

**CITY OF RINGSTED
PROPOSED CODE
OF ORDINANCES
PUBLIC HEARING
NOTICE**

The City of Ringsted has compiled a code of ordinances as set forth in Chapter 380 of the Code of Iowa. A public hearing on the proposed code of ordinances and proposed adoption of the City's 2022 Code of Ordinances will be held on Monday, February 14, 2022 at 6:45 p.m. at the Ringsted City Hall, 112 W Maple Street, Ringsted, IA 50578. Copies of the proposed code of ordinances (City of Ringsted 2022 Municipal Code) or portions thereof, are available for inspection at the City Clerk's Office at the above listed address. Written or oral comments are welcome and the public is encouraged to attend. For additional information or to make arrangements for handicapped or non-English speaking individuals, please contact Cathy Wikert, City Clerk at 712-866-0877 or at the address above. The City Council may adopt the City of Ringsted 2022 Municipal Code within thirty (30) days from the date of this public hearing.

Cathy Wikert, City Clerk
(Published on February 2, 2022)

PROOF OF PUBLICATION The Ringsted Dispatch

Ringsted, Iowa 2/2, 20 22

STATE OF IOWA

Emmet County, ss.

I, Kristin Grabinoski, publisher of the Ringsted Dispatch, a weekly newspaper published at Ringsted, Iowa, being duly sworn on oath say that the notice hereto attached was published in said

newspaper for 1 consecutive week(s), the last publica-

tion being February 2, 2022

Signed: Kristin Grabinoski

I, Kristin Grabinoski, do hereby state that I certify, under penalty of perjury, and pursuant to the laws of the State of Iowa, that the preceding is true and correct as I verily believe.

February 2, 20 22

Publication

Fee:

\$ 15.07

Councilperson Pergande introduced the following Ordinance on February 14, 2022 and asked that it be placed on file and read for the first time.

Councilperson Laidig then motioned that the rule requiring the following Ordinance to be fully and distinctly read on three different days be suspended in passing and adopting the following Ordinance. Councilperson Larsen seconded the motion to adopt.

ORDINANCE NO. 653

AN ORDINANCE ADOPTING THE "CITY CODE OF THE CITY OF RINGSTED, IOWA, 2022."

SECTION 1. Purpose. The purpose of this adopting Ordinance is to enable the City of Ringsted, Iowa, to comply with the provisions of Section 362.3 and 380.8, The Code of Iowa.

SECTION 2. Adoption. The City of Ringsted, Iowa, hereby adopts the 2022 Code of Ordinances for the City of Ringsted, Iowa, pursuant to published notice and following public hearing on February 14, 2022 so required by Sections 362.3 and 380.8, The Code of Iowa.

SECTION 3. Content. All ordinances or parts thereof in force on, January 10, 2022 and not contained in the "City Code of the City of Ringsted, Iowa, 2022," are hereby repealed from and after January 10, 2022 except as hereinafter provided.

That the repeal provided for in the preceding paragraph of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before January 10, 2022; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authoring the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by resolutions of the Council not in conflict or inconsistent with the provisions of the "The City Code of the City of Ringsted, Iowa, 2022; nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocation and vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall it affect any ordinance establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any zoning ordinances and/or zoning map ordinances; nor shall it affect any subdivision ordinances nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to January 10, 2022.

The 2022 Code of Ordinances shall include this adopting Ordinance and the City Clerk's certification of its adoption and passage.

If the Code of Ordinances includes an ordinance which has adopted by reference the provisions of any statewide or nationally recognized standard code pursuant to the provisions of Section 380.10, The Code of Iowa, the City Clerk shall also keep on file, with the official copy of the City Code, a copy of such standard code.

SECTION 4. Format. The 2022 Code of Ordinances of the City of Ringsted, Iowa, shall be compiled in loose-leaf format.

SECTION 5. Official Copy. The City Clerk shall be responsible for the compilation, organization, and maintenance of the official 2022 Code of Ordinances of the City of Ringsted, Iowa, and shall be keep the official copy on file in the office of the City Clerk.

SECTION 6. Public Copies. Additional copies of the 2022 Code of Ordinance shall be kept in the office of the City Clerk and shall be available for public inspection and for sale for cost to the public. A copy of the 2022 Code of Ordinances shall be kept on file in the City Clerk's office for public inspection.

SECTION 7. Additional Ordinances. All ordinances, except as hereinafter provided, adopted after the effective date of the Ordinance shall be in the form of an amendment to or an addition to the 2022

Code of Ordinances. This section does not apply to grade ordinances, bond ordinances, zoning ordinances, naming streets and vacating streets and alleys.

SECTION 8. Effective Date. This Ordinance, after its passage and publication, as required by law, shall be effective as of the February 23, 2022.

Councilperson Pergande motioned that the proposed Ordinance be passed and adopted as Ordinance #653 Councilperson Laidig seconded the motion.

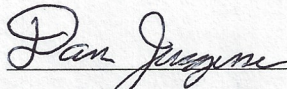
The question regarding passage and adoption of the proposed Ordinance was put to the Council by the Mayor, the Clerk called the roll and the vote was as follows:

Ayes;
Petersen, Morris Pergande,
Laidig, Larsen

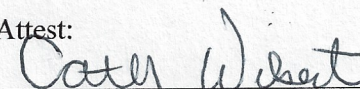
Nays;

Absent;

HEREUPON, the Mayor announced the vote and declared that the Ordinance was duly adopted by the Council on February 14, 2022.


Dan Jorgensen, Mayor

Attest:


Cathy Wikert, City Clerk

CERTIFICATE

(STATE OF IOWA)

SS

(EMMET COUNTY)

I hereby certify that the following published as ordinance no.653 in the Ringsted Dispatch newspaper on February 23, 2022.

Signed

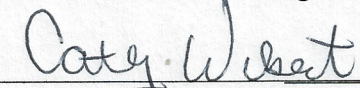

Cathy Wikert, City Clerk

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Cathy Wikert, City Clerk
(Published on February 2, 2022)

PROOF OF PUBLICATION The Ringsted Dispatch

Ringsted, Iowa 2/2, 20 22

STATE OF IOWA
Emmet County, ss.

I, Kristin Grabinoski, publisher of the Ringsted Dispatch, a weekly newspaper published at Ringsted, Iowa, being duly sworn on oath say that the notice hereto attached was published in said newspaper for 1 consecutive week(s), the last publication being February 2, 2022.

Signed: Kristin Grabinoski

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February 2, 20 22

Publication

Fee:

\$ 15.07

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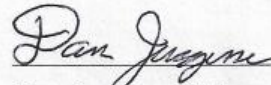
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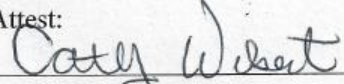
Councilperson Pergande motioned that the proposed Ordinance be passed and adopted as Ordinance #653 Councilperson Laidig seconded the motion.

The question regarding passage and adoption of the proposed Ordinance was put to the Council by the Mayor, the Clerk called the roll and the vote was as follows:

Ayes;	Nays;	Absent;
Petersen, Morris Pergande, Laidig, Larsen		

HEREUPON, the Mayor announced the vote and declared that the Ordinance was duly adopted by the Council on February 14, 2022.


Dan Jorgensen, Mayor

Attest:

Cathy Wikert, City Clerk

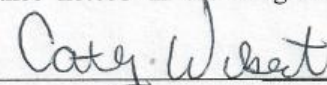
CERTIFICATE

(STATE OF IOWA)

SS

(EMMET COUNTY)

I hereby certify that the following published as ordinance no.653 in the Ringsted Dispatch newspaper on February 23, 2022.

Signed 
Cathy Wikert, City Clerk

TITLE I: MUNICIPAL GOVERNMENT, STRUCTURE AND OFFICERS

CHAPTER 1: GENERAL ORGANIZATION**ARTICLE 1 - MUNICIPAL CODE**

- 1.01 TITLE. These ordinances will be known and cited as the Municipal Code of Ringsted, Iowa.
- 1.02 DEFINITIONS. Terms used within this Municipal Code shall have the meanings defined below, unless specifically defined otherwise.
1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
 2. "City Code" or "Municipal Code" means the current Municipal Code of the City of Ringsted, Iowa.
 3. "City" means the City of Ringsted, Iowa.
 4. "Code" means the specific chapter in which a specific subject is covered and bears a descriptive title word.
 5. "County" means Emmet County, Iowa.
 6. "Clerk" means the City Clerk of Ringsted, Iowa.
 7. "Council" means the City Council of Ringsted, Iowa.
 8. "Measure" means an ordinance, resolution, amendment or motion.
 9. "Month" means a calendar month.
 10. "Oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be the equivalent to the words "swear" and "sworn".
 11. "Occupant, Tenant" applied to a building or land, shall include any person who inhabits the whole or part of such building or land, whether alone or with others.
 12. "Ordinances" means the ordinances of the City of Ringsted, as incorporated by the Municipal Code, ordinances not repealed by the ordinance adopting the Municipal Code and those passed hereafter.
 13. "Parking" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.

14. "Peace officers", sometimes designated "law enforcement officers", include:
 - a. Sheriffs and their regular deputies who are subject to mandated law enforcement training.
 - b. Marshals and police officers of cities.
 - c. Peace officer members of the department of public safety as defined in Code of Iowa Chapter 80.
 - d. Conservation officers as authorized by section 456A.13.
 - e. Such employees of the department of transportation as are designated "*peace officers*" by resolution of the department under section 321.477.
 - f. Such persons as may be otherwise so designated by law.
15. "Police authority" means the Iowa highway safety patrol or any law enforcement agency of a county or city.
16. "Preceding", "Following": shall mean next before and next after, respectively.
17. "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 but does not include a governmental body.
18. "Property" shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
19. "Property Owner" means a person owning private property owned by the City or held in the name of the City by any departments, commissions or agencies within the government.
20. "Public Property" means any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.
21. "Public Place" includes but is not restricted to any city-owned space or property, either open or enclosed.
22. "State" means the State of Iowa.
23. "Statutes, Laws" means the latest edition of the Code of Iowa as amended.

24. "Sidewalk" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.
25. "Street" means and includes any public way, highway, street, avenue, boulevard or other public thoroughfare, and includes the entire width between property lines.
26. "Year" shall mean a calendar year.

1.03 RULES OF CONSTRUCTION. In the construction of the Municipal Code, the following rules shall be observed:

1. Tense: words used in the present tense include the future.
2. May: grants a power.
3. Must: states a requirement.
4. Shall or Will: imposes a duty.
5. Gender: masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions, terms phrases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.
7. The singular includes the plural, and the plural includes the singular.
8. Authority of Office: for all city offices, either the named official holding that office or his official designee possesses the power, authority and responsibilities associated with that respective office.
9. Editor's Note: does not constitute any part of the law, and is intended merely to indicate, explain or to clarify the contents of a section.

1.04 AMENDMENTS. All ordinances which amend, repeal or affect the Municipal Code will include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly classification of ordinances of the city. Any amendment of an ordinance shall include in full the language of the section, subsection, or paragraph as amended.

(Code of Iowa, Sec. 380.2)

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

1.06 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The criminal penalty surcharge required by Code of Iowa section 911.1 shall be added to a city fine and is not a part of the city's penalty.

(Code of Iowa, Sec. 364.3(2) and 903.1(1a))

These penalties shall apply to every section of this Code, as if the section were set out in every other section of this Code.

- 1.07 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, title, 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 city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of the section.
- 1.08 SEVERABILITY. If any section, provision, or part of the Municipal Code is judged invalid or unconstitutional, such judgment will not affect the validity of the Municipal Code as a whole or any section, provision, or part not judged invalid or unconstitutional.
- 1.09 SEPARATE OFFENSE. If a violation of this code is committed on more than one calendar day, a separate offense shall be deemed to have occurred on each such calendar day.
- 1.10 LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES. A violation of this code, in addition to the penalties provided in this chapter, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.
- 1.11 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.
- 1.12 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.
- 1.13 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 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.
- 1.15 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)
- 1.16 SEVERABILITY. If any section, provision, or part of the Municipal Code is judged invalid or unconstitutional, such judgment will not affect the validity of the Municipal Code as a whole or any section, provision, or part not judged invalid or unconstitutional.

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 2 - BOUNDARIES

- 2.01 CORPORATE LIMITS. The corporate limits of the city as of January 1, 1978 are described as follows:

Commencing at the northeast corner of the southwest quarter of the southwest quarter (SW 1/4 SW 1/4) of Section Fifteen (15), Township ninety-eight (98) north range thirty one (31) west of the fifth P.M. in Emmet County, Iowa running thence west to the northeast corner of the southwest quarter of the southwest quarter (SW 1/4 SW 1/4) of Section Number Sixteen (16) thence south to the northeast corner of the southwest quarter of the southwest quarter (SW 1/4 SW 1/4) of Section Number Twenty-One (21) thence east to the northeast corner of the southwest quarter of the southwest quarter (SW 1/4 SW 1/4) of Section Twenty-Two (22) thence north to point of beginning and all in Township Number Ninety-Eight (98) north range thirty-one (31) west of the fifth P.M. in Emmet County, Iowa.

- 2.02 EXTRATERRITORIAL ZONING. Pursuant to Resolution by the City Council, there is hereby extended in total for the purpose of application and enforcement, the "City Code to certain real estate owned by the city located outside of the city limits of Ringsted, Iowa, to-wit:

A tract of land in the west half of the southwest quarter of Section 15, Township 98 North, Range 31 west of the Fifth Principal Meridian, bounded as follows, to wit; Beginning at the northwest corner of the southwest quarter of Section 15, Township 98 North, Range 31 West of the Fifth Principal Meridian, and running from that point of beginning south 88 57' east on the north line of the southwest quarter of said Section 15 a distance of one thousand three hundred twenty-four and three tenths (1324.3) feet to the northeast corner of the west half of the southwest quarter of said section 15; thence south 0 13' on the east line of the west half of the southwest quarter of said section 15 a distance of nine hundred twenty-seven and eight tenths (927.8) feet; thence north 54 33' west a distance of one thousand two hundred fifty-two and seven tenths (1252.7) feet; thence north 88 57' west a distance of three hundred (300.0) feet to the west line of the southwest quarter of said section 15; thence north 0 00' east on the west line of the southwest quarter of said section 15 a distance of two hundred twenty (220.0) feet to the point of beginning. All bearings stated in this description are based on the assumption that the west line of the southwest quarter of said section 15 is a true north to south line. The area of the tract bounded by the description given herein is 14.9995 acres including 0.1667 acres of public highway right-of-way on the west 33 feet thereof. The tract bounded by the description given herein is also subject to easement for an open drainage ditch of Emmet-Palo Alto-Kossuth Tri-County Drainage District No. 1.

CHAPTER 1: GENERAL ORGANIZATION**ARTICLE 3 - CHARTER**

- 3.01 PURPOSE. The purpose of this article is to provide for a Charter incorporating the form of government existing in the City of Ringsted, Iowa.
- 3.02 CHARTER. This article may be referred to as the Charter of the City of Ringsted, Iowa.
- 3.03 FORM OF GOVERNMENT. The City of Ringsted, Iowa, shall have the mayor-council form of government.
(Code of Iowa, Sec. 372.4)
- 3.04 POWERS AND DUTIES. The council, the mayor, and other city officers have such powers and perform such duties as authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Ringsted, Iowa.
- 3.05 NUMBER AND TERM OF COUNCIL. The council consists of five (5) council members elected at large for terms of four (4) years.
(Code of Iowa, Sec. 376.2)
- 3.06 TERM OF MAYOR. The mayor is elected for a term of two (2) years.
(Code of Iowa, 376.2)
- 3.07 COPIES ON FILE. The clerk shall keep an official copy of this Charter on file with the official records of the city clerk, and make available copies at the clerk's office for public inspection.
(Code of Iowa, Sec. 372.1)

CHAPTER 1: GENERAL ORGANIZATION**ARTICLE 4 - CORPORATE SEAL**

- 4.01 SEAL AND CUSTODY. The council shall provide a seal, in the center of which shall be the words "Ringsted" and around the margin the words "Town Seal - Iowa", and the same is hereby declared to be the corporate seal. The clerk shall keep the corporate seal in his/her charge.
- 4.02 USE. The corporate seal shall be attached to all transcripts, orders, and certificates which it may be necessary or proper to authenticate.

CHAPTER 1: GENERAL ORGANIZATION**ARTICLE 5 - ELECTIONS**

- 5.01 MUNICIPAL ELECTION. The regular municipal election shall be held on the first Tuesday following the first Monday of November of each odd-numbered year.
(Code of Iowa, Sec. 376.1)
- 5.02 TERMS. Terms of elected officers begin at noon on the first day in January which is not a Sunday or a legal holiday following their election.
(Code of Iowa, Sec. 376.2)
- 5.03 NOMINATIONS. Candidates for elective city offices shall be nominated as provided in Sections 376.4 to 376.9 and Chapter 45 of the Code of Iowa.
(Code of Iowa, Sec. 376.3)
- 5.04 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)
- 5.05 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)
- 5.06 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)
- 5.07 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)

- 5.08 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)

- 5.09 PERSONS ELECTED IN CITY ELECTIONS.

(Code of Iowa, Sec. 376.8)

1. In a regular city election, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

- 5.10 TIE VOTE. In case of a tie vote resulting in failure of one candidate to receive a majority vote, the tie shall be determined by lot by the Board of Canvassers.

(Code of Iowa, Sec. 43.75)

- 5.11 CONTEST. A nomination or election to an office may be contested as provided in the Code of Iowa, except the Statement of Intent to Contest must be filed with the city clerk within ten (10) days after the nomination or election. At the trial of a nomination or election, the mayor is presiding officer except when the mayor's nomination or election is contested, in which case the council shall elect one of its members to serve as presiding officer.

(Code of Iowa, Sec. 376.10)

- 5.12 OATHS. Each officer, elective, or appointive, before entering upon his duties, shall qualify by taking the prescribed oath and giving a bond when required before noon of the second secular day in January of the first year of the term of which such officers was elected or as provided in Sections 63.3 and 63.4, Code of Iowa.

(Code of Iowa, Sec. 63.1)

1. PRESCRIBED OATH: 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 Ringsted, Iowa, as now or hereinafter required by law.

(Code of Iowa, Sec. 63.10)

2. 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. Clerk,
- C. Mayor Pro Tem
- D. Members of all boards, commissions, or bodies created by law.

