be placed on the final plat, as follows: *The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies this plat was made from an actual survey, that all State, City and County taxes or other assessments now due on this land have been paid.*

166.17 CERTIFICATION OF IMPROVEMENTS. The City Clerk or other responsible official shall certify that the streets, drainage, utilities and other improvements indicated on the plat have been completed to proper

specifications and per design standards. Where the required improvements have not been completed, the City Attorney shall certify that approved bond or security has been posted to insure their completion. Where septic tanks are to be used in lieu of public sewage, the County health officer or local health authority shall certify that adequate septic tanks have been installed to specifications and that lot areas shown on the plat are adequate to accommodate individual septic tanks.

166.18 CERTIFICATION OF DEDICATION. A certification by the owner setting forth the description of the areas and improvements the owner dedicates to the public and the extent of the title which the owner is dedicating should be attached to the final plat. This certificate must be approved as to form by the City Attorney.

166.19 COPY OF OFFICIAL ACTION BY COUNCIL. A copy of the resolution adopted by the Council accepting streets, improvements, easements, and any other property dedicated by the owner for public use, as indicated on the final plat, shall be attached to the final plat before recording.

166.20 CERTIFICATE OF APPROVAL OF THE FINAL PLAT. The Chairman of the Planning Commission shall include a certificate of approval of the final plat directly on the plat, as follows:

All requirements of approval having been fulfilled pursuant to the subdivision regulations of the City of Lenox, Iowa, this final plat was given final approval by the Lenox Planning and Zoning Commission effective _____, ____.

*Dated _____
Chair, Lenox Planning and Zoning Commission*

166.21 GENERAL DESIGN REQUIREMENTS.

1. Suitability of Land. Land subject to flooding, improper drainage, erosion or that is, for topographical or other reason, unsuitable for residential use shall not be platted for residential use or for any other use that will increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected.
2. Name of Subdivision. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision.
3. Access. Access to every subdivision shall be provided over a public street.

4. Conformance to Adopted Major Thoroughfare and Other Plans. All streets and other features of the major thoroughfare plan of the City shall be platted by the subdivider in the location and to the dimensions indicated on the major thoroughfare plan adopted by the Planning Commission. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks, or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency. Whenever a plat proposes the dedication of land to public uses that the Planning Commission finds not required or suitable for such public use, the Commission shall refuse to approve the plat and shall notify the Council of the reasons for such action.

The requirements of this chapter may be modified in the case of a large scale community or neighborhood units, such as a housing project or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the Planning Commission and if it is in conformity with the purpose and intent of this chapter.

166.22 CONTINUATION OF EXISTING STREETS. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

166.23 STREET NAMES. Street names shall require the approval of the Planning Commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

166.24 STREET JOGS. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

166.25 CUL-DE-SACS. Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than five hundred (500) feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.

166.26 ALLEYS. Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one and two-family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.