

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.



CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions
146.02 Conversion to Real Property

146.03 Foundation Requirements

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)

[The next page is 635]

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.

○ ○ ○ ○ ○ ○ ○ ○ ○

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])

[The next page is 641]

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 unplatte 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.)

[The next page is 651]

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.

[The next page is 665]

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 $\frac{1}{4}$ -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.

[The next page is 681]

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.)

[The next page is 701]