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

5.13 SURETY BONDS. The following shall apply to surety bonds of municipal officers:

1. **REQUIRED.** The Council shall provide by resolution for a surety bond or blanket position bond running the City and covering the Mayor, Clerk, Treasurer and such officers and employees as may be necessary and advisable.
(Code of Iowa, Sec. 64.13)
2. **BOND 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 and appointive.
(Code of Iowa, Sec. 64.24[3])

5.14 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))

5.15 UNAVOIDABLE CASUALTY. When on account of sickness, inclement weather, or unavoidable absence or casualty an officer has been prevented from qualifying within the prescribed time, the officer may do so within ten days after that fixed time.
(Code of Iowa, Sec. 63.3)

CHAPTER 1: GENERAL ORGANIZATION**ARTICLE 6 - OFFICERS AND EMPLOYEES**

6.01 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the council, unless contrary to State law or City charter.
(Code of Iowa, Sec. 372.13(4))

6.02 OFFICERS TO BE APPOINTED. The following appointments shall be made:

1. **CLERK/TREASURER.** The council shall appoint a city clerk/treasurer to perform duties prescribed by State or City law.
(Code of Iowa, Sec. 372.13(3))
2. **DEPUTY CLERK.** The council shall appoint a deputy city clerk to perform duties prescribed by State or City law.
3. **CITY ENGINEER.** The council shall appoint a city engineer to perform duties prescribed by State or City law.
4. **PLANNING & ZONING COMMISSION.** The council shall appoint planning and zoning commission members to perform duties prescribed by State or City law.
5. **BOARD OF ADJUSTMENT.** The council shall appoint board of adjustment members to perform duties prescribed by State or City law.
6. **PARK COMMISSION.** The council shall appoint park commission members to perform duties prescribed by State or City law.
7. **LIBRARY BOARD OF TRUSTEES.** The council shall appoint library board of trustees to perform duties prescribed by State or City law.
8. **CITY ATTORNEY.** The council shall appoint a city attorney to perform as prescribe as prescribed by State or City law.
9. **MAYOR PRO TEM.** The mayor shall appoint a council member as mayor pro tem.
(Code of Iowa, Sec. 372.4)
10. **ANIMAL CONTROL OFFICER.** The mayor shall appoint the animal control officer.
11. **OTHER OFFICERS AND EMPLOYEES.** The council may appoint other city officers and employees and prescribe their powers, duties, compensation, and terms unless provided otherwise by law.
(Code of Iowa, Sec. 372.13(4) & 372.4)

- 6.03 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the council in January following the regular municipal election and the appointment of a successor.
- 6.04 BOOKS AND RECORDS. The public has the right, upon request, to examine and copy all books and records required to be kept by law or ordinance, unless the records are required to be kept confidential or this right is limited by other provisions in the Code of Iowa.
(Code of Iowa, Sec. 22.7)
- 6.05 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to his successor in office all books, papers, records, documents and property in his possession pertaining to his office.
- 6.06 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 his city, unless expressly permitted by law. A contract entered into in violation of this section is void.
(Code of Iowa, Sec. 362.5 & 362.6))
- 6.07 RESIGNATIONS. Resignations may be made by all council members and officers to the clerk or mayor.
(Code of Iowa, Sec. 69.4(5))
- 6.08 NON-ELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if, during that time, the compensation for the office has been increased.
(Code of Iowa, Sec. 372.13(9))
- 6.09 VACANCIES. A vacancy in an elective office during a term of office shall be filled by the council within forty (40) days after the vacancy occurs, or as otherwise provided by law.
(Code of Iowa, Sec. 372.13(2))
- 6.10 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed with the clerk and a copy shall be sent by certified mail to the person removed. Upon request filed with the clerk within thirty (30) days of the date of mailing the copy, the removed person 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 of the date the request is filed, unless the person removed requests a later date.
(Code of Iowa, Sec. 372.15)

6.11 POSITIONS COMBINED. The powers and duties of an appointed office or employment may be delegated to any other officer or employee or may be combined with each or any other office or position by resolution passed by a majority vote of the entire council.

6.12 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:

(Code of Iowa, Sec. 21.4)

1. NOTICE OF MEETING (PUBLIC NOTICE) Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

(Code of Iowa, Sec. 21.4)

- 2.a. TWENTY-FOUR HOUR NOTICE. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.

- b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

3. Subsection 1 does not apply to any of the following:

- a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.
 - b. A meeting held by a formally constituted subunit of a parent governmental body during a lawful meeting of the parent governmental body or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following the meeting of the parent governmental body, if the meeting of that subunit is publicly

announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing, or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

5. 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)

6. 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)

7. 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. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

(Code of Iowa, Sec. 21.5)

- a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
- b. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
- c. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.
- d. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- e. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.

- f. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
- g. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.
- h. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.
 - 1. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.
 - 2. This section shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this section applies and which is contained in such a record.
- i. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under this section shall be announced publicly at the open session and entered in the minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.
- j. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.
- k. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also tape record all of the closed session. The detailed minutes and tape recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and tape recording

shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and tape recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and tape recording of any closed session for a period of at least one year from the date of that meeting.

1. Nothing in this section requires a governmental body to hold a closed session to discuss or act upon any matter.

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

(Code of Iowa, Sec. 21.7)

9. 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)

- 6.13 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.(4))
 10. Cumulative Purchases. Contracts not otherwise permitted by this section for the purchase of goods or services by a city having a population of two thousand five hundred or less, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars 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))
- 6.14 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)

6.15 HOLIDAYS. The following days shall be designated as legal holidays:

- | | | |
|----|------------------------|---|
| 1. | New Year's Day | January 1 |
| 2. | Independence Day | July 4 |
| 3. | Labor Day | September (1 st Monday in September) |
| 4. | Thanksgiving Day | November (4 th Thursday in November) |
| 5. | Day After Thanksgiving | November |
| 6. | Christmas Eve Day | December 24 |
| 7. | Christmas Day | December 25 |
| 8. | New Year Eve Day | December 31 |

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

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

CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE**ARTICLE 7 - MAYOR**

7.01 **POWERS AND DUTIES.** The powers and duties of the mayor shall be as follows:
(Code of Iowa, Sec. 372.14)

1. **SUPERVISE DEPARTMENT HEADS.** Supervise and give direction to all city department heads concerning departmental functions. He may examine all department functions and records and call for special reports from department heads at any time.
(Code of Iowa, Sec. 372.14(1))
2. **PRESIDING OFFICER.** Act as presiding officer at all regular and special council meetings. He may call special meetings of the council when necessary to the interests of the city. The mayor pro tem shall serve in the mayor's absence.
(Code of Iowa, Sec. 372.14(1)& (3))
3. **ACTION ON ORDINANCE.** May 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 (14) days after passage by the council. 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))
4. **REPORTS.** Make oral and written reports to the council at the first meeting of every month which concern municipal affairs, departments, and recommendations suitable for council action.
5. **ANNUAL BUDGET.** Prepare and submit annually to the council an itemized budget of revenues and expenditures.
6. **CONTRACTS.** Sign all contracts on behalf of the city when authorized by the council.
7. **REPRESENT CITY.** Represent the city in all negotiations legally entered, unless this duty is otherwise delegated by law or ordinance.
8. **SECURE SERVICES.** Secure special or professional services, upon order of the council.
9. **AUTHORIZE LICENSES AND PERMITS.** Under council authorization, sign all licenses or permits, except those designated by law or ordinance to be issued by another municipal officer, or revoke permits or licenses granted by the council when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.

10. **REVOKE LICENSES AND PERMITS.** Under council authorization, revoke permits or licenses granted by the council when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.
 11. **ABSENTEE OFFICER.** Provide that the duties of an absentee officer are carried on during the officer's absence.
 12. **PROCLAMATION OF EMERGENCY.** Have the authority to take command of the police and govern the City by proclamation, upon making a determination that the time of emergency or public danger exists. Within the City limits the, the mayor has all the powers conferred upon the Sheriff to suppress disorders.
(Code of Iowa, Sec. 372.14(2))
 13. **SPECIAL MEETING.** 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])
- 7.02 **VOTING.** The mayor is not a member of the council and may not vote as a member of the council.
(Code of Iowa, Sec. 372.4)
- 7.03 **COMPENSATION.** The salary of the mayor shall be dollars one thousand two hundred dollars (\$1,200.00) per year, payable semi-annually. For the purpose of this section compensation of the Mayor includes workshop seminars outside of the City and emergency situation gatherings. The salary of the Mayor shall be forty dollars (\$40.00) for all day meetings and twenty dollars (\$20.00) for one-half day meetings.
(Code of Iowa, Sec. 372.13(8))
- (Editor's Note: Section 7.03 was passed and approved as Ordinance No. 632 on November 14, 2005, and became effective January 1, 2006.)
- 7.04 **APPOINTMENTS.** The mayor shall appoint the following officials:
(Code of Iowa, Sec. 372.4)
1. Mayor Pro Tem.

CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE**ARTICLE 8 - MAYOR PRO TEM**

8.01 **POWERS AND DUTIES.** The duties of the mayor pro tem shall be as follows:
(Code of Iowa, Sec. 372.14(3))

1. **VICE-PRESIDENT.** Serve as vice-president of the council.
2. **PERFORM IN MAYOR'S ABSENCE.** Perform the duties of the mayor in case of absence or inability of the mayor to perform his duties.
3. **LIMITED POWER.** Shall not have power to employ or discharge officers or employees that the mayor has the power to appoint, employ, or discharge without approval of the council.
4. **VOTING.** May vote as a member of the council.

8.02 **COMPENSATION.** If the mayor pro tem performs the duties of the mayor during his absence or disability for a continuous period of fifteen (15) days or more, the mayor pro tem shall be paid for that period such compensation as determined by the council, based upon his performance of the mayor's duties and upon the compensation of the mayor.
(Code of Iowa, Sec. 372.13(8))

CHAPTER 3: ADMINISTRATIVE CODE - LEGISLATIVE**ARTICLE 9 - COUNCIL****9.01 POWERS AND DUTIES.** The powers and duties of the council shall be as follows:

1. **GENERAL.** All powers of the city are vested in the council unless otherwise provided by law or ordinance.
(Code of Iowa, Sec. 364.2(1))
2. **FUNDS.** 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 may be specially assessed.
(Code of Iowa, Sec. 384.2 (1), 384.16 & 384.38(1))
3. **PUBLIC IMPROVEMENTS.** Make all orders for the doing of public improvements, and award contracts for construction of any public improvements.
4. **CONTRACTS.** Make or authorize all contracts. No contract shall bind or obligate the city unless authorized by the council, and be in writing. Contracts authorized by resolution shall be drawn or approved by the city attorney before they are entered into. Any contracts based upon bidding require bidding according to the Code of Iowa requirements.
5. **OFFICERS AND EMPLOYEES.** Appoint and remove city officers and employees unless otherwise provided by law or ordinance, and prescribe their powers, duties, compensation and terms of employment.
(Code of Iowa, Sec. 372.13(4&8))
6. **PRESCRIBE COMPENSATION.** 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 an ordinance changing the compensation of the mayor, council members, or other elected officers 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. By resolution the council shall prescribe the compensation of appointed city officers and employees.
(Code of Iowa, Sec. 372.13(8))
7. **WARDS.** By ordinance, the council may divide the city into wards based upon population, change in boundaries or wards, eliminate wards or create new wards.
(Code of Iowa, Sec. 372.13(7))

8. RECORDS. The council shall maintain records of its proceedings.
(Code of Iowa, Sec. 372.13(5))

- 9.02 EXERCISE OF POWER. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. 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 open session. Such powers shall be exercised as follows:

1. APPROVED ACTION BY COUNCIL. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of all the council members. A resolution must be adopted to spend public funds in excess of one-hundred thousand dollars (\$100,000) on any one project, or to accept public improvements and facilities upon their completion, and requires an affirmative vote of not less than a majority of all the council members. Each councilperson's vote on an ordinance, amendment, or resolution must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

As used in this chapter, "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.

A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.

(Code of Iowa, Sec. 380.4)

2. OVERRIDING MAYOR'S VETO. Within thirty (30) days after the mayor's veto, the council may repass the ordinance or resolution by a vote of not less than two-thirds (2/3) of the council members; and the ordinance or resolution becomes effective upon repassage and publication.

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

3. MEASURES BECOME EFFECTIVE. Measures passed by the council, other than motions, become effective in one of the following ways:

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

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

- b. If the mayor vetoes a measure and the council repasses the same measure after the mayor's veto, a resolution becomes effective immediately upon repassage; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
(Code of Iowa, Sec. 380.6(2))
- c. If the mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage; and an ordinance or amendment becomes a law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.
(Code of Iowa, Sec. 380.6(3))
- d. A motion becomes effective immediately upon passage of the motion by the Council.
(Code of Iowa, Sec. 380.6)

9.03 COUNCIL COMMITTEES. The mayor shall appoint with approval of the council any council standing committees established by council resolution, and any special committees of the council. The standing committees shall consist of three council members; the first named shall be chairman. The mayor shall name the chairman of special committees and such other members as he deems appropriate. The mayor shall be an ex-official member of each committee. The mayor shall appoint the standing committees at the first meeting in January following each municipal election. Special committees may be named by the mayor when deemed useful to the city.

9.04 MEETINGS. Meetings of the council shall be as follows:

- 1. REGULAR MEETINGS. The regular meetings of the council shall be held on the second Monday of each month at 6:30 p.m. in the Council Chambers, City Hall. If such day shall fall on a legal holiday the meeting shall be held on the next succeeding day at the same time unless a different day or time is determined by 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. 21.4)
- 3. OPEN MEETINGS. All meetings of the council, standing committees and city boards or commissions, or special committees shall comply with the open meeting laws of Iowa.
(Code of Iowa, Chapter 21)

4. QUORUM. A simple majority of all council members is a quorum.
(Code of Iowa, Sec. 372.13(1))
5. RULES OF PROCEDURE. The council shall determine the rules of its own proceedings by resolution, and the clerk shall keep such rules on file for public inspection.
(Code of Iowa, Sec. 372.13(5))
- 9.05 ELIGIBILITY FOR APPOINTMENT. A councilman is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which he is elected.
(Code of Iowa, Sec. 372.13(9))
- 9.06 COMPENSATION. The salary of each councilmember shall be twenty-five dollars (\$25.00) for each official council meeting attended, payable semi-annually. For the purpose of this section compensation of each Councilmember includes workshop seminars outside of the City and emergency situation gatherings. The salary of each Councilmember shall be forty dollars (\$40.00) for all day meetings and twenty dollars (\$20.00) for one-half day meetings.
(Code of Iowa, Sec. 372.13(8))
- 9.07 TENTATIVE AGENDA. The clerk shall prepare and post a tentative agenda for each meeting at a place, or places, designated by the council, one of which shall be near the place of meeting at the city hall. The posting shall be made at least twenty-four (24) hours before the meeting except as permitted under state law in case of emergencies.
- 9.08 SERVING AS CHIEF OF VOLUNTEER FIRE DEPARTMENT. If volunteer fire department for the City serves an area with a population of not more than two thousand (2,000) then a council member may also hold the office of chief of the volunteer fire department, provided that no other person who is not a council member is available to hold such office.
(Code of Iowa, Sec. 372.13(10))
- 9.09 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:
 1. City Clerk
 2. Deputy Clerk
 3. City Engineer
 4. City Attorney
 5. Planning & Zoning Commission members
 6. Park Commission
 7. Library Board of Trustees
 8. Zoning Board of Adjustment
 9. Animal Control Officer.

(Editor's Note: Section 9.09(1-8) was approved January 11, 1999, as Ordinance 617. Animal Control Officer was added at time of updating Code Book in 2013)

- 9.10 **GENDER BALANCE.** All appointive boards, commissions, and committees shall be gender balanced. No person shall be appointed or reappointed to any board, commission, or committee if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, or committee plus one if the board, commission, or committee is composed of an odd number of members. If the board, commission, or committee is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission or committee they shall consult each other to avoid a violation of this section.

All appointive boards, commissions, and committees of the City, if not otherwise provided by law, shall be gender balanced as provided in this section unless the City has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, or committee in compliance with this section for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this section, the City shall utilize a fair and unbiased method of selecting the best qualified applicants. This section shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance. Gender balance is applicable to appointive boards, commissions, and committees of the City on and after January 1, 2012.

(Code of Iowa, Sec. 69.16A)

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION**ARTICLE 10 - CITY CLERK/TREASURER**

10.01 CREATION OF OFFICE. There is hereby created the office of city clerk-treasurer to be appointed by a majority of the city council and to serve at the discretion of the Council. The City Clerk – Treasurer is appointed at the first meeting of January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

10.02 POWERS AND DUTIES. The powers and duties of the city clerk-treasurer shall be as follows:

1. **ADMINISTER OATHS.** Administer oaths of office to any city officer who is required to give an oath.
(Code of Iowa, Sec. 78.2(4))
2. **ATTEND MEETINGS.** Attend all meetings of the council and its committees.
3. **RECORD PROCEEDINGS.** Record and preserve a record of meeting proceedings and publish a summary of Council proceedings after each regular or special meeting; and where applicable, indicate whether the Mayor signed, vetoed or took no action on a measure passed by the Council, and whether a measure was repassed after the Mayor's veto.
(Code of Iowa, Sec. 380.7(1))
4. **ORDINANCES.** Publish all ordinances immediately after passage and approval by council, and enter each ordinance in an ordinance record book, authenticating each ordinance and certifying as to the time and manner of publication.
(Code of Iowa, Sec. 380.7(3) & 362.3)
5. **RESOLUTIONS.** Keep an official resolution record book, and enter each resolution therein.
6. **COUNCIL COMMUNICATIONS.** Keep and date all communications and petitions directed to the council or city, and endorse thereon council action taken on matters presented in such documents.
(Code of Iowa, Sec. 372.13(4))
7. **CORPORATE SEAL.** Affix the corporate seal to those public documents or instruments as directed by the mayor or council, or as required by law.
(Code of Iowa, Sec. 380.7(3))
8. **ELECTIONS.** 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 it is

timely filed. The clerk shall deliver all nomination petitions to the county commissioner of elections no later than five o'clock p.m. (5:00) on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

9. **ISSUE LICENSES AND PERMITS.** Issue all council-approved licenses and permits and keep a record of them showing the date, number, to whom issued and for what purpose.
10. **OTHER DUTIES.** Perform such other duties as specified by council resolution or ordinance.
11. **NOTIFY APPOINTEES.** The clerk shall inform all persons appointed by the Mayor or Council to office in the City government of their position and time at which they shall assume the duties of their office.

10.03 **CHIEF ACCOUNTING OFFICER.** The clerk-treasurer shall be chief accounting officer of the city and:

1. **SEPARATE ACCOUNTS.** Keep separate accounts for every appropriation, department, public improvement or undertaking.
2. **ACCOUNTS RECEIVED.** Keep an account of any cash, investment, account receivable and property received by, due to, or in the custody of the city.
3. **RECEIPT.** Give a receipt for all cash or checks received, specifying the date received, from whom and for what account.
4. **ACCOUNTS DISBURSED.** Keep accounts for cash disbursed, purchase or contract commitments, and property disposed of or sold by the city, and record each transaction in the correct fund, specifying the date and to whom paid.
5. **BUDGET ACCOUNTS.** Maintain the budgetary accounts required by law and as directed by the council.
6. **BUDGET REPORTS.** Prepare and publish all financial and budgetary reports and the list of claims, as required by law.
7. **REVENUES FROM CITY UTILITY.** The gross revenues of a city utility, combined utility system, city enterprise, or combined city enterprise must be deposited promptly in the city's depository and be kept on the city books in a separate account for each and from other funds of the city.

(Code of Iowa, Sec. 384.85)

10.04 CUSTODY OF TREASURY. The clerk-treasurer shall have custody of the treasury and perform the following functions:

1. DEPOSITS. Deposit in banks authorized by the council any money held in his custody and belonging to the municipality in amounts not exceeding limits set by the council.
(Code of Iowa, Sec. 12 C.1)
2. BALANCE ACCOUNTS. Reconcile the bank statements with the city books, and certify monthly to the council the balance of cash and investments and amounts received and disbursed for each fund.
3. INVESTMENTS. Advise the council on investments, and invest city monies not immediately needed at interest in accordance with council directives and the requirements of Section 12B of the Iowa Code. The treasurer shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 12c of the Iowa Code.
4. PAY CLAIMS. Pay all claims against the city only upon council order or other council authorization.
5. TREASURER. Be treasurer of all boards and commissions.
6. AUTHENTICATE DOCUMENTS. Sign all evidence of indebtedness, coupons, or certificates as required by law.
7. SPECIAL ASSESSMENTS. Keep a separate account of all money received from special assessments by the "Treasurer".
8. RECONCILIATIONS, REPORTS. Reconcile the bank statements with the city's books, certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed, and reconcile the treasurer's books with the clerk's every month.
9. DEBT SERVICE. Keep a register of all bonds outstanding, and record all payments made of interest and principal.
10. RECORDS. Keep such books as will account for all funds of the city, including any warrants out at interest, and call such warrants at the earliest opportune time.
11. OTHER DUTIES. Perform such other duties as specified by the council by resolution or ordinance.

10.05 CUSTODY OF RECORDS. The clerk-treasurer shall have custody of all records and documents pertaining to the municipality unless otherwise directed by law or ordinance and:

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

1. **FILE AND RECORD TRANSACTIONS.** File and preserve all receipts, vouchers, and other documents kept or required to be kept so as to prove the validity of every transaction and identity of any person having a beneficial relation thereto.
2. **MAINTENANCE OF CITY RECORDS.** Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records, documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption, 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 or resolutions, Council proceedings, records, documents, or accurate reproductions, relating to real property shall be maintained permanently.

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

3. **FURNISH COPIES.** 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 law or 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 are required to be attested by the fixing of the seal.
4. **CERTIFY MEASURES.** Certify to the county recorder all ordinances establishing zoning districts, building lines, or fire limits, and a plat showing each district, lines, or limits.

(Code of Iowa, Sec. 380.11)

5. **BONDS.** Keep a register of all bonds outstanding, and record all payments made of interest and principal.
6. **RECORD APPOINTMENTS.** Keep a record of all appointments, notifying all persons appointed by the mayor or council of such appointments and the time of taking office.
7. **ORDINANCES AND CODES.** Maintain copies of all effective City Ordinances and codes for public use.
8. **ADMINISTER OATHS.** Administer oaths of office to any city officer who is required to give an oath.

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

10.06 PUBLICATION. The clerk-treasurer shall cause to be published all ordinances, enactments, proceedings, and official notices requiring publication as follows:

1. **TIME.** If notice of an election, hearing, or other official action is required by the municipal code or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing, or other action, unless otherwise provided by law.
(Code of Iowa, Sec. 362.3(1))
2. **MANNER OF PUBLICATION.** A publication required by the city code or law must be in a newspaper published at least once weekly and having general circulation in the city (except that ordinances and amendments may be published by posting in the official places set by ordinance).
(Code of Iowa, Sec. 362.3(2))
3. **PUBLICATION OF MINUTES.** Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section 21.3 shall not be published until entered on the public minutes. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.
(Code of Iowa, Sec. 372.13(6))

10.07 OFFICIAL POSTING LOCATION ADDRESSED. Whenever there is to be notice given and no other form of publication is specified by law, the following three locations are officially designated for such notices:

1. City Hall
2. Post Office
3. Library

10.08 COMPENSATION. The city clerk-treasurer shall be paid such compensation as specified by resolution of the council.
(Code of Iowa, Sec. 372.13(8))

10.09 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 ninety (90) days before the date of the regular city election.
(Code of Iowa, Sec. 376.6)
2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.
(Code of Iowa, Sec. 376.4)
3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the clerk is not readily available during normal working hours.
(Code of Iowa, Sec. 376.4)
4. Note upon the 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 measures 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)

10.02 COMPENSATION. The treasurer shall be paid such compensation as specified by resolution of the council.

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION**ARTICLE 11 - CITY ATTORNEY****11.01 POWERS AND DUTIES.** The duties of the city attorney shall be as follows:

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

1. **ATTEND MEETINGS.** Attend those meetings of the council at which he is requested by the mayor or council to be present.
2. **DRAFTS.** Formulate drafts for contracts, forms, and other writings which may be required for the use of the city upon request.
3. **DOCKET AND RECORD OF OPINIONS.** Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings related to said actions.
4. **LEGAL OPINION.** Give an opinion in writing upon all questions of law relating to municipal affairs submitted by the council, the mayor, members of the council individually, municipal boards, or the head of any municipal department upon request.
5. **PREPARE ORDINANCES.** Prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all ordinances before their final passage by the council and publication.
6. **REPRESENT CITY.** Act as attorney for the city in all matters affecting the city's interests, appear on behalf of the city before any court tribunal, commission, or board and prosecute or defend all actions and proceedings when so requested by the mayor or the council.
7. **REPRESENT MUNICIPAL OFFICERS AND EMPLOYEES.** Not appear on behalf of any municipal 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 municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of said office or employment.
8. **CERTIFY BONDS AND POWER OF ATTORNEY.** 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.
9. **REVIEW CONTRACTS AND ORDINANCES.** Make a written recommendation to the council and interested department heads concerning all contracts, documents,

authorized power of the city officer, and ordinances submitted to or coming under notice before they go into effect.

10. POWER OF ATTORNEY. 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.
- 11.02 COMPENSATION. The city attorney shall be paid such compensation as specified by resolution of the council.
(Code of Iowa, Sec. 372.13(8))

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION**ARTICLE 12 - WATER SUPERINTENDENT**

12.01 **POWERS AND DUTIES.** The powers and duties of the water superintendent shall be as follows:

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

1. **SUPERVISE WATER DISTRIBUTION SYSTEM.** Supervise and inspect the installation and connection of all water mains and service pipes in the city in accordance with the State Plumbing Code, and maintain the system in an adequate manner.
2. **SUPERVISE WATER SUPPLY.** Operate city water supply and storage facilities in accordance with the best practice for the protection of the purity of the water supply and provision of an adequate supply and pressure to the system.
3. **WATER TAPS.** Make or supervise the making of all taps to water mains.
4. **SHUT OFF WATER.** Shut off water supply when deemed necessary under policies set by the council.
5. **WATER METERS.** Oversee the installation and repair of water meters.
6. **RECORDS.** Maintain written records of inspections of installation or tapping of the water system, of purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.
7. **REPORTS.** Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month.

12.02 **COMPENSATION.** The water superintendent shall be paid such compensation as specified by resolution of the council.

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

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION**ARTICLE 13 - SEWER SUPERINTENDENT**

13.01 **POWERS AND DUTIES.** The powers and duties of the Sewer Superintendent shall be as follows:

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

1. **SUPERVISE STORM SEWER INSTALLATION.** Supervise the installation of all sanitary sewers in the city in accordance with the State Plumbing Code, and supervise the storm drainage system in the city.
2. **INSPECT CONNECTIONS.** Inspect all sewer connections and sewer interceptors and keep records of these inspections.
3. **UNCOVER MANHOLES.** Uncover manholes that are buried, raising them where necessary to keep them accessible.
4. **COMPLETE WORK.** Finish or correct work on any private connection to the public sewer system as authorized by Section 4.17, Chapter 2 of Title II of this Municipal Code.
5. **RECORDS.** Maintain written records of inspections of sewer work, of purchase and disposition of equipment, of an up-to-date inventory, departmental activities, and complete and accurate record of all sewers, sewage connections and manholes constructed showing the grades and location thereof.
6. **REPORTS.** Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month.
7. **OPERATION AND MAINTENANCE.** Operate and maintain the city sewage system.
8. **INSPECTIONS AND TEST.** Conduct necessary inspections and test to assure compliance with the provisions of this chapter.

13.02 **COMPENSATION.** The Sewer Superintendent shall be paid such compensation as specified by resolution of the council.

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

CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

ARTICLE 14 – LAW ENFORCEMENT

- 14.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such entity shall exercise the powers and duties as provided in said contract and as required by law or ordinance.
(Code of Iowa, Sec. 28E.30)

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 15 – HOUSING COMMISSION

- 15.01 TITLE. The commission is created in and for the city to be known as the “Ringsted Housing Commission.”
- 15.02 APPOINTMENT AND APPROVAL. The commission shall consist of five members to be approved by the mayor, subject to the approval of the city council. All vacancies occurring on the commission shall be filled in the same manner as an original appointment except that the appointment shall be for the balance of the unexpired term.
- 15.03 QUALIFICATIONS. All members of the commission shall be residents of the city and shall be over eighteen years of age. Members should have knowledge, experience or desire to act in matters pertaining to the development and implementation of municipal housing policies and programs. Members shall not hold any other elective or appointive office in the city government.
- 15.04 TERM OF MEMBERS. The term of office for two of the commissioners originally appointed shall be three years; the term of office for two of the commissioner’s original appointed shall be two years; and the term of office for one of the commissioner’s original appointed shall be one year. Thereafter, their term of office for each commissioner shall be three years.
- 15.05 COMPENSATION. Members of the commission shall serve without compensation.
- 15.06 MEETINGS-ORGANIZATION. The commission shall meet at times to be established by the commission, the meetings to be open to the public. The commission shall adopt its own rules of procedure and keep a written record of their meetings. A majority of the members shall constitute a quorum for the transaction of business. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice chairman, who shall perform all the duties of the chairman during the chairman’s absence of disability, and a secretary.
- 15.07 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties:
- A. To prepare, carry out and operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part thereof.
 - B. To undertake and carry out studies and analyses of the housing needs and of the meeting of such needs (including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rental and sales prices, employment, wages and other factors affecting the local housing needs and the

meter thereof) and to make the results of such studies and analyses available to the public and the building, housing and supply industries; and to engage in research and disseminate information on housing and slum clearance.

- C. All contracts and agreements entered into by the commission are subject to review and approval by the city council.
- D. To arrange for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof.
- E. To determine where slum areas exist or where there is unsafe, insanitary or overcrowded housing; it may make studies and recommendations to the city council relating to the problem of clearing, replanting and reconstruction of slum areas and the problem of eliminating unsafe, insanitary or overcrowded housing and providing swelling accommodations for persons of low income; and to cooperate with any state public body in action taken in connection with these problems.
- F. To make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.
- G. To adopt rules and regulations governing the organization and procedure of the commission, and the commissioners' powers and duties, as it may deem necessary, however, no such rule or regulation shall be in conflict with any state or federal law or regulation

15.08 ANNUAL REPORTING REQUIREMENTS. The commission shall, within sixty days after the close of each municipal fiscal year, file with the city clerk a detailed written report of loans made, funds disbursed, and funds received and other information as may be required by the city council.

15.09 PROJECT PAYMENTS. All payments received from any projects of the commission shall be paid to the city clerk and the city clerk shall be responsible for account of the funds. Commission project moneys shall be held in a separate fund by the city clerk.

15.10. PERSONAL INTEREST PROHIBITED. No commissioner shall voluntarily acquire any personal interest, whether direct or indirect, in any municipal housing project, or in any property included or planned to be included in any municipal housing project of the municipality, or in any contract or proposed contract in connection with the municipal housing project. Where acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the commission, and the disclosure entered upon the minutes of the commission. If any commissioner presently owns or controls, or has owned or controlled within the preceding two years, any interest, whether direct or indirect, in any

property which it is known is included or planned to be included in a municipal housing project, the commissioner shall immediately disclose this fact in writing to the commission, and the disclosure entered upon the minutes of the governing body. If a commissioner has any interest, the commissioner shall not participate in any action in the municipality of commission affecting the property. An employee of a financial institution shall not be deemed to have a personal interest when the financial institution owns the property or has a lien on the real estate. If a commissioner has stock ownership in a corporation having an interest the commissioner shall not be deemed to have a personal interest unless more than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the commissioner. An indirect interest means any interest held by a person related to a commissioner with the third degree of consanguinity or affinity.

- 15.11 EFFECTIVE DATE. This Ordinance, after its passage and publication, as required by law, shall be effective as of the April 21, 2021

(Ord. #651 Council Approved 4-12-2021)

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 16 - LIBRARY BOARD

- 16.01 PUBLIC LIBRARY. The free public library established for the City of Ringsted is to be known as the Ringsted Public Library.
- 16.02 BOARD OF LIBRARY TRUSTEES. The board of trustees of the library, hereinafter referred to as the board, consists of five (5) members and two (2) out of the five (5) members can be a resident of unincorporated Emmet County, within townships close to the City of Ringsted. All resident members are to be appointed by the Mayor with the approval of the council. All nonresident members are to be appointed by the mayor with the approval of the county board of supervisors.
(Ord. #650, Council Approved 12-10-21)
- 16.03 QUALIFICATIONS. All resident members of the board shall be bona fide citizens and residents of the city. The nonresident members of the board shall be bona fide citizens and residents of unincorporated Emmet County, within townships close to the city. Resident and nonresident members shall be over the age of eighteen.
(Ord. #650, Council Approved 12-10-21)
- 16.04 ORGANIZATION OF THE BOARD. The organization of the board shall be for four (4) 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.

(Editor's Note: Sections 16.02 and 16.04 were amended on July 13, 1998, by Ordinance No. 613)

16.05 VACANCIES.

- A. The position of any resident trustee shall be vacated if he moves permanently from the city.
- B. The position of the nonresident trustee shall be vacated if he moves permanently from the county or into the city.
- C. The position of any board member shall be deemed vacated if the trustee is absent from four (4) consecutive regular board meetings, except in the case of illness or temporary excused absent from the city. Vacancies in the board shall be filled in the same manner as an original appointment except the new trustee shall fill out the unexpired term of which the appointment is made.

(Ord. #650, Council Approved 12-10-21)

16.06 POWERS AND DUTIES. The board shall have the following powers and duties:

1. **OFFICERS.** Meet and elect a chairperson, vice-chairperson, and secretary from its members. The City Clerk shall serve as board treasurer, but shall not be a member of the board.
2. **RESPONSIBLE FOR LIBRARY.** Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms for library purposes.
3. **DIRECT AFFAIRS.** Direct and control all library affairs.
4. **LIBRARIAN.** Employ a librarian and fix the librarian's compensation.
5. **OTHER EMPLOYEES.** Authorize the librarian to employ assistants and other employees necessary to operate the library properly.
6. **REMOVAL.** Remove the librarian, assistants, or employees by a two-thirds vote of the board.
7. **SELECT LIBRARY MATERIALS.** Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.
8. **NONRESIDENT USE.** Authorize the use of the library by nonresidents of the city and to fix charges thereof.
9. **FUNDS.** Have exclusive control of all expenditure of all funds allocated for library purposes by the council, and for 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.** Accept and control the expenditure of all gifts, devises, and bequests to the library, and require the council to appropriate such monies to the library.
(Code of Iowa, Sec. 392.5)
11. **RULES AND REGULATIONS.** Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.
12. **RECORD.** Keep a record of its proceedings.
13. **COUNTY HISTORICAL ASSOCIATIONS.** To have the authority to make agreements with the local county historical association where such exist, and to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.

- 16.07 POWER TO CONTRACT. The board may contract with any other board of trustees of a free public library and any school, corporation, city, and county. If there is a county library district, the city may contract with it for the use of the library by city residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.
- 16.08 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents by:
1. TERMS OF LOAN. Lending library materials to nonresidents on the same terms as to residents of the city, or upon payment of a special nonresident fee.
 2. DEPOSITORIES. Establishing depositories of library materials to be loaned to nonresidents.
 3. BOOKMOBILES. Establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents.
 4. BRANCH LIBRARIES. Establishing branch libraries for lending books or other library material to nonresidents.
- 16.09 LIBRARY ACCOUNT. The council shall appropriate in the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board orders, signed by the president and secretary. The warrant-writing officer is the city clerk.
- 16.10 ANNUAL REPORT. The board shall submit an annual comprehensive report to the council after the close of the municipal 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.
- 16.11 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.
- 16.12 LIBRARY MATERIALS. Library materials include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:
- a. A public library.
 - b. A library of an educational, historical, or eleemosynary institution, organization, or society.

- c. A museum.
- d. A repository of public records.
(Iowa Code, Sec. 702.22(1))

16.13 LIBRARY EQUIPMENT. Library equipment includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in section 16.12 of this Article.
(Iowa Code, Sec. 702.22(2))

16.14 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any library materials.

16.15 THEFT OF LIBRARY MATERIALS. The fact that a person has concealed library materials as defined in sections 16.12 and 16.13 or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if person conceals or causes to be concealed library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the library materials or goods.

16.16 DETENTION AND SEARCH.

1. Persons concealing property as set forth in section 16.15 may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.
2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.
3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property set forth in section 16.16.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 17 - Reserve for Future Use

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS**ARTICLE 18 - PLANNING AND ZONING COMMISSION**

- 18.01 PLANNING AND ZONING COMMISSION CREATED. There is hereby created a city planning and zoning commission composed of three residents of the city who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the city. Such members shall be appointed by the city council. If, and at such a time as when the jurisdiction of the city zoning ordinance is extended beyond the city limits into Emmet County, there shall be added to the commission two nonresident members for overlapping five-year terms. All members shall have the same rights, privileges and duties regardless of residency.
- 18.02 TERM OF OFFICE. The term of office of commission members shall be five (5) years, except that the members first named shall hold office for such terms not exceeding five (5) years, that the terms of not more two (2) members will expire in any one year. Any vacancy occurring on the commission, caused by resignation or otherwise, shall be filled by the council for the unexpired term. All members of such commission shall serve without compensation except their actual expenses which shall be subject to the approval of the council. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman to serve in the absence of the chairman.
- 18.03 POWERS. Said commission shall have and possess the following powers and such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:
1. **PLANS.** To make such surveys, studies, maps, plans, or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of such commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations and it may publish the same.
 2. **ZONING PLAN.** To prepare a plan for zoning regarding the height, number of stories, and size of buildings and other structures; the percentage of ground that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the city council.
 3. **RECOMMEND CHANGES.** To recommend to the council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the

comprehensive plan prepared by it, and recommend changes to the zoning regulations.

4. OFFICIAL MAP. To study and make recommendations on all subdivisions submitted for approval to the city and to make surveys and plans for an official map as a guideline for such approval.
5. TRENDS. To study trends of development in industrial, physical and social aspects of the community and make such reports as it may deem necessary.
6. SURVEY. To survey street and traffic problems and make recommendations thereon to the mayor and council.
7. RECOMMENDATIONS. To review and make recommendations on proposed vacations of streets and alleys.
8. OPEN MEETING. All meetings of the Planning and Zoning Commission shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

18.04 OFFICERS AND THEIR DUTIES. The officers of the Planning and Zoning Commission shall consist of a Chairperson, a Vice Chairperson and a Secretary.

1. The Chairperson shall preside at all meetings of the Planning and Zoning Commission and shall have the duties normally conferred by parliamentary usage of such offices.
2. The Chairperson shall be one of the members of the Planning and Zoning Commission and shall have the privileges of discussing all matters before the Commission and voting thereof.
3. The Vice-Chairman shall act for the Chairman in his absence.
4. The Secretary shall keep the minutes and records of the Planning and Zoning Commission and attend to correspondence of the Commission and to such other duties as are normally carried out by a Secretary.

18.05 ELECTION OF OFFICERS.

1. Nomination of officers shall be made from the floor at the organizational meeting and annually at the regular January meeting.
2. A candidate receiving a majority vote of the entire membership of the Planning and Zoning Commission shall be declared elected and shall serve for one year or until his successor shall take office. Officers are eligible for re-election.
3. Vacancies in offices shall be filled immediately by regular election procedure.

18.06 MEETINGS.

1. Meetings will be held monthly at a time and place so designated by the Chairperson. The Commission shall hold at least one regular meeting each month.
2. A simple majority of the entire membership of the Planning and Zoning Commission shall constitute a quorum and the number of voting members necessary to transact business. A majority vote of the quorum present is necessary for adoption or passage of any official business. Voting shall be “my” voice vote unless roll call vote is requested by a member. A record shall be kept as a part of the minutes.
3. All meetings in which official action is taken shall be open to the general public.
4. Special meetings may be called by the Chairperson as necessary.

18.07 COMMITTEES.

1. Special or standing committees may be appointed by the Chairperson for purposes and terms which the Planning and Zoning Commission approves.
2. The standing committees shall be appointed for one year and shall consist of at least three members. If a vacancy is found to exist, the chairman of the Planning and Zoning Commission shall immediately appoint a replacement.

18.08 HEARINGS.

1. The Planning and Zoning Commission shall hold public hearings as required by State Statutes and City Ordinances and at any other times when it is determined that such hearings will be in the public interest.
2. Notice of such hearings shall be posted as required by State Statutes or Local Ordinances.
3. Interested parties shall have privileges of the floor with rules, procedures and general conduct of the public hearing to be determined and outlined by the Chairperson.
4. A record shall be kept of those speaking before the Planning and Zoning Commission.

18.09 COMPENSATION. All members of such commission shall serve with salary of each member ten dollars (\$10.00) for each meeting of the member attended, payable semi-annually. All members of such commission shall serve with compensation for their actual expenses which shall be subject to the approval of the Council.

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

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted by the City of Ringsted Iowa.

<u>Ordinance Number</u>	<u>Adopted</u>
548	November 13, 1979
549	December 20, 1979

The following ordinances, not codified herein and specifically saved from repeal, have been adopted establishing change in the zoning regulations.

<u>Ordinance Number</u>	<u>Adopted</u>
552	August 27, 1981
555	April 11, 1983
575	August 8, 1988
586	December 11, 1989
589	March 12, 1990
591	April 4, 1991
596	January 13, 1992
597	January 13, 1992

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS**ARTICLE 19 – PARK COMMISSION**

- 19.01 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.
- 19.02 PARK COMMISSIONERS. There shall be a board of park commissioners for the city consisting of two (2) citizens of legal age.
- 19.03 TERM. The Park Commissioners hereinafter referred to as the board, are to be appointed by the Council for a term of six (6) years.
- 19.04 TREASURER. The city clerk shall be the treasurer of the board and payout all moneys under the control of the city council on approvals at the city council's regular meetings.
- 19.05 COMPENSATION. The salary of each Park Commissioner shall be one hundred dollars (\$100.00) per year, payable semi-annually.
- 19.06 BUDGET CERTIFIED. The board shall, on or before February first of each year submit to the council a proposed budget and tax levy for general park purposes for the ensuing fiscal year. The council shall include such tax levy, or so much thereof as it may deem necessary, in the levy for the general fund of the city as certified to the county auditor.
- 19.07 RECORDS AND REPORTS. The board shall keep a record of all its transactions and proceedings and submit a detailed annual report to the council no later than August first of each year of the amounts of money expended and the purposes for which used.
- 19.08 JURISDICTION AND AUTHORITY. The board shall have exclusive control of all parks and pleasure grounds acquired by it or of any other ground owned by the city and set apart for like purposes within or without the city. All ordinances of the city shall be in full force and effect in and over the territory occupied by such parks.
- 19.09 POLES AND WIRES. The board may regulate or forbid the erection of poles or the stretching of wire for electric light, street railway, or other corporations or persons in such parks or in or along streets or highways or over public places laid out or controlled by it.
- 19.10 ACQUISITION OF LAND. The board may acquire real estate within or without the city for park purposes by donation, lease, purchase, or condemnation, take the title to and hold it exempt from taxation.
- 19.11 SALE OR LEASE OF PROPERTY. The board may sell, subject to the approval of the council, exchange, or lease any real estate acquired by it which in its discretion is unfit, not desirable, unnecessary, or not required for park purpose.

- 19.12 LIMITED LEASE. The board may lease under reasonable rates and requirements a particular park or portion thereof:
1. For a period not in excess of ten (10) days to charitable, fraternal and patriotic organizations for the conduct of celebrations, anniversaries and entertainment.
 2. For such time or times, not to exceed six (6) consecutive months, for the purpose of permitting the playing of professional baseball or other professional games.
- 19.13 RULES AND REGULATIONS. The board shall have power to make rules and regulations for the use of park or other facilities under its control, such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.
- 19.14 PENALTIES. Any person who violates a board rule or regulation which has been approved by the council and adopted by ordinance may be subject to the penalties provided for in the ordinance adopting the rule or regulation.
- 19.15 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the city.
- 19.16 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.
- 19.17 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.
- 19.18 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the council.

CHAPTER 6: FISCAL MANAGEMENT**ARTICLE 20 - BUDGET**

20.01 FINANCE OFFICER. The city clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this Chapter.

20.02 PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. CITY CLERK RESPONSIBLE. The City Clerk 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 City Clerk for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. SUBMISSION TO COUNCIL. The City Clerk shall submit the completed budget proposal to the Council each year at such time as directed by the Council.
4. RESOLUTION ESTABLISHING MAXIMUM PROPERTY TAX DOLLARS. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under Code of Iowa Section 384.1, for the City's trust and agency fund under Code of Iowa Section 384.6, Subsection 1, for the City's emergency fund under Code of Iowa Section 384.8, and for the levies authorized under Code of Iowa Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under Code of Iowa Section 384.12, Subsection 19.
(Code of Iowa, Sec. 384.15A)
5. NOTICE OF HEARING. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:
 1. The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined

property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

2. The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.
3. The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.
4. If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase. Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph C of this subsection. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under Code of Iowa Section 384.16, Subsection 3. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council. If the City has an internet site, in addition to filing the resolution with the Auditor under Code of Iowa Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the Code of Iowa, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of

publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

6. **COPIES OF BUDGET ON FILE.** Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 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 submitted at the final hearing or the applicable amount specified in the resolution adopted under Subsection 4 of this section. 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])

- 20.03 **BUDGET AMENDMENTS.** The 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 INCREASED.** Any increase in the total amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.
2. **TRANSFER OF APPROPRIATION BETWEEN PROGRAMS.** 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.

(Code of Iowa, Sec. 384.18(4))

3. **TRANSFER WITHIN PROGRAMS.** When the clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures, he shall inform the council; or if the council upon its own investigation so determines, and another account within the same program has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation, which alone or with the other account can provide the needed appropriations, the council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers.

Upon the passage of the resolution and approval by the mayor, as provided by law for resolutions, the clerk shall cause the transfers to be set out in full in the minutes

and be included in the published proceedings of the council. Thereupon, the clerk shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation to a program be increased nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(Code of Iowa, Sec. 384.15(1))

4. **TRANSFER BETWEEN FUNDS.** Transfers between funds may be approved by council resolution or as planned in the budget if permitted or required by law.

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 21 - FUNDS

21.01 FUND CONTROL. The clerk/treasurer shall establish and maintain separate and distinct funds only as required or permitted by law, and account to them as follows:

1. REVENUES. All monies received by the city shall be credited to the proper fund as required by law, ordinance, or resolution.
(Code of Iowa, Sec. 384.3)
2. EXPENDITURES. No disbursements shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, or 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.

21.02 SPECIAL FUNDS; CASH FUNDS.

1. PETTY CASH FUND. The clerk shall be custodian of a petty cash fund not to exceed fifty dollars (\$50.00) for the payment of small claims for minor purchases, collect-on-delivery, transportation charges, and small fees customarily paid at the time of rendering a service. The clerk shall obtain some form of receipt or bill acknowledging payment by the vendor of his agent.

At such time as the petty cash fund is approaching depletion, the clerk 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.

(Code of Iowa, Sec. 384.9)

- 21.03 FUND SURPLUS. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally-accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the city finance committee.

(Code of Iowa, Sec. 384.89)

- 21.04 INVESTMENT POLICY. The Council shall establish an Investment Policy to comply with the standards set in Chapter 12C of the Code of Iowa. Copies of this Investment Policy shall be distributed to all appropriate officials.

CHAPTER 6: FISCAL MANAGEMENT**ARTICLE 22 - ACCOUNTING**

- 22.01 BOOKS OF ORIGINAL ENTRY. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
- 22.02 GENERAL LEDGER. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts, and for recording unappropriated surpluses.
- 22.03 CHECKS. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by Section 22.05 hereof.
- 22.04 BUDGET ACCOUNTS. There shall be established such individual accounts to record receipts by source and expenditures by program, subprogram 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.
- (Code of Iowa, Sec. 384.20)
- 22.05 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.
- 22.06 UTILITIES. The clerk shall perform and be responsible for accounting functions of the municipally-owned utilities.

CHAPTER 6: FISCAL MANAGEMENT**ARTICLE 23 - FINANCIAL REPORTS**

- 23.01 MONTHLY REPORTS. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund, program, subprogram, and activity for the preceding month.
- 23.02 ANNUAL REPORT. Not later than the December 1 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 furnished to the Auditor of the State by December 1 of each year.

(Code of Iowa, Sec. 384.22)

CHAPTER 6: FISCAL MANAGEMENT**ARTICLE 24 - PURCHASING**

24.01 BIDDING/MAJOR CONTRACTS. The purchase of any supplies, material, or equipment, the cost of which will exceed one-hundred thousand dollars (\$100,000 shall be made only after receiving written bids therefor from three (3) or more sources and approval of the council. The council may waive the bid requirement in cases where a lack of supplies exist or in cases where time does not allow for written bids.

(Code of Iowa, Sec. 384.96)

CHAPTER 7: CITY RECORDS

ARTICLE 25 - CUSTODY OF THE CITY'S PUBLIC RECORDS

- 25.01 RECORDS - CUSTODY AND CONFIDENTIALITY RULINGS. In compliance with Chapter 22, Code of Iowa, the officers and employees bearing the titles named herein shall be the custodians custody of the particular records or class of records assigned to the positions named in sections 25.03 this Article and are directed to familiarize themselves with the requirements of the law in Chapter 22, as amended. Whenever there is a doubt concerning whether a record is an open or confidential public record the custodian thereof shall withhold the record and immediately ask for an opinion of the city attorney interpreting the law.
- 25.02 CLERK'S DUTY - INFORMATION. The city clerk shall obtain and place in the hands of each named custodian a copy of the public records, law and any interpretations available to the city. The clerk shall also keep informed of any amendments or new interpretations and distribute such agenda to the named custodians promptly upon receipt thereof.
- 25.03 CUSTODIANS NAMED FOR SPECIFIED RECORDS.
1. POSITIONS NAMED. The following city positions named shall be custodians of the specific records and related items assigned to each position:
 - a. City Clerk.* Council minutes and proceedings and related papers, ordinance and resolution records, reports filed, surety bonds, deeds, abstracts for city-owned property, petitions, correspondence, special assessment schedules, bond register, all budget papers, accounts, receipts, invoices, purchase orders, warrants/ checks, utility accounting records not in hands of superintendents, personnel records not in hands of a personnel officer, investment records, and depository agreements. **Personnel records including applications, medical exams.
 - b. City Attorney (solicitor).* Legal opinions, records of legal cases, investigations.
 - c. City Engineer (including any consultant). Plans, profiles, other engineering drawings, field notes.
 - d. Fire Chief. Inspection reports, incident records, correspondence, etc.
 - e. Building Officer (inspector). Plans, applications and permits pertaining to the office.
 - f. Librarian. Library circulation and accession lists or records.

- g. Water Superintendent (operator, in one-man department). Operating records, volume pumped, water quality tests, etc., customer billings if responsible for billing.
 - h. Wastewater Superintendent. Operating records, volume pumped, water quality tests, etc., customer billings.
 - i. Sanitation Superintendent. Billings, activity, cost records.
 - j. Zoning Administrator. Zoning correspondence, maps, plats, petitions, minutes of board of adjustment.
 - k. Planning Officer. Planning and Zoning Commission minutes, correspondence, logs, plats, studies.
2. CITY CLERK CUSTODIAN. The city clerk shall be custodian of any papers, records or documents that are named for a position where the position is vacant and of all records for which no other custodian is designated.

*May withhold papers dealing with anticipated purchases of real property.

**Must withhold "personal" data of officers and employees unless officer or employee permits release. Name, address, salary, social security number and years worked are not "personal".

TITLE II PUBLIC SERVICE AND PUBLIC HEALTH

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 1 - GENERAL PROVISIONS

1.01 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection, and disposal of solid wastes in order to protect the health, safety, and welfare of the citizens of the city from the hazards which may result from the uncontrolled disposal of solid wastes.

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

1. "Solid Waste" means garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to materials generating from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by the Code of Iowa.
(Code of Iowa, 455B.301(20))
 - a. Garbage means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)
 - b. Refuse means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
(IAC, 567-100.2)
 - c. Rubbish means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery, or litter of any kind.
(IAC, 567-100.2)
2. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires, and trade wastes.
(IAC, 567-20.2)
3. "Landscape Waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
(IAC, 567-20.2)
4. "Toxic and Hazardous Wastes" means waste materials including, but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials, and similar harmful wastes, which require special handling and

careful disposal to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

5. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.
(Code of Iowa, Sec. 455B.361(1))
6. "Rubble" means stone, brick, or similar inorganic material.
(IAC, 567-100.2)
7. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passage through a chimney or stack.
(IAC, 567-20.2)
8. "Backyard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.
(IAC, 567-20.2)
9. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
(IAC, 567-100.2)
10. "Discard" means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361(2))
11. "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)
12. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.
(Code of Iowa, Sec. 455B.301(18))
13. "Sanitary Landfill" means a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.
(IAC, 567-100.2)
14. "Salvage Operation" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to chemicals, drums, metals, motor vehicles, or shipping containers.
(IAC, 567-20.2)

15. "Approved Incinerator" means equipment facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the city based on recommendations of the Environmental Protection Commission (EPC) of the Iowa Department of Natural Resources (IDNR).
16. "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.
17. "Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.
18. "Approval" means acceptance as satisfactory to the Mayor or his designate of the Ringsted Benefited Fire Department.
19. "Designate" means any member of the Ringsted Benefited Department and/or is an employee the City of Ringsted.

(Editor's Note: Ordinance 636, adopted May 12, 2008, added definitions for "approval" and "designate".)

- 1.03 **HEALTH HAZARD.** It shall be unlawful for any person to permit, to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.
- 1.04 **FIRE HAZARD.** It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.
- 1.05 **OPEN BURNING.** No person shall allow, cause or permit open burning of combustible materials. The following shall be permitted exceptions:
 - IAC, 567-23.2 (3a)
 1. **RECREATIONAL FIRES.** The burning of charcoal, clean untreated wood, and other cooking fuels customarily used for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the EPC and the IDNR. Recreational fires shall include fires used for the purposes of cooking food and provision of heat.
 - IAC, 567-23.2 (3e)
 - a. A fire pit cannot be larger than 4 feet (48 inches) in diameter and is designed and constructed to confine the fire.

- b. Fires used for recreational or ceremonial purposes such as school pep rally fires or a flag burning ceremony can only use clean untreated wood or charcoal. Paper or petroleum products can be used for ignition purposes only.
- 1. The fire shall not be ignited more than 2 hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.
- 2. APPROVAL. The Mayor or his designate may allow a fire for the purpose of:
 - a. Reducing hazardous conditions;
 - b. Reducing the hazard that transportation of such material may cause to the environment or public health;
 - c. Training firefighters in accordance with ongoing educational requirements;
 - d. Allowing property owners open burning of prairies, pastures, fields, yards and road ditches;
- 3. VARIANCE. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the Executive Director of the EPC of the IDNR.

IAC, 567-23.2(2)

(Editor's Note: Ordinance 636, adopted May 12, 2008, amended Section 1.05 Open Burning.)

- 1.06 OPEN BURNING SITES. It shall be unlawful to start, maintain or allow open burning on any pavement, street, avenue, alley, or other public right of way; or on any private ground within ten feet (10') of any building (including overhangs), woodpile, wooden structure or other property subject to damage by fire, including wooden patios and wooden decks.
- 1.07 PROCLAMATION. The mayor or chief of the fire department may prohibit open burning during periods of extremely dry conditions or under other conditions when open burning is dangerous to life or property. Such a prohibition shall be implemented by proclamation which shall be posted at the fire station and at city hall and shall be distributed to all newspapers and radio stations located in the city.
- 1.08 WIND RESTRICTIONS. No fire shall be ignited or maintained when the velocity of the wind exceeds twenty (20) miles per hour.
- 1.09 AUTHORITY OF PUBLIC OFFICERS. The Ringsted fire chief, assistant chiefs or full-time employees of the Ringsted fire department and sworn Ringsted police officers or Emmet County law enforcement officers may require that any open burning activity in the

city be immediately discontinued, if the officer determines the activity to be in violation of the provisions of this chapter or to be potentially harmful to persons or property.

Editor's Note Sections 1.07, 1.08 and 1.09 were added at time of codification in 2013.

- 1.10 **LITTERING PROHIBITED.** No person shall discard any litter on or in any water or land, except when and where authorized. 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.
(Iowa Code Sec. 455B.363)
- 1.11 **OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of IDNR, 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)
- 1.12 **TOXIC AND HAZARDOUS WASTES** 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))
- 1.13 Reserved for Future Use
- 1.14 **STORAGE OF YARD WASTES.** All yard wastes shall be stored in containers so constructed and maintained so as to prevent dispersal of wastes placed therein, also tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed seventy-five (75) pounds.
- 1.15 **SANITARY DISPOSAL REQUIRED OF OWNER.** It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. If such accumulation becomes a nuisance, the city may proceed to abate the 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 Title 3, Chapter 2, Article 9, or by initiating action in district court.
(Code of Iowa, Sec. 657.2)

1.16 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. UNLAWFUL USE OF CONTAINERS. Deposit refuse in any solid-waste containers other than his own 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, whether such equipment or collectors be those of the city or those of any other authorized waste-collection service.
3. UNLAWFUL DISPOSAL. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
4. UNLAWFUL COLLECTION. Engage in the business of collecting, transporting, processing, or disposing of refuse within the city without a contract with the city, or possessing a city solid waste hauler permit.
5. INCINERATORS. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.
6. 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.

CHAPTER 1: SOLID WASTE CONTROL**ARTICLE 2 - COLLECTION AND TRANSPORTATION OF SOLID WASTE****2.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. "Solid Waste Collection" shall mean the gathering of solid wastes from public and private places.
(IAC, 567-100.2)
2. "Solid Waste Transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail, car, water vessel, conveyor, or other means.
(IAC, 567-100.2)
3. "Residential Premises." A single-family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of each such apartments or units which may be included in a given housing development.
4. "Dwelling Unit." 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. "Property Served." Any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided by this chapter.
6. "Collectors." Any person authorized by the city to gather solid waste from public and private places.
7. "Single-Family Dwelling": shall mean a structure containing only one dwelling unit.
8. "Commercial Premises." a business that is own and slash or operated by an individual or individuals that are personally liable for the debts and obligations of the business and have an employer ID number (EIN).
(Ordinance 643; 10-13-2014, added Commercial Premises as Definition)

2.02 COLLECTION SERVICE. The City shall provide for the collection of refuse from residential, commercial, industrial or institutional premises within their jurisdiction which are not exempted by law.
(Code of Iowa, Sec. 455.302)

- 2.03 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse 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.
- 2.04 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, 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.
- 2.05 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once a week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.
- 2.06 LOCATION OF CONTAINERS. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb or alley line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb or alley line following collection.
- 2.07 BULKY SOLID WASTE. Bulky solid waste which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.
- 2.08 TREE LIMBS AND BRUSH. Tree limbs of less than four inches in diameter and brush will be collected provided they are placed at the curb or alley line, and securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed seventy-five (75) pounds.
- 2.09 YARD WASTES. Yard waste will be collected provided they are stored in containers so constructed and maintained as to prevent dispersal of wastes placed upon the premises served, upon adjacent premises, or upon adjacent rights-of-way.
- 2.10 RIGHT OF ENTRY. Solid waste collectors are authorized to enter upon private property for the purpose of collecting refuse as required by this chapter. However, solid waste collectors shall not enter dwelling units or other residential buildings.

- 2.11 **CONTRACT WITH COLLECTOR.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his own within the City without first obtaining from the City an annual contract in accordance to the following:
(Code of Iowa, Sec. 455B.302)

1. **REQUIRED INFORMATION.** The following information shall be required on the contract with the city:
 - a. **Name and address.** The full name and address of the applicant, and if a corporation, the names and addresses of the officers.
 - b. **Equipment.** A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - c. **Collection program.** A complete description of the frequency, routes and method of collection and transportation to be used.
 - d. **Disposal.** A statement as to the precise location and method of disposal or processing facilities to be used.
2. **INSURANCE.** No collector's contract shall be entered into unless the applicant shall file and maintain with the city, in addition to all other requirements, evidence of satisfactory public liability insurance. This insurance must cover all pertinent operations of the applicant related to the business, equipment and vehicles to be operated in the following minimum amounts:

Bodily injury -	\$100,000 per person
-	\$300,000 per occurrence
Property damage -	\$50,000

Each insurance policy required shall include provisions requiring the insurance agent to notify the city of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. **LICENSE FEE.** A twenty-five dollar (\$25) fee license fee shall be required of every solid waste hauler, whether or not covered by a city solid waste contract. In the event the requested license is not granted, the fee shall be refunded to the applicant.
4. **LICENSE ISSUED.** If the council upon investigation finds the applicant to be in order and determines that the collector will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be granted negotiated to be effective for a period of one year (1) years from the date approved, provided however, there shall be no more than one collector licensed to operate within the City at one time.

5. LICENSE RENEWAL. An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the clerk with a current listing of vehicles, equipment and facilities in use.
6. LICENSE NOT TRANSFERABLE. No license authorized by this article may be transferred to another person.
7. OWNER MAY TRANSPORT. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project.
8. GRADING OR EXCAVATION EXCEPTED. No license or permit shall be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of- way.

2.12 COLLECTION, SPECIFICATION, AND MONTHLY RATES FOR SOLID WASTE DISPOSAL SERVICES. The city shall provide for the collection of refuse from residential, commercial, industrial or institutional premises within their jurisdiction in accordance to the following:

1. COLLECTION. The city shall provide mandatory solid waste collection services by removing solid waste from residential and commercial premises subject to the following conditions:
 - a. Collection from residential premises shall normally be made no less than once per week.
 - b. Collections from commercial premises using the “City Of Ringsted” bags shall be made not less than once a week. Collection from commercial premises using dumpsters will arrange with the city superintendent the frequency of their pickups. There is a maximum of two pickups per week by the sanitation department. The sanitation department is authorized and empowered to change or alter the schedule of any commercial premises at his or her discretion, deems necessary.
 - c. Where alley collections are designated, containers and bags shall be placed in plain view on the premises adjacent to the alley.
 - d. Where street collections are designated, containers and shall be placed at the curb line.

- e. During the winter season, access to bags and containers, as well as the containers themselves, shall be cleared from snow by the owners with a reasonable time after snowfall.
- f. Containers, bags, or other solid waste placed at the curb or alley line shall not be so placed more than twelve -12- hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb or alley line following collection.
- g. Separation of Yard Wastes Required. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be disposed of by one or more of the following methods.
 - 1. Composted on the premises.
 - 2. Placed in bags or containers and set out for collection by the city on dates specified.
- h. City Own-Dumpsters. Delivery of dumpsters is on Tuesdays and collection is the following Tuesday. The weekly collection dump charge is a fee described in Section 3. Rate. Delivery and collection on other days are subject to a surcharge. Arrangements can be made to keep the city own-dumpster longer if there is not a waiting list. All items must be inside the dumpster and the lid must be closed. Any items setting outside the dumpster will only be collected if requested and fees will apply.
(Ordinance 643; 10-13-2014)

- 2. **BAG & CONTAINERS SPECIFICATIONS.** The City of Ringsted will provide for the collection of solid waste of residential homes and commercial establishments. Waste storage bags and containers shall comply with the following specifications.
 - a. Residents and commercial establishments shall utilize city bags designed for use as solid waste collection.
 - 1. Only the 13 gallon or 33 gallon color-coded “City of Ringsted” bags will be picked up.
 - 2. Any city bag that is not tied will not be picked up.
 - 3. All bags shall not weight more than 40 pounds when filled.
 - 4. Any bulky items that cannot be reduced to fit approved bags, including but not limited to furniture and appliances shall be collected at residential and commercial premises, in which event an additional charge will be collected at the discretion of the City Of Ringsted Sanitation Department.

- b. Residents and commercial establishments shall utilize containers designed for use as solid waste collection.
 1. Containers shall be made of galvanized metal, rubber, fiberglass, or of plastic which does not become brittle in cold weather. Disposable containers or those approved by the City may be used.
 2. They shall have a minimum capacity of not less than ten –10- gallons and not more than thirty-three -33- gallons.
 3. They shall be of lightweight and sturdy construction, with the total weight of any individual container, fully loaded, not to exceed seventy-five -75- pounds.
 4. They shall be of the type manufactured for storage of waste with tapered sides for easy emptying and suitable lifting devices such as handles or bails.
 5. Nonconforming containers, which are not approved, will be collected together with their contents and disposed of after notice to the owner.
 6. Commercial establishments where its storage in city bags as required above is impractical, shall maintain metal bulk storage containers approved by the City.
3. RATES. The fee for solid waste collection and disposal service and recycling used or available provided by this chapter is declared to be a benefit to the property served and therefore, fees shall be levied and collected in accordance to the following:

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

 - a. GARBAGE. All premises (residential and business) will be charged \$8.00 per month for the collection consisting of approved color-coded “City of Ringsted” bags. Approved bags will consist of two (2) sizes, and will be as follows:

13 gallon (40 pound limit) - \$.70 each
33 gallon (40 pound limit) - \$1.30 each
 - b. RECYCLING. All premises (residential and business) will be charged \$3.00 month for the collection of recyclable material.
 1. Residential curbside collection of recyclables will be on the second and fourth Monday of each month. Recyclables can also be taken to the bulk bins by residents.

2. Commercial recyclables can be disposed of by taking to the bulk bins.
- c. **RESIDENTIAL DUMPSTER:** The City of Ringsted will provide for dumpster collection of residential homes accordingly to the following rates.
 1. \$50.00 per dump for city owned dumpsters.
 2. \$35.00 per dump for residential owned dumpsters.
 3. A rate per pound established by the council for dumpsters weighing over 500 pounds.
 4. \$10.00 surcharge for trips not on garbage pickup days
(Ordinance 643; 10-13-2014)
- d. **COMMERCIAL OWNED DUMPSTERS.**
 1. \$8.00 per month for the collection.
 2. \$15.00 charge per dump.
 3. A rate per pound established by the council for dumpsters weighing more than 500 pounds.
(Ordinance 643; 10-13-2014)
- e. **NON-COMMERCIAL OWNED DUMPSTERS.**
 1. \$8.00 per month for the collection.
 2. \$50.00 per dump for city-owned dumpsters.
 3. \$35.00 per dump for non-commercial owned dumpsters.
 4. A rate per pound established by the council for dumpsters weighing over 500 pounds.
 5. \$10.00 surcharge for trips not on garbage pickup days.
(Ordinance 643; 10-13-2014)

2.13 **DELINQUENT ACCOUNTS.** The City may take one or both of the following courses of action if an account for solid waste collection services becomes delinquent by more than ten (10) days:

1. The City may discontinue solid waste collection services to the property for which the account is delinquent; provided that prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least ten (10) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then he shall notify the

City Clerk in writing of his desire to appear within five (5) days of the date of the notice sent by the City.

2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:
 - a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he shall notify the City Clerk in writing of his desire to appear within ten (10) days of the date of the notice sent by the City.
 - b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
 3. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.
- 2.14 COMBINED SERVICE ACCOUNT. The City may combine charges for solid waste collection with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

CHAPTER 1: SOLID WASTE CONTROL**ARTICLE 3 - SOLID WASTE DISPOSAL****3.01 DEFINITIONS.** For use in this article, the following terms are defined:

1. "Processing facility" shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume or change the characteristics of solid waste prior to final disposal.
2. "Site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.
(IAC, 567-100.2)
3. "Scavenging" shall mean the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.
(IAC, 567-100.2)
4. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.
5. "Resident" shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.
6. "Radioactive material" shall mean any solid, liquid, or gaseous material which emits radiation spontaneously.
(Code of Iowa, Sec. 455B.331(2))

3.02 SANITARY DISPOSAL REQUIRED. Solid wastes generated or produced within the city shall be disposed of at a sanitary disposal or processing facility approved by the city and by the Executive Director of the EPC of the Iowa DNR.
(Code of Iowa, Sec. 455B.307(1))

3.03 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, and further providing that such fill is leveled and seeded with grass or other nonoffensive vegetation, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

3.04 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only in accordance with explicit instructions first obtained from the Executive Director of the EPC of the Iowa DNR.
(IAC, 567-102.14(2))

- 3.05 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.
(IAC, 567-102.14(1))
- 3.06 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the approved operator are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the city.
- 3.07 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the city without approval of the council.
- 3.08 NEW SITE APPROVAL. Prior to the siting of a proposed new sanitary landfill or infectious waste incinerator within the city limits, a request for approval shall be submitted to the council. The applicant shall submit information to the council to demonstrate compliance with the requirements prescribed by Chapter 455B of the Code of Iowa.
(Code of Iowa, Sec. 455B.305(A))

CHAPTER 2: SANITARY SEWER SYSTEMS**ARTICLE 4 - PUBLIC SEWER SYSTEMS**

4.01 **PURPOSE.** The purpose of this article is to provide for the regulation of public and private sewer systems.

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

1. "Sewer System" means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the Federal Water Pollution Control Act as amended, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this chapter.
(Code of Iowa, Sec. 455B.171(32))
2. "Sewage" means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.
(Code of Iowa, Sec. 455B.171(29))
3. "Public Sewer" means a common sewer which is directly controlled by a public authority.
4. "Private Sewer" means a sewer privately owned and not directly controlled by a public authority.
5. "Sanitary Sewer" means a sewer which carries sewage and excludes storm, surface and ground water.
6. "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 wastes.
7. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
8. "Industrial Wastes" means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource.
(Code of Iowa, Sec. 455B.171(9))

9. "Properly Shredded Garbage" means garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch to any dimension.
10. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
11. "Building Sewer" is that part of the horizontal piping from the building wall to its connection with the main sewer or private sewage disposal system and conveying the drainage of but one building site.
12. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
13. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
14. "Contributor" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
15. "Sewer Rental" means any and all rates, charges, fees, or rentals levied against and payable by contributors as consideration for the servicing of said contributors by said sewer system.
16. "Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent, or if 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.
17. "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the drainage system.
18. "Superintendent" means the person assigned to supervise the sanitary sewage collection system and treatment works.
19. "B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilizing in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in parts per million by weight.
20. "pH" shall mean solids means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is used to indicate the concentration of free acid and alkali.

21. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
 22. "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.
- 4.03 ADOPTION OF STATE PLUMBING CODE. (Reserved for future use).
- 4.04 DAMAGING SEWER SYSTEM. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.
(Code of Iowa, Chapter 716)
- 4.05 MANHOLES. No person shall open or enter any manhole of the sewer system, except by authority of the superintendent.
(Code of Iowa, Chapter 716)
- 4.06 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 thirty (30) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) 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, 567-69.3(3))
- 4.07 CONNECTIONS. The owners of all residences and business establishments intended or used for human habitation, occupancy, or uses which abut public sewers must connect their sewage facilities to the public sewers. Any connection with a public sanitary sewer shall be made under the direct supervision of the superintendent and in accordance with the following:
(Code of Iowa, Sec. 364.12(3f))
1. Plumber to Make Connections. Any installation of a private sewer and its connection to a public sewer shall be made by a competent plumber with experience in laying drain and sewer pipes.
 2. Inspection. All connections with the sanitary sewer system before covered shall be inspected and approved 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 he shall inspect and test the work as to workmanship and material. No sewer pipe laid underground 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.

3. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent to meet all requirements of this article.
4. 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 the 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 the connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.
5. Watercourse Crossings. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and 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.
6. Sewer Tamps; Wyes. Connection of the building sewer into the public sewer shall be made at the "V" branch, if such branch is available at a suitable location. If no properly located "V" branch is available, the property owner shall at his own expense install a "V" saddle with mortar in the public sewer at the location specified by the superintendent.
7. Alignment and Grade. All four (4) inch building sewers shall be laid to a straight line and at a grade of not less than one-fourth (1/4) inch per foot. A six (6) inch building sewer may be laid at grade of not less than one-eighth (1/8) inch per foot. Any deviation in alignment or grade shall be made only with the written approval of the superintendent. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.
8. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the state plumbing code except that the building

sewer pipe, from the property line to the public sewer, shall comply with one of the following requirements:

- A. Clay sewer pipe - A.S.T.M. C 13-50 (standard strength).
 - B. B. Clay sewer pipe - A.S.T.M. C 200-50T (extra strength).
 - C. C. Extra heavy cast iron soil pipe.
 - D. Cast iron water pipe - A.S.A. A21.11.
 - E. P.V.C. Schedule 40-A.S.T.M. 02665-68.
9. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used and subject to the approval of the superintendent, subject to the following specific requirements. Jointing in vitrified clay pipe sanitary sewers shall be of the Q-ring or plastic jointing known as ASTM C-425 Types I and III, flexible compression joints. Cast iron pipe shall be lead jointed, properly swaged tight, or installed with approved gaskets.
10. 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.
11. 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.
- 4.08 PERMIT. Before any person opens, uncovers, or in any manner makes a connection with any part of the public sewers, he must obtain a written permit from the clerk. The following shall apply to all permits:
1. APPLICATION. The application shall be filed on blanks furnished by the city and contain the following information:
- a. Legal description of the property.
 - b. Name of property owner.
 - c. Amount and date of any prior assessment for construction of the public sewers.
 - d. Description of materials to be used and manner of construction.
 - e. The line of the building sewer and place of connection.
 - f. Intended use of the sewer.
 - g. Name and address of the person doing the work.

At the discretion or judgment of the Superintendent, he/she may require the permit application to be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

2. **ISSUANCE.** The permit shall be issued bearing the time and date of issuance if the proposed work meets all the requirements and if all required fees have been paid. Work under any permit must begin within six (6) months of the issuance date.
3. **REVOCATION.** The superintendent at any time may revoke the permit for any violation of this chapter and require that the work be stopped. The owner or plumber may appeal such action to the council.
4. **FEE.** Before any permit is issued, the person who makes the application shall pay a fee of sixty dollars (\$60) to cover the cost of issuing the permit and supervising, regulating and inspecting the work.
5. **EXTENSION OF TIME.** When, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond the applicant's control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him, an extension of time within which to comply with provisions herewith may be granted.
6. **CONNECTION FEE.** The City shall assess a fee for the initial connection of a sewer line in an amount equal to the total original cost to the City for extending the utility to the property to be served. The City may deduct any portion of this cost which has been previously assessed and paid.
7. **SPECIAL CONNECTION CHARGE.** If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewers, or has been assessed only as an unimproved lot, the owner shall pay a special connection charge to the city for the use of the public sewers before the permit is issued. The fee amount shall be determined by the council by ordinance.
8. **SEPARATE CONNECTIONS.** In no case shall a joint sewer be allowed where the property abuts on a street, alley or easement in which there is a public sewer. Other buildings in adjacent areas which are required to be connected shall be separately and independently connected to the public sewers unless the council specifically permits joint connections by resolution.
9. **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.
10. **LICENSE REQUIRED.** The council shall have the power to suspend the license of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the council. The clerk shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the council meeting at which a hearing will be granted.

11. INSPECTION. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent before installation.
- 4.09 QUALITY OF PIPE AND FOUNDATION. Building sewer pipes shall be of the best quality, free from flaws, splits or breaks. They shall be laid on a smooth bottom with bell holes cut in the bottom of the trench so that the joining of the bell and the spigot shall be watertight, gastight and root proof. All sewer pipes must be laid in such a manner as to prevent rupture or misalignment by settlement or freezing.
- 4.10 GRADE. All sewer pipes shall be laid with a uniform grade from the building to the public sewer system and no offsetting will be allowed without written permission of the superintendent.
- 4.11 OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be the responsibility of 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.
- 4.12 INTERCEPTORS. Grease, oil, sludge and sand interceptors shall be provided by filling stations, automobile wash racks, 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. All interceptors shall be of a type and capacity as provided by the State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection.
1. REQUIREMENT. 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.
 2. MAINTENANCE. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his expense in continuously efficient operations at all times.
- 4.13 EXCAVATIONS. Excavations for sewers shall be dug so to present the least possible inconvenience to the public and to provide for the passage of water along the gutter. Such excavations shall have proper barricades at all times, and warning lights placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise to protect the public from hazards. The excavation must be backfilled in accordance with city specifications as to material and compaction so as to prevent settlement. The plumber must maintain the affected area in good repair to the satisfaction of the council for three (3) months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the superintendent.

Other excavation requirements are as follows:

- a. **PIPE BED.** Immediately prior to installing the pipe, the trench bottom shall be accurately shaped and graded by hand and bell holes shall be excavated so that the pipe will have uniform contact with a longitudinal bearing on undisturbed earth along its entire barrel length. Bell holes shall be excavated by the pipe layer immediately prior to laying the pipe and shall be of such depth that the pipe bell does not come in contact with the bottom of the bell hole. All sewer pipes shall be laid with the bell end up. Where the floor of the trench at the proper grade is of hard and rock material, the floor shall be excavated four (4) inches and more below grade and backfilled with fine gravel or material approved by the superintendent. Where the floor of the trench at the proper grade is of unstable material and the same treatment as described above shall be provided.
 - b. **BACKFILL.** All sewer pipes shall be provided with adequate bottom and lateral support by thoroughly, carefully and adequately tamping and ramming suitable and proper backfill material beneath, around and to the top of the pipe between the bell holes and sewer joints. All material used for pipe embedment and tamped backfill shall be free of stones, sticks, large clods, lumps of earth, debris, or similar material. When backfill is made in and across a roadway ditch or other watercourse it shall be protected from surface erosion by adequate means. Backfill shall be made with dirt and tamped by hand to a depth of six (6) inches over the pipe. The remainder of the trench shall be backfilled and tamped with gravel or materials approved by the superintendent. Backfill in the street right-of-way shall be with sand. All excess dirt will be removed immediately and before the connection is approved by the superintendent.
 - c. **RESTORATION OF PUBLIC PROPERTY.** Streets, sidewalks, parkways, alleys and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.
 - d. **COMPLETION BY CITY.** Should any excavation in any street or alley be left open or unfinished, or a period of twenty-four (24) hours or should the work be improperly done, the superintendent shall have the right to finish or correct such work and the expenses shall be charged to the property owner.
- 4.14 **SEPARATE TRENCHES.** The building drain and water service pipe shall be at least ten feet apart horizontally, and shall be separated by undisturbed or compacted earth.
- 4.15 **EXCEPTION.** The building sewer or building drain may be placed in the same trench with the water service pipe provided the following conditions are met:
1. **WATER SERVICE PIPE ABOVE SEWER LINE.** The bottom of the water service pipe, at all points, shall be at least twelve inches above the top of the sewer line at its highest point.

2. **WATER SERVICE PIPE ON SHELF.** The water service pipe shall be placed on a solid shelf excavated at one side of the common trench. Where ground conditions do not permit a shelf, the pipe may be laid on a solidly tamped backfill.
 3. **NUMBER OF JOINTS.** The number of joints in the water service pipe shall be kept to minimum.
 4. **PRESSURE PROHIBITED.** No part of the building sewer or building drain shall be under pressure.
- 4.16 **RESTORATION OF PUBLIC PROPERTY.** Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, at the expense of the property owner.
(Code of Iowa, Sec. 364.12)
- 4.17 **COMPLETION BY CITY.** Should any excavation be left open or partly refilled for twenty-four (24) hours after the private sewer is installed and connected with the public sewer, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit. The plumber's bond required for a plumber's license shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.
(Code of Iowa, Sec. 364.12(3h))
- 4.18 **PROHIBITED DISCHARGE SPECIFIED.** No person shall discharge or cause to be discharged any of the following described waters or waste to a public sanitary sewer:
1. **SURFACE WATERS.** Any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters.
 2. **HIGH TEMPERATURE.** Any liquid or vapor having a temperature higher than 150 degrees F.
 3. **FAT OIL, GREASE.** Any water or waste which contains more than one hundred (100) parts per million by weight of fat, oil, or grease.
 4. **FLAMMABLE MATERIALS.** Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 5. **GARBAGE.** Any garbage that has not been properly shredded.
 6. **SOLID OR VISCOUS SUBSTANCES.** Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing the obstruction of the flow in

sewers or other interference with the proper operation of the city's sewage and treatment system.

7. **SUSPENDED SOLIDS.** Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
8. **CORROSIVE WASTES.** Any water or wastes having corrosive properties paunch capable of causing damage or hazard to structures, equipment or personnel of the sewage system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 4.5 and 10.0.
9. **SLUGS.** Any wastes that for a duration of fifteen (15) minutes have a concentration greater than five (5) times that of "normal sewage" as measured by suspended solids.
10. **NOXIOUS OR MALODOROUS GAS.** 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.
11. **TOXIC OR POISONOUS SUBSTANCE.** Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment or the sewer system, that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage system.
12. **MATERIALS WHICH REACT WITH WATER OR WASTES.** 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 sewage structures and treatment processes.
13. **SPECIAL AGREEMENTS PERMITTED.** No statement in this section shall be construed as preventing any 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 as to treatment, rate and cost as established by the council.
14. **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 interest of the sewer system.

15 UNPOLLUTED WATERS OR WASTES IN SEWERS.

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. 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 of utilities. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent to a storm sewer, combined sewer or natural outlet.
- C. No owner or occupant of any building shall discharge or permit to be discharged into the sanitary sewers any substance which will clog the pipes or joints or interfere unduly with the sewage disposal process.

16. **SUSPENDED SOLIDS.** Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

17. **ABANDONED SEWER LINES.** When a sewer line in a home or business is discontinued or abandoned, the property owner shall dig the line and cap it off so that no fresh water may be discharged into the sanitary sewer. Furthermore, it must be inspected by the Wastewater Superintendent and given his or her approval.

4.19 **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 system upon the terms and conditions stipulated by resolution of the council.

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

4.20 **ABATEMENT OF VIOLATIONS.** Construction or maintenance of building sewer lines located upon the private property of any owner which is in violation of any of the requirements of this article, with the exception of the requirements of Subsection 4.18(14) of this article, shall be corrected at the owner's expense, within thirty (30) days after date of official notice from the council of such violations. If not made within such time the council shall, in addition to the other penalties 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(3h))

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 5 - PRIVATE SEWER SYSTEMS

5.01 DEFINITIONS. The following terms are defined for use in this article.

1. "Private Sewage Disposal System" means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage from a dwelling or other facility serving the equivalent of fifteen (15) persons or less and including building sewers, septic tanks, absorption fields, leaching or seepage pits, privy vaults and subsurface sand filters.
2. "Reasonably Accessible" means a distance from a property to a sanitary sewer of 100 feet but the council may make a determination that up to 250 feet is practical for a connection to a public sewer system in specific circumstances.

5.02 WHEN PROHIBITED. No private sewage disposal system shall be installed where a public sanitary sewer is reasonably accessible as determined by the council unless an exception is granted in writing.

(IAC, 567-69.3 (3)(a)(1))

5.03 PRIVATE SYSTEM REQUIRED. When a public sanitary sewage is not accessible under provisions of Title II, Chapter 2, Section 4.06 of this Code, every building wherein persons reside, congregate or are employed shall be provided with private sewage disposal system complying with state and local laws.

(IAC, 567-69.3(3)(a)(3))

1. **APPLICATION FEE:** Before commencing the construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee of sixty dollars (\$60.00) shall be paid to the city at the time of application is filed.
2. **INSPECTION REQUIRED.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection which shall be before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the superintendent.

- 5.04 CONNECTION REQUIRED WHEN AVAILABLE. When a public sanitary sewer becomes reasonably accessible, any building then served by a private sewage disposal system shall be connected to the public sewage system.
(IAC, 567-69.3(3)(a)(2))
- 5.05 MINIMUM LOT AREA: No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen (1,500) hundred square feet.
- 5.06 PRIVATE SYSTEMS ABANDONED. Within sixty (60) days of notice that a public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer and the private sewage disposal facility shall be abandoned and filled with suitable material.
(Code of Iowa, Sec. 364.12(3f))
- 5.07 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health.
- 5.08 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet or drain into the open.
(IAC, 567-69.3(3)(c))
- 5.09 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the city.
- 5.10 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any place in the city except where may be designated by the council. The rate or charge for receiving such waste shall be determined by resolution of the council.
- 5.11 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his official capacity.

CHAPTER 2: SANITARY SEWER SYSTEMS**ARTICLE 6 - SEWER RENTAL**

6.01 SEWER RENTAL REQUIRED. Every contributor shall pay to the city sewer rental fees as hereinafter provided.

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

6.02 RENTAL RATES. Each contributor shall pay a sewer rental in the amount of nine dollars (\$9.00) for the first 3,000 gallons of water consumed and three dollars (\$3.00) for each 1,000 gallons consumed thereafter, but in no event less than nine dollars (\$9.00) per month.

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

(Editor's Note: Section 6.02 was passed and approved as Ordinance 619 on January 10, 2000)

6.03 SPECIAL RATES. Where in the judgment of the council, special conditions exist to the extent that the application of the sewer rental provided in section 6.02 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the council and submitted for approval by resolution.

(Code of Iowa, Sec. 384.84(2b))

6.04 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon water use as determined by the council either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated or agreed upon sales or rentals shall be subject to approval of the council.

(Code of Iowa, Sec. 384.84(2b))

6.05 PAYMENT OF BILLS. All sewer rentals shall be due and payable under the same terms and conditions, including penalty for late payment, provided for payment for water service.

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

6.06 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if the account for sanitary sewer service becomes delinquent by more than ten (10) days:

1. The City may discontinue sanitary sewer service to the property for which the account is delinquent; provided that prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least ten (10) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then he shall notify the City

Clerk in writing of his desire to appear within five (5) days of the date of the notice sent by the City.

2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:
 - a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he shall notify the City Clerk in writing of his desire to appear within ten (10) days of the date of the notice sent by the City.
 - b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
3. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.
(Code Of Iowa, Sec. 358.20)

6.07 COMBINED SERVICE ACCOUNT. The City may combine charges for sanitary sewer services with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

CHAPTER 3: WATER SERVICES**ARTICLE 7 - PUBLIC WATER SYSTEM**

- 7.01 **PURPOSE.** The purpose of this chapter is to provide for the regulation of the public water system and water meters and the establishment of water rates.
- 7.02 **DEFINITIONS.** For use in this chapter the following terms are defined:
1. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.
 2. "Water Main" means a water supply pipe provided for public or community use.
 3. "Water Service Pipe" means the pipe from the water main to the building served.
 4. "Customer" means any person receiving water service from the city.
 5. "Superintendent" means the waterworks superintendent or his duly authorized assistant, agent or representative.
 6. "Dwelling Unit" shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used, for living, sleeping, cooking and eating.
- 7.03 **ADOPTION OF STATE PLUMBING CODE.** Reserved for Future Use.
- 7.04 **MANDATORY CONNECTIONS.** All residences and business establishments within the city limits intended or used for human habitation, occupancy or use shall be connected to the public water system if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.
- 7.05 **PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a competent plumber.
- 7.06 **PERMIT REQUIRED.** Before any person makes a connection with the public water system, a written permit must be obtained from the water superintendent. The water superintendent shall supervise the installation of water service pipes and water services in this City in accordance with this Article. This Article shall apply to all replacements of existing water service pipes as well as to new ones. The water superintendent shall make rules, not in conflict with provisions of this Article, as may be needed for detailed operation of the water system, subject to the approval of the council. In the event of an emergency he may make temporary rules for the protection of the system until due consideration by the council may be had. The following shall apply to all permits:
(Code of Iowa, Sec. 384.84(2))

1. APPLICATION. Application for the permit shall be filed with the clerk on blanks furnished by the city. It shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the clerk.
2. ISSUANCE. The clerk shall issue the permit, signed by the clerk, and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must begin within six (6) months after it is issued. The clerk may at any time revoke the permit for any violation of this article and require that the work be stopped.
3. FEE. Before any permit is issued the person who makes the application shall pay one hundred and fifty dollars (\$150.00) to the clerk. Sixty dollars \$60.00 to cover the cost of issuing the permit and supervising, regulating and inspection of the work and ninety dollars (\$90.00) to cover the cost of installing the water meter and material.

(Editor's Note: Section 7.06(3) was passed and approved on 2/13/89 as Ordinance 578.

- 7.07 FEE FOR INITIAL CONNECTION. The City shall assess a fee for the initial connection of water lines in an amount equal to the total original cost to the City for extending the utility to the property to be served. The City may deduct any portion of this cost which has been previously assessed and paid.
- 7.08 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.
- 7.09 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the superintendent and in accord with the following:
 1. INDEPENDENT SERVICES. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the council and unless provision is made so that each house, building or premise may be shut off independently of the other.
 2. SIZES AND LOCATION OF TAPS. All mains six (6) inches or less in diameter shall receive no larger than three-fourths (3/4) inch tap. All mains over six (6) inches in diameter shall receive no larger than a one (1) inch tap. Where a larger connection than a one (1) inch tap is desired, two (2) or more small taps or saddles shall be used as the superintendent orders. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint of the main.
 3. CORPORATION COCK. A brass corporation cock of the pattern and weight approved by the council shall be inserted in every tap in the main. The corporation

cock in the main shall in no case be smaller than one (1) size smaller than the service pipe.

4. LOCATION RECORD. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as required by him.
- 7.10 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper. From the curb stop to the meter setting the pipe shall be standard weight type K copper or approved P.V.C. Pipe meeting I.A.P.M.O. specification IS-14-72 pipe and the pipe must be laid sufficiently waving, and to such depths, as to prevent rupture from settlement and freezing.
- 7.11 CURB STOP. There shall be installed a main shutoff valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the council. The shutoff valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.
- 7.12 INTERIOR STOP AND WASTE COCK. There shall be installed a shutoff valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with the service to the others.
- 7.13 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers in Sec. 4.13 of this Title.
- 7.14 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent has the right to finish or correct the work, and the council will assess the costs to the property owner or the plumber. Assessments will be collected as provided for in Section 4.20 of this Title.
- 7.15 MAINTENANCE BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the property owners' portion of the water-service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

- 7.16 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the curb stop to the building served shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.
- 7.17 FAILURE TO MAINTAIN. When any property owner's portion of the water service pipe becomes defective or creates a nuisance and the owner fails to correct such nuisance the city may do so and assess the costs thereof to the property and if not paid within 30 days of billing, the clerk shall certify the cost to the county treasurer to be collected in the same manner as taxes.

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

(Editor's Note: Sections 7.15 to 7.17 was passed and approved by Ordinance 625 on November 19, 2003)

- 7.18 WATER MAIN EXTENSION POLICY. A water main extension will be made by the city upon application by any person desiring service to his property who signs a contract for such service and pays the cost thereof through a connection charge or otherwise as required by this chapter. No water main will be extended beyond the city limits for commercial or residential purposes unless the applicant agrees to voluntarily petition for annexation simultaneously with such extension where the applicant's property is contiguous to the corporate limits, or agrees to so petition as soon as the applicant's property becomes contiguous to the city limits and files for future use such petition so conditioned.

Water mains will be extended beyond the city limits for any industrial establishment which will employ ten employees or more within one year of the extension over the above existing employment in the community, without annexation being required if it is shown that the industry needs the tax benefit, or if it is on property not contiguous to the city limits.

If the water superintendent determines that no foreseeable need will occur for a public water main, and so recommends to the city council upon council approval, an applicant for service may be permitted to construct a private main in an undeveloped public right-of-way (i.e. no traveled way or no more than a graded and/or traveled vehicular way), provided the work shall meet the city requirements for installations in the public way, including placement in the standard location, protection of work, quality of construction, and backfilling. Such main shall originate in a meter and be the property of the owner who shall be responsible for maintenance in the same manner as with water service pipes. It shall be a condition of the contract for connection that the city will not reimburse the owner for such a main if it has to be replaced with a public main after five years or more use.

7.19 MAIN EXTENSION CHARGES. Water service shall be provided through an extension of a water main in the following cases:

1. For distances up to 50 feet beyond existing end of a city-owned main, upon request of a person who contracts to immediately tap the main upon the completion of the extension and who can be expected to use water service upon the completion of construction of the residence or commercial building or facility to be served...no connection charge.
2. Where two applicants, one on each side of a street make application at the same time under the same contract conditions as in "1." above, extension will be made for 100 feet...no connection charge.
3. Where a single tap is contemplated by an applicant for an extension exceeding 50 feet and it is not foreseeable that other customer taps will be applied for before construction is begun, the applicant shall deposit with the city clerk a sum equal to the estimated cost of the extension required, as determined by the water superintendent, and enter into a contract providing for the deposit and any future rebates in accordance with the following provisions:
 - a. The city will refund any excess of deposit over the actual cost for the extension.
 - b. For each customer later connected to the main the city will rebate the proportional share (by feet of frontage) as set out in the contract, the cost of the extension to the original applicant, but not in excess of the final payment by that applicant, provided such connections are made within five years, after which time no rebates shall be paid. However, the applicant shall be entitled to a refund of the unpaid balance of the full amount deposited with the city whenever the revenue derived from the sale of water to customers directly connected to the extension is equal in each of two consecutive twelve (12) month periods within the five years following application to ten (10) percent of the total actual cost of the main extension. Customer is defined as the occupant of a one-family dwelling, a one-family portion of a two-family dwelling, or as a single commercial establishment contracting for water in its own name (and from its own meter).
4. The main extension shall be built to city standards and become the property of the city as it is installed. If the applicant hires the construction, the city shall inspect the work for compliance with city standards and may enforce the specifications.

7.20 WATER MAIN CONSTRUCTION STANDARDS. No water tap will be allowed for service to a property except when a public water main runs along the street in front of the property (unless an alley or easement is determined by the city to be the best approach to serving the property) and at least ten (10) feet beyond the side property line, extended, nearest to the supply side of the main.

The tap must be at least four (4) feet beyond that property line, extended, of the abutting property. No public main shall be less than four inches in diameter, but no such four-inch (4") main shall be extended more than two hundred (200) feet and only if no foreseeable and feasible user can be served beyond said 200 feet. The city reserves the right to put in the size of main required for an adequate system of mains in the future to provide fire flow and adequate pressure for reasonably foreseeable customer service. The main shall be installed and of the quality required by specifications adopted by the council upon recommendation of the water superintendent.

7.21 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the superintendent before they are backfilled or covered. If approval is refused, the plumber or property owner must immediately proceed to correct the work in order to meet approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

7.22 WATER OF LAWNS, DURING DROUGHT. Watering of lawns, etc. It shall be unlawful for any person to water lawns, water gardens or wash cars with City well water during times of severe water shortage or drought, when it is determined, by resolution of the City Council of Ringsted, that any or all of the above described activities shall not be performed with city well water in the interests of the health, safety and welfare of the residents of the City of Ringsted, Iowa. This Ordinance may be utilized and enforced after the following requisites have been performed.

1. The City Council of Ringsted, at any regular or special meeting, shall determine by resolution that because of severe water shortage, or drought conditions, that certain activities, such as the watering of lawns, the watering of gardens and the washing of cars with City well water shall be prohibited. Said resolution shall specifically identify the activities which are prohibited and the effective date of the prohibition.
2. Notice of said Resolution designating the specific activities prohibited along with the effective date of said prohibition shall be published weekly in the Ringsted Free Lance Newspaper during the time period that said resolution is in effect.

CHAPTER 3: WATER SERVICE**ARTICLE 8 - WATER METERS**

- 8.01 **METERS REQUIRED.** All water furnished customers shall be measured through meters furnished and installed by the city.
(Code of Iowa, Sec. 384.84(1))
- 8.02 **FIRE SPRINKLER SYSTEM.** Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.
- 8.03 **LOCATION.** All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.
- 8.04 **METER SETTING.** The property owner shall provide all necessary piping and fittings for proper setting of the meter by the city.
- 8.05 **METER REPAIRS AND COSTS.** Whenever a water meter owned by the city is found to be out of order, the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.
- 8.06 **RIGHT OF ENTRY.** The superintendent is permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.
- 8.07 **INSTALLATION FEE.** There shall be a fee charged to the property owner for each new installation of a water meter in accordance with a schedule of such fees adopted by resolution of the council.

CHAPTER 3: WATER SERVICES**ARTICLE 9 - WATER RATES**

- 9.01 SERVICE CHARGES. Each customer shall pay for water service provided him by the city based upon his use of water, as determined by meters provided for in Article 8 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

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

- 9.02 RATES AND SERVICES. Water service shall be furnished at the following monthly rates within the city:

Each contributor shall pay water rental in the amount of eight dollars (\$8.00) for the first 1,000 gallons of water consumed and (\$6.00) for each 1,000 gallons consumed thereafter, but in no event less than eight dollars (\$8.00) per month.

(Editor's Note: Ordinance 646, April 10, 2017)

- 9.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the city which the city has agreed to serve at 150% of the rates provided in Section 9.02. No such customer, however, will be served unless the customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

(Code of Iowa, Sec. 364.4(2))

- 9.04 CUSTOMER DEPOSITS. Two credit references shall be required for each new customer. If two credit references are not obtained by the new customer a fee of seventy-five dollars (\$75.00) deposit is to be paid prior to water furnished any and all customers. The said \$75.00 is to be refunded the customer after one year by the discretion of the Council. The \$75.00 dollar fee is to be held for an additional year if payments for water have been delinquent on two occasions and/or not paid in full at the end of the deposit year. However, the City may require a new deposit upon the occurrence of circumstances requiring termination of water service to the customer. Each customer making a deposit shall be given a deposit receipt; and a permanent file of such receipts shall be kept in the office of the City Clerk, and the deposits shall be placed in a customer guarantee deposits fund.

9.05 RESIDENTIAL RENTAL PROPERTY. The City may take the following course of actions for residential rental property where the charge for water services is separately metered and paid directly by the tenant.

1. The rental property is exempt from a lien for delinquent charges if the owner or landlord has done the following.
 - a. The owner or landlord has given written notice to the City utility that the tenant is liable for all charges.
 - b. A deposit not exceeding the usual cost of ninety (90) days of water service has been paid to the City by the tenant.
 - c. The notice given to the City utility shall contain the name of the tenant responsible for the charges, the address of the property, and the date the tenant is to begin occupying the premises.
 - d. If the tenant for which the owner or landowner has given written notice to the city moves from the specified premises, then the owner or landlord shall provide the city with a written notice of the change in occupancy with ten (10) business days after the date when such change occurred. The owner shall also provide the city with written notice of any change in ownership of the specified premises within ten (10) days following the date when such change occurred.

When the tenant moves from the rental property, the City shall return the deposit to the tenant, provided that all water services charges are paid in full. The lien exemption for rental property does apply to charges made by the City for repairs to a water service if these repair charges become delinquent.

2. **TURN ON FEE.** A turn-on fee of thirty dollars (\$30.00) must be paid before service is available to the new customer.

9.06 APPLYING DEPOSIT TO A BILL. If a person fails to pay any amount due for water, penalty or water goods or services as a result of moving out of the premises, the city clerk may draw on the deposit for the amount of the arrears and the balance of the deposit, if any, shall be returned to the last known address of the customer, or to the customer in person. Where the customer pays all amounts due at the time of moving out of the city, the full amount of deposit shall be paid to the customer in person or by mail. Where the person fails to pay after a turn off the city clerk may draw on the deposit for the amount of arrears, and the balance of the deposit held to apply on the succeeding deposit required at the same or other premises, and water shall not be turned on until the deposit is sufficient to meet the requirements under section 9.04 or 9.05 of this ordinance.

If a deposit is not adequate to pay all arrears at time of the customer's moving from the premises the balance shall be rebilled and the bill sent to the last known address of the customer. Where such rebilling is not paid within 30 days from the mailing of the rebilling,

the clerk shall turn the billing over to the city attorney for collection by whatever means the attorney deems appropriate. Where the customer applies for water service at a new premises the past due amount shall be paid, and an adequate deposit made before the water may be turned on.

All payments out of the customer guarantee deposit fund shall be by check.

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

1. METERS READ. Water meters shall be read the 20th of each month.
2. PAYMENT FOR WATER SERVICE. Payment for water service shall be in accordance with the following:

Payments for water shall be due and payable monthly on or before the 20th day of the month following the month of service. All water bills are due and payable at the Office of the City Clerk or the Emmet County State Bank, Ringsted office or places as the Council may designate by resolution. In the event water bills are not paid within the 10-day period following the close of the month of service, the water may, at the discretion of the Council, be turned off and services shall not be re-established until all arrangements for water are fully paid.

3. LATE PAYMENT PENALTY. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%.) of the amount due shall be added to each delinquent bill.

9.08 DELINQUENT ACCOUNTS. The City may take one or both of the following courses of action if the account for water service becomes delinquent by more than ten (10) days:

1. The City may discontinue water service to the property for which the account is delinquent; provided prior written notice of the intended action by the City is first sent to the account holder by ordinary mail. The notice shall inform the account holder of the nature of the delinquency and inform the account holder of the opportunity for a hearing before the city council. The notice shall be sent to the account holder at least ten (10) days before the date intended for the service to be discontinued. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the same notice shall also be given in the same manner as required to be given to the account holder. If the account holder wishes to appear before the city council, then he shall notify the City Clerk in writing of his desire to appear within five (5) days of the date of the notice sent by the City.
 - a. Service Discontinued. The superintendent shall shut off the supply of water to any consumer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the notice of delinquency.

- b. **TURN-ON.** If payment in full is tendered to the superintendent at the time of the shut-off trip there shall be added a service fee of \$15.00 to meet the cost of the trip and the superintendent shall give the customer a receipt for said payment. A turn-on fee of \$30.00 shall be charged if separate turn-off and turn-on trips are necessary before payment is rendered and service is restored to delinquent customer. Delinquent amount and turn-on fee must be paid before water service is turned on. Payment plans can be determined by the council if the customer is one month behind on their payment.
 2. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:
 - a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he shall notify the City Clerk in writing of his desire to appear within ten (10) days of the date of the notice sent by the City.
 - b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
 3. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.
 4. An exception to the procedure for certifying liens to the County Treasurer shall be that as described in Section 9.05.
- 9.09 **COMBINED SERVICE ACCOUNT.** The City may combine charges for water service with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.
- 9.10 **SHUT OFF WATER SUPPLY WHEN ADVERSELY USING WATER.** The superintendent, or his authorized assistant, may shut off the supply of water to the customer without notice when the customer is found to be using water consuming equipment in a manner adversely affecting the utility's system or its ability to serve others, such as cross-connections, back-siphonage, wastage to the extent of drastically reducing water pressure, or any other action so affecting the safety or proper operation of the system; and the water supply shall not be restored until the customer has corrected the condition. He may likewise shut off the water supply to the customer for violation of or noncompliance with

the rules by said customer or for failure of the customer to permit the superintendent, or his authorized assistant, reasonable access to the customer's premises for the purposes enumerated in sections 8.05 and 8.06, provided the superintendent shall have given written notice allowing ten days from the date of mailing or personal notice to comply, Sundays or holidays excepted, and such notice shall state that the customer has the right to appeal to the superintendent for explanation of the action.

- 9.11 METER ACCURACY AND TESTS. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The superintendent shall make a test of the accuracy of any water meter when requested in writing. If it is found that such meter overruns to the extent of two percent or more, the cost of the tests shall be paid by the city, and the city will credit on the next bill the overcharges collected since the last known date of accuracy, not to exceed thirty months. If the meter is found to be accurate or slow, the customer shall pay the reasonable costs of the test.

CHAPTER 4: STORM SEWER

ARTICLE 10 - STORM SEWER

10.01 STORM WATER DRAINAGE DISTRICT. It is found and determined necessary and conducive to the protection of the health, safety, welfare and convenience that all of the City of Ringsted, Iowa shall be and is hereby declared to be a storm water system district within the meaning and intent of, and for the purpose authorized by, Section 384(1) Code of Iowa; that is, to establish and collect rates for a storm water drainage system.

(Code of Iowa, Sec. 384.84)

10.02 REVENUE BONDS. The council may institute proceedings to issue revenue bonds for storm water drainage construction pursuant to the Code of Iowa.

(Code of Iowa, Sec. 384.84A)

10.03 RATES ESTABLISHED. With respect to each utility account which is billed for one or more City utility services, a monthly rate of one dollar and fifty cents (\$1.50) shall be charged, paid and collected as a rate for a storm water drainage system.

10.04 USE OF FUNDS. The money paid and collected to section 10.03 shall be held by the City in a special fund to be expended only for the purpose of constructing, operating, repairing and maintaining all kinds of conduit, drains, storm water detention devices, flow impediments, pond, ditches, sloughs, streams, filter strips, rip-raps, erosion control devices and any and all other things useful to the proper control management collection, drainage and disposition of storm water in the City of Ringsted.

Editor's Note: Article 10, sections 10.01 – 1-.04, was passed on October 12, 2004, as Ordinance 630.

10.05 PAYMENT OF BILLS. All storm rentals shall be due and payable under the same terms and conditions, including penalty for late payment, provided for payment for water service.

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

10.06 DELINQUENT ACCOUNTS. The City may take the following course of action if the account for storm water becomes delinquent by more than ten (10) days.

1. The City may certify to the County Treasurer the amount of the delinquent account, which shall become a lien on the property if the following steps have been taken by the City:

a. Written notice has been sent by ordinary mail to the account holder at least thirty (30) days prior to certification of the lien to the County Treasurer. The notice shall state the intention of the City to certify to the County Treasurer the amount of the delinquent account, and inform the account holder of the opportunity for a hearing before the city council. If the account holder wishes to appear before the city council, then he shall notify

the City Clerk in writing of his desire to appear within ten (10) days of the date of the notice sent by the City.

- b. If the account holder is a tenant, and the owner or landlord have requested notice, then the same notice shall also be given in the same manner to the owner or landlord as required to be given to the account holder.
- c. No lien shall be imposed for delinquent charges of less than \$5.00. However, the City may charge an administration fee of up to \$5.00, which amount shall be added to the lien and collected at the time of payment of the assessment.

10.07 COMBINED SERVICE ACCOUNT. The City may combine charges for storm service with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

TITLE III PUBLIC ORDER PROTECTION AND LAW ENFORCEMENT

CHAPTER 1: MISDEMEANORS

ARTICLE 1 - PUBLIC PEACE

1.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against the public peace and providing for their abatement.

1.02 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)

1.03 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

1.04 UNLAWFUL ASSEMBLY. An unlawful assembly is three or more persons assembled 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. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a simple misdemeanor.

(Code of Iowa, Sec. 723.2)

1.05 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following:

1. **FIGHTING.** Engages 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.** Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.
(Code of Iowa, Sec. 723.4(2))
3. **ABUSIVE LANGUAGE.** Directs abusive epithets or makes 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, the person disturbs 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 REPORTS.** By words or action, initiates or circulates 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 uses 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 STREETS.** Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.
(Code of Iowa, Sec. 723.4(7))
8. **FUNERAL OR MEMORIAL SERVICE.** A person shall not do any of the following within five hundred feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred feet of a funeral procession or burial:
 - a. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.

- b. 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.
- c. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within sixty minutes preceding, during, and within sixty minutes after a funeral, memorial service, funeral procession, or burial.
(Code of Iowa, Sec. 723.5)

- 1.06 UNLAWFUL ASSEMBLY AND RIOT. 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)

- 1.07 TEMPORARY CIVIL DISORDER. The following shall apply:
(Code of Iowa, Sec. 372.14(2))

1. **DECLARATION.** The mayor may declare a state of civil disorder within the city or its parts if he has reason to believe a riot or other general public disorder may occur as a result of an act of violence or resistance to the lawful exercise of authority, constituting a threat to public peace or general welfare.
2. **TEMPORARY RESTRICTIONS.** The mayor may promulgate all or part of the following restrictions, which shall become effective after reasonable notice of their contents is given and the affected area of the city is specified.
 - a. Order the immediate closing of all taverns and the cessation of the sale or other distribution of intoxicating liquor and beer.
 - b. Order the cessation of public display, sale or any other distribution of firearms and ammunition.
 - c. Order the cessation of the sale or other distribution of explosives or flammables.
 - d. Order the closing of all or some public parks, public streets or other public places during specified hours.
 - e. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks or other open areas either public or private.

- f. Order the cessation of any other activities reasonably believed hazardous to the maintenance of public safety.
 3. **TERMINATION.** Any restriction issued according to this section will automatically terminate forty-eight (48) hours after the mayor's declaration of civil disorder, or upon his declaration that the state of civil disorder no longer exists, whichever occurs first. Any or all restrictions declared by the mayor may be extended by successive resolutions of the council for additional time periods. The period of any one extension shall not exceed five (5) days.
- 1.08 **PARADES.** No person shall conduct or cause any parade on any street except as provided in this section.
 1. **DEFINITION.** "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized manner, or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.
 2. **PERMIT.** No parade shall be conducted without a written permit obtained from the mayor. Such permit shall state the time, date and general route of the parade, and no permit fee shall be required. The written permit granted to the sponsors or organizers of the parade shall be permission for participants invited by the permittee to parade. No fee shall be required for such permit. Any denial of a permit may be appealed to the Council.
 3. **PARADE NOT A STREET OBSTRUCTION.** Any parade authorized by a permit and in which the persons are lawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.
 4. **CONTROL BY POLICE AND FIREMEN.** Parade participants shall be subject at all times to the lawful orders and directions of police and fire department members in the performance of their duties.
- 1.09 **NOISE GENERALLY.** It is a violation to disturb the peace with excessive, loud or unusual noise by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking device or noisemaker.
- 1.10 **TIRE NOISE.** It is unlawful to operate a motor vehicle in such a manner so as to disturb the peace and quiet of any person by causing excessive, loud or unusual noise to come from the tires of said vehicle.
- 1.11 **LOUD, UNNECESSARY OR UNUSUAL NOISE.** Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, excessive offensive, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the

area by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

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

1. 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(1))

2. Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

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

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

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

4. 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 act did not occur.

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

5. 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.

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

1.13 **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)

1.14 DISORDERLY HOUSE.

1. Definition. The term “disorderly house” means any structure or any room therein, or any part of the premises adjacent therefrom, in or upon which occurs any disorderly conduct as defined in Section 1.05 of this Article or any of the following prohibited activities:
 - A. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Iowa Code, under which possession of such substance would be an offense;
 - B. Gambling in violation of Chapter 99B of the Iowa Code;
 - C. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Iowa Code;
 - D. Acts of prostitution, pimping or pandering as defined in Chapter 725 of the Iowa Code;
 - E. Engaging in a massage therapy business without a license.
2. Keeping a Disorderly House. It is unlawful for any person to knowingly keep a disorderly house as defined in this section. For purposes of this section, “keep” means ownership or having the control of a structure or a room therein or any part of the adjacent premises.
3. Frequenting or Being Found in a Disorderly House. It is unlawful for any person to frequent or be found in a disorderly house as defined in this section.

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

1.16 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 public or private land.

CHAPTER 1 MISDEMEANORS

ARTICLE 2 - PUBLIC MORALS

- 2.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public morals and providing for their abatement.
- 2.02 PROSTITUTION. It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city.
- 2.03 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.
- 2.04 INTOXICANTS AND INTOXICATION. The following shall be unlawful:
1. ILLEGAL KEEPING OF INTOXICANTS. To operate, conduct, or allow to be operated a place where intoxicating liquor is illegally kept, sold or given away.
 2. CONSUMPTION IN PUBLIC PLACES. 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 a public or private school-related function. A person shall not be intoxicated in a public place.
(Code of Iowa, Sec. 123.46)
 3. SIMULATE INTOXICATION. A person shall not simulate intoxication in a public place.
(Code of Iowa, Sec. 123.46)
 4. PUBLIC CONSUMPTION OR INTOXICATION AND OPEN CONTAINER IN PUBLIC PLACES. Except as noted below, it is unlawful for any person to consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section “school” means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).
(Code of Iowa, Sec 123.46(2))
- 2.05 Reserved for Future Use.

2.06 INDECENT EXPOSURE. No person shall expose those parts of his or her body listed herein to another in any public place, or in any place where such exposure is seen by another person or persons in any public place.

1. PROHIBITION. Exposure of the following in a public place is prohibited:
 - a. A woman's nipple, or aureole, or full breast, except as necessary in the feeding of any infant under the age of thirty-six (36) months.
 - b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.
2. EXEMPTION. This section shall not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or other such places where such exposures occur incident to the prescribed use of those facilities, nor shall it apply to exposures occurring in live stage plays, live theatrical performances, or live dance performances conducted in a theatre, concert hall or similar establishment which is primarily devoted to theatrical performances.

CHAPTER 1: MISDEMEANORS**ARTICLE 3 - MINORS**

3.01 DEFINITIONS. The following terms shall have the meanings defined below:

1. "MINOR" shall mean a person less than eighteen (18) years of age.
2. "LEGAL AGE" shall be as set forth in section 123.3(24) and 123.47 of the Code of Iowa.

3.02 MINORS IN TAVERNS. It shall be unlawful for any person under legal age to enter, remain in, or frequent a business establishment holding a retail liquor or beer permit unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods.

3.03 SUPPLYING LIQUOR TO MINORS. It shall be unlawful for any person to sell, give or otherwise supply liquor or beer to any person under legal age, or knowingly to permit any person under that age to consume alcoholic liquors or beers, except in the case of alcoholic liquor or beer given or dispensed to a person, age nineteen or twenty, within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by a physician or dentist for medicinal purposes.
(Code of Iowa, Sec. 123.47A)

3.04 CURFEW. Curfew is established to regulate the hours minors can be or remain upon any of the alleys, streets or other public places and in places of business and amusement in the City of Ringsted. The following shall pertain to the curfew:

1. TIME LIMITS. Any minor under the age of 16 shall not be or remain in or upon any of the alleys, streets or other public places and in place of business and amusements in this City of Ringsted between the hours of 10:00 p.m. and 5:00 am and any minor 16 to 17 shall not be in or upon any of the public places with the City of Ringsted between the hours of 11:00 p.m. and 5:00 a.m. except under one of the following exceptions:
2. EXCEPTIONS.
 1. When the minor is on the sidewalk or property where the minor resides, or on property immediately adjacent to where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
 2. The minor is present at or is traveling between home and one of the following:
 - a. The minor's place of employment in a business, trade or occupation, in which the minor is permitted by law to be engaged.
 - b. The place where a church function is being or has been held.

- c. A governmental or political activity.
 - d. A school endorsed activity, including parent-sponsored activities and Community Education sponsored activities organized in cooperation with the school.
 - e. The place where a municipal function is being or has been held.
3. The minor is on an emergency errand for a responsible adult, without any detour or stop.
4. The minor is engaged in interstate travel through the City beginning, ending, passing through Ringsted, Iowa, when such travel is by direct route.
5. The minor is accompanied by a responsible adult over eighteen years of age.
3. **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 period prohibited by this Section, unless the minor's presence fall within one of the above exceptions.
4. **RESPONSIBILITY OF BUSINESS ESTABLISHMENTS.** It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon the place of business or amusement operated by them with the curfew hours set by subsection 1, except as otherwise provided in subsection 2.
5. **ENFORCEMENT.**
 1. Determination of age. In determining the age of the juvenile and in the absence of convincing evidence such as birth certificate or driver's license, a police officer on the street shall, the first instance, use his or her best judgment in determining age.
 2. Ground for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the Chapter; refuses to provide proper identification or identify that person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

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

6. PENALTIES.

1. Adult and Minor: First violation a certified letter of warning and second violation will result in full enforcement. Adult and Minor: Second violation a simple misdemeanor and fined not to exceed \$100 or imprison not to exceed 30 days. Minor: As an alternative, the Court may order the minor to perform community service if the minor presents an acceptable plan of community service prearranged with a willing public or non-profit private agency, or if the Court can otherwise arrange such a plan.

(Editor's Note: Ordinance 640 adopting a new Section 3.04 Curfew was adopted by Council on July 23, 2012.)

3.05 CIGARETTES AND TOBACCO. See Title V, Chapter 2, Article 3 of this Code of Ordinances.

3.06 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)

CHAPTER 1: MISDEMEANORS

ARTICLE 4 - PUBLIC HEALTH AND SAFETY

4.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public health and safety and providing for their abatement.

4.02 DISCHARGING FIREARMS, FIREWORKS & WEAPONS.

1. It shall be unlawful for a person or corporation to discharge or fire any cannon, bomb, rifle, shotgun, revolver, pistol, gun, air rifles or air gun or a firearm of any kind, or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive within the city limits except by a police/peace officer in the line of duty, or as excepted by Section 4.03 Fireworks and Section 4.04 Consumer Fireworks within this Article, or by authorization of the Mayor or Council. No person shall intentionally discharge a firearm in a reckless manner.
2. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.
3. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
4. In the interest of public health and safety and at such times as approved by the Mayor, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
5. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

4.03 FIREWORKS. The City Council, pursuant to section 727.2 of the Code of Iowa as amended, upon application in writing upon forms provided by the city clerk, may grant a permit for the display of fireworks ("Display Fireworks") by municipalities, fair associations, amusement parks and other organizations or groups of individuals; provided, such fireworks displays will be handled and supervised by a competent operator with prior experience in the handling of fireworks displays and who provides proof of certification

by ATF, the State of Iowa, or a certificate of compliance issued by the Pyrotechnic Guild. The denial of a permit may be appealed to the city council.

1. **CRITERIA.** In approving or denying a request for a permit to conduct a fireworks display, the council shall consider:
 - A. The type and nature of displays;
 - B. The location;
 - C. The anticipated or invited attendance;
 - D. The qualifications of the operator;
 - E. Safety and fire protection planning; and
 - F. All other factors relevant to a particular application.

Different criteria apply to pyrotechnics before a proximate crowd and outdoor displays. Applicable standards include IFC chapter 33; NFPA 1123, 1126; ATF safe firework practices.

2. **PERMIT FEE.** No permit fee shall be required for a fireworks permit if the fireworks display is open to the public without charge. If the fireworks display is presented at an event to which admission is charged, a permit fee of fifty dollars (\$50.00) is required.
3. **LIABILITY INSURANCE.** An applicant for a fireworks permit shall provide a certificate of liability insurance for the specific event with a single limit of not less than two million dollars (\$2,000,000.00) naming the City of Ringsted, its officers, agents and employees as additional insureds.
4. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, the a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks display will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.

(Code of Iowa, Sec. 727.2)

5. A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(Code of Iowa, Sec. 727.2)

4.04 CONSUMER FIREWORKS.

1. DEFINITIONS.

- a. “Consumer fireworks” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. “Consumer fireworks” does not include novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association’s standard 87-1.

(Code of Iowa 727.2)

- b. “First-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.
- (9) Multiple tube devices under this paragraph “c” that are manufactured in accordance with APA 87-1, section 3.5.

(Code of Iowa, Sec. 100.19)

- c. “Novelties” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission

(Code of Iowa 727.2)

- d. “Second-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

- (1) Cone fountains.
- (2) Cylindrical fountains.
- (3) Flitter sparklers.
- (4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.

- (5) Ground spinners.
- (6) Illuminating torches.
- (7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
- (8) Wheels.
- (9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

(Code of Iowa, Sec. 100.19)

2. SALE OF CONSUMER FIREWORKS TO THE PUBLIC.

(Code of Iowa, Sec. 100.19)

- a. The state fire marshal shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the state fire marshal. The state fire marshal shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.
- b. A person shall possess a consumer fireworks seller license under this section in order to sell consumer fireworks.
- c. A person who violates a provision of this section 4.04(2) or Code of Iowa, Section 100.19 or a rule adopted pursuant to this section of the Code of Iowa is guilty of a simple misdemeanor

3. USE, POSSESSION, OR EXPLODE CONSUMER FIREWORKS. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this the following:

(Code of Iowa, Sec. 727.2)

- a. AT LEAST 18 YEARS OF AGE. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
- b. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
- c. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a

simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. LIMITATIONS – CONSUMER FIREWORKS.

(Code of Iowa, Sec. 727.2)

- a. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.
- b. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:
 - (1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.
 - (2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.
 - (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.
- c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.
- d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

4.05 FALSE ALARMS. It is unlawful for a person to:

1. By words or action, initiates or circulates 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))
2. A person who reports or causes 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 who reports the alleged occurrence of a criminal act knowing the act did not occur.

(Code of Iowa 718.6(1))

3. A person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance.
(Code of Iowa 718.6(2))
 4. A person who knowingly provides false information to a law enforcement officer who enters the information on a citation commits a simple misdemeanor, unless the criminal act for which the citation is issued is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.
- 4.06 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or across any street, highway, alley, sidewalk or public place.
- 4.07 Reserved for Future Use.
- 4.08 SPITTING. It shall be unlawful for a person to spit, including phlegm, within any food establishment, restaurant, hotel, motor inn, cocktail lounge, tavern, public building, or place of business, or within any park or playground, or spit onto any sidewalk, street or onto a building or structure within the city, or any public place.
- 4.09 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.
- 4.10 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or structure, under his or their control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.
(Iowa Code, Sec. 727.3)
- 4.11 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.
(Code of Iowa, Sec. 364.12(2))
- 4.12 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agricultural land.

4.13 URINATION AND DEFECATION. It shall be unlawful for any person to urinate or defecate in or upon any street, sidewalk, alley, public place 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 public or private land.

4.14 DISTRIBUTING DANGEROUS SUBSTANCES. Any person who distributes samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance, commits a simple misdemeanor 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)

4.15 STORAGE AND USE OF EXPLOSIVES.

1. The state fire marshal shall issue commercial licenses for the manufacture, importation, distribution, sale, and commercial use of explosives to persons who, in the state fire marshal's discretion are of good character and sound judgment, and have sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety. Licenses shall be issued for a period of one year, but may be issued for shorter periods, and may be revoked or suspended by the state fire marshal for any of the following reasons:
 - a. Falsification of information submitted in the application for a license.
 - b. Proof that the licensee has violated any provisions of this chapter, or any rules prescribed by the state fire marshal pursuant to the provisions of this chapter.
2. Licenses shall be issued by the state fire marshal upon payment of a fee of sixty dollars, valid for a period of one calendar year, commencing on January 1 and terminating on December 31; however, an initial license may be issued during any calendar year for the number of months remaining in such calendar year, computed to the first day of the month when the application for the license is approved. The license fee shall be charged on a pro rata basis for the number of months remaining in the year of issue. Applications for renewal of licenses shall be submitted within thirty days prior to the license expiration date and shall be accompanied by payment of the prescribed annual fee.
3. Except as permitted in section 4.15 and sections 4.20 to 4.22, it shall be unlawful for any person to willfully manufacture, import, store, detonate, sell, or otherwise transfer any explosive materials unless such person is the holder of a valid license issued pursuant to this section.
4. Commercial dealers having a federal firearms license shall be exempt from the requirement or the commercial license requirement of this chapter for importation, distribution, sale, transportation, storage and possession of smokeless powder propellants or black sporting powder propellants provided that such dealer must

conform and comply to rules, or ordinances of federal, state or city authorities having jurisdiction of such powder.

(Code of Iowa, Sec. 101A.2)

4.16 USER'S PERMIT.

1. User's permits to purchase, possess, transport, store, and detonate explosive materials shall be issued by the sheriff of the county or the chief of police of a city of ten thousand population or more where the possession and detonation will occur. If the possession and detonation are to occur in more than one county or city, then such permits must be issued by the sheriff or chief of police of each of such counties or cities, except in counties and cities in which the explosives are possessed for the sole purpose of transporting them through such counties and cities. A permit shall not be issued unless the sheriff or chief of police having jurisdiction is satisfied that possession and detonation of explosive materials is necessary to the applicant's business or to improve the applicant's property. Permits shall be issued only to persons who, in the discretion of the sheriff or chief of police, are of good character and sound judgment, and have sufficient knowledge of the use and handling of explosive materials to protect the public safety. The state fire marshal shall prescribe, have printed, and distribute permit application forms to all local permit issuing authorities.
2. The user's permit shall state the quantity of explosive materials which the permittee may purchase, the amount the permittee may have in possession at any one time, the amount the permittee may detonate at any one time, and the period of time during which the purchase, possession, and detonation of explosive materials is authorized. The permit shall also specify the place where detonation may occur, the location and description of the place where the explosive materials will be stored, if such be the case, and shall contain such other information as may be required under the rules and regulations of the state fire marshal. The permit shall not authorize purchase, possession, and detonation of a quantity of explosive materials in excess of that which is necessary in the pursuit of the applicant's business or the improvement of the permittee's property, nor shall such purchase, possession, and detonation be authorized for a period longer than is necessary for the specified purpose. In no event shall the permit be valid for more than thirty days from date of issuance, but it may be renewed upon proper showing of necessity.
3. The user's permit may be revoked for any of the reasons specified in section 4.15, subsection 1, for suspension or revocation of a commercial license.
4. It shall be unlawful for a person to willfully purchase, possess, transport, store, or detonate explosive materials unless such person is the holder of a valid permit issued pursuant to this section or a valid license issued pursuant to section 4.15.

5. The sheriff or the chief of police shall charge a fee of three dollars for each permit issued. The money collected from permit fees shall be deposited in the county treasury or the general fund of the city.
(Code of Iowa, Sec. 101A.3)

4.17 REFUSAL TO GRANT LICENSE OR PERMIT -- APPEAL.

1. Judicial review of the action of the state fire marshal may be sought in accordance with the terms of the "*Iowa administrative procedure Act*".
2. A person who is refused issuance of a user's permit by a local permit issuing authority may appeal the authority's decision to the City Council where the permit is sought.

(Code of Iowa, Sec. 101A.4)

- 4.18 NOTICE OF STORAGE REQUIRED. A licensee shall notify the sheriff of the county and the local police authority of any City in which explosive materials will be stored, and shall also notify such authorities when the storage is terminated.

(Code of Iowa, Sec. 101A.6)

- 4.19 REPORT OF THEFT OR LOSS REQUIRED. Any theft or loss of explosive materials, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person authorized to possess such explosives to a peace officer. The local police or county sheriff shall immediately transmit a report of such theft or loss of explosive materials to the state fire marshal.

(Code of Iowa, Sec. 101A.8)

- 4.20 DISPOSAL REGULATED. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives shall, when the need for such explosives no longer exists, dispose of them in accordance with rules prescribed by the state fire marshal.

(Code of Iowa, Sec. 101A.9)

- 4.21 PERSONS AND AGENCIES EXEMPT. This chapter shall not apply to the transportation and use of explosive materials by the regular military or naval forces of the United States, the duly organized militia of this state, representatives of the state fire marshal, the Iowa state patrol, division of criminal investigation and bureau of identification, local police departments, sheriff's departments, and fire departments acting in their official capacity; nor shall this chapter apply to the transportation and use of explosive materials by any peace officer to enforce provisions of this chapter when the peace officer is acting pursuant to such authority, however, other agencies of the state or any of its political subdivisions desiring to purchase, possess, transport, or use explosive materials for construction or other purposes shall be required to obtain user's permits.

(Code of Iowa, Sec. 101A.10)

4.22 EXPLOSIVE MATERIALS EXEMPT. This chapter shall not apply to the possession or use of twenty-five pounds or less of smokeless powder, or five pounds or less of black sporting powder, provided that:

1. Smokeless powder is intended for handloading or reloading of ammunition for small arms with bores equivalent to ten gauge or less.
2. Black sporting powder is intended for handloading or reloading ammunition for small arms with bores equivalent to ten gauge or less, loading black ammunition, loading cap and ball revolvers, loading muzzle loading arms, or loading muzzle loading cannon.
3. All such powder is for private use and not for commercial resale, and in the case of black sporting powder or smokeless powder the sharing with or disposition to another person is permitted if otherwise lawful.
4. The storage, use, and handling of smokeless and black powder conforms to rules or ordinances of authorities having jurisdiction for fire prevention and suppression purposes in the area of such storage, use, and handling.

(Code of Iowa, Sec. 101A.11)

4.23 LOCAL ORDINANCES. Nothing in this Chapter shall limit the authority of cities to impose additional regulations governing the storage, handling, use, and transportation of explosive materials within their respective corporate limits, however, such regulations shall be at least as stringent as and not inconsistent with the provisions of this chapter and the rules promulgated pursuant to this Chapter.

(Code of Iowa, Sec. 101A.13)

CHAPTER 1: MISDEMEANORS

ARTICLE 5 - PUBLIC PROPERTY

- 5.01 PURPOSE. The purpose of this article is to define and prohibit offenses against public property and provide for their abatement.
- 5.02 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.
(Code of Iowa, Sec. 364.1 & 364.12(2))
- 5.03 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.
- 5.04 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any railway or apparatus belonging thereto; or any bridge or railroad; or place, or cause to be placed, any obstruction on any railway, or on any bridge or railroad; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric transmission or distribution, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.
(Code of Iowa, Sec. 716.1)
- 5.05 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this 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)
- 5.06 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.
(Code of Iowa, Sec. 716.1)
- 5.07 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.
(Code of Iowa, Sec. 716.1)

- 5.08 INJURING NEW PAVEMENT. It shall be unlawful for a person to destroy or injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready to use.
- 5.09 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of property is criminal mischief when done intentionally by one who has no right to so act.
- 5.10 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.
- 5.11 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to will- fully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.
- 5.12 REMOVAL OF HYDRANT CAPS, SEWER CAPS OR MANHOLE COVERS. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent from the City.
- 5.13 UNAUTHORIZED ENTRY. No person shall enter any public building or public enclosure unless authorized to do so. An entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry. For the purpose of this section, public buildings and enclosures shall include all city facilities including, but not limited to the following: swimming pool, municipal utility building, community building, fire station, maintenance buildings, shelter houses, rest rooms, animal pens and all other buildings and enclosures at city parks.
- 5.14 SIDEWALKS AND RIGHT-OF-WAY. It shall be unlawful for a person to damage public right-of-way or sidewalks, dig into or in any manner break any sidewalk, curb, pavement, street, alley or public ground without replacing the same in as good condition as found.

CHAPTER 1: MISDEMEANORS

ARTICLE 6 - PRIVATE PROPERTY

6.01 TRESPASSING. It is unlawful for a person to knowingly trespass onto the property of another. As used in this section, the term "*property*" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned. It shall be unlawful for a person to commit one or more of the following acts:

1. **ENTER PROPERTY WITHOUT PERMISSION.** Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
(Code of Iowa, Sec. 716.7)
2. **VACATE PROPERTY WHEN REQUESTED.** Enter or remain upon or in private property without legal 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)
3. **INTERFERE WITH LAWFUL USE OF PROPERTY.** Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
(Code of Iowa, Sec. 716.7)
4. **USE OF PROPERTY WITHOUT PERMISSION.** Be upon or in private property and use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
(Code of Iowa, Sec. 716.7)

The term "*trespass*" shall not mean 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. This section does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

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

- 6.02 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.
(Code of Iowa, Sec. 716.1)
- 6.03 ELECTRONIC AND MECHANICAL EAVESDROPPING. Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.
(Code of Iowa, Sec. 727.8)
- 6.04 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof. It is punishable as a simple misdemeanor under the City Code when the reasonable dollar amount of the property stolen is in line with the present Iowa Code Sec. 714.2, as amended.
- 6.05 ABANDONED OR UNATTENDED REFRIGERATORS. Any person who abandons or otherwise leaves unattended any refrigerator, icebox, or similar container, with doors that may become locked, outside of buildings and accessible to children, or any person who allows 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, commits a simple misdemeanor.
(Code of Iowa, Sec. 727.3)

CHAPTER 1: MISDEMEANORS

ARTICLE 7 - EXECUTION OF PROCESS

- 7.01 INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under Chapter 147A, Code of Iowa, 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 under Chapter 147A Code of Iowa, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars (\$250.00). However, if a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.
(Code of Iowa, Sec. 719.1)
- 7.02 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. A person who, unreasonably and without lawful cause, refuses or neglects to render assistance when so requested commits a simple misdemeanor.
(Code of Iowa, Sec. 719.2)
- 7.03 RESISTING ARREST. A person is not authorized to use force to resist an arrest, either of the person's self, or another which the person knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if the person believes that the arrest is unlawful or the arrest is in fact unlawful.
- 7.04 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any peace officer, fireman, officer, or city official in the discharge of his duty.
- 7.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who willfully prevents or attempts to prevent any public officer or employee from performing that officer's or employee's duty is guilty of harassment of public officers and employees.
(Code of Iowa, Sec. 718.4)

CHAPTER 2: NUISANCES

ARTICLE 8 - GENERAL PROVISIONS

8.01 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)

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

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

(Code of Iowa, Sec. 657.1)

1. Offensive smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

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

2. Filth or noisome substance. The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

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

3. Water pollution. The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

4. Blocking public and private ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landings, places or burying grounds.

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

5. House 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 Code of Iowa Chapter 723A, or places resorted to by persons using controlled substances, as defined in Code of Iowa section 124.101, subsection 5, in violation of law, or houses

where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

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

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.
(Code of Iowa, Sec. 657.2(7))
7. Storing of inflammable junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.
(Code of Iowa, Sec. 657.2(10))
8. Air pollution. The emission of dense smoke, noxious fumes or fly ash.
(Code of Iowa, Sec. 657.2(11))
9. Obstruction of drainage. Any article or substance placed upon any street, alley, sidewalk, public ground or in any ditch, waterway or gutter so as to obstruct the same.
10. Dutch elm disease. Trees infected with Dutch Elm disease.
(Code of Iowa, Sec. 657.2(13))
11. Airport air space. Any object or structure hereafter erected within one thousand (1000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
(Code of Iowa, Sec. 657.2(9))
12. Obstruction of view. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.
13. Trash piles. Accumulation of rubbish or trash tending in nature to harbor or attract vermin, rodents, or other disease-carrying pests, animals or insects, or to spread or harbor disease, emit unpleasant odors or harmful gas or creating a hazard of fire.
14. Septic effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.

15. Ponding water. Allowing or permitting land to remain in such a condition as to allow stagnant, standing water.
16. Weeds. Dense growth of all weeds, grasses, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.
(Code of Iowa sec. 657.2 (13))
17. Farm Animals & fowl. Except in areas zoned Agricultural, the keeping within the City limits of farm animals and fowl, including, but not limited to, ducks, geese, turkeys, cattle, goats, swine, sheep, buffalo, horses or ponies.
18. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.
19. Abandoned Objects. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans, or containers.
20. Community Standard. A house, other building or land visible from any public place or private premises remaining in an unclean or disorderly condition and to a standard not conforming with other orderly premises in the vicinity.
21. Maintenance of Premises. Premises maintained in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.
22. Compost Pile. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals or insects.
23. Rock and Earth Slides. Storing or permitting the storage of material, such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free-standing material makes with the horizontal plane without slipping, sliding or collapse of the material.

This subsection shall not apply to accumulations or piles of snow, nor to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.
24. Emerald Ash Borer Disease. Trees infected with Emerald Ash Borer Disease.
(See also Title VI, Chapter 3, Article 4.)
25. Maintenance of Premises. Premises maintained in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

26. Construction Site Litter. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.
27. No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a property unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:
- a. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.
 - b. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a property in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.
28. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any construction on the lot and adjacent right of way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gully, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Clerk and/or designee.
29. Dead Animals and Other Contaminated Material. Carcasses of animals remaining exposed and unburied six hours after death, or green or slated hides left or deposited in any open or public places; the storage, collection, discharge or depositing of any liquid waste, offal, filth, garbage, refuse, dead animals, or contaminated material in any private or public place so as to threaten the health or safety of or which is offensive to the senses of any individual or the public, or which is conducive to the breeding and harborage of flies, rats, or other vermin. Game animals being processed according to Iowa Department of Natural Resources regulations are exempted.

30. Disposal of Dead Animals. The disposal of dead animals by means other than by rendering, by burying at least three feet under the surface of the ground, or by transportation to and disposal at the Northern Plains Regional Landfill.
31. Deposits on Parking. The deposit or storage of any garbage or refuse containers, brush, rubbish, grass, rocks, building materials, incinerators, or any other debris or materials on the parking or area between the sidewalk and the curb of any street, except for a period not to exceed 24 hours while awaiting removal by garbage or refuse haulers. (See also Chapters 105 and 106)
32. Rats and Other Vermin. An infestation of rats or other vermin in or upon any premises.
33. Spreading Disease. The exposure of any person to any communicable disease by unlawful act or practice.
34. Unlawful Manufacture of Drugs. The unlawful manufacture, formulation, sale, distribution, and/or use of drugs, medication, devices, materials and/or chemicals.
35. Attractive Nuisance. Failure to secure areas, building, or places against unauthorized access where such access threatens the health or safety of individuals, or is an attractive nuisance to children.
36. Debris, Refuse, Rubbish, Trash. Accumulations of unused boards, bricks, concrete or rocks, animal or vegetable products or matter, appliances, ashes, barrels (excluding burn barrels and solid waste collection barrels awaiting pickup), bones, bottles, boxes, broken glass, brush, cans, cartons, cinders, coal, crates, pallets, decayed fruits or vegetables, dirt, dust, excrement, fence wire, filth, firewood not piled or stacked neatly or systematically, flammable materials, garbage, gasoline, grass, household furniture, discarded or broken or abandoned toys, iron and other metals, junk, kegs, leaves, logs, lumber not piled or stacked neatly and systematically (must have nails removed and be in rear yard; untreated lumber must be stacked), lumber scraps, manure, nails, offal, oil, old wearing apparel, paper, plaster, plastic (discarded containers or wrappers), plumbing fixtures, putrid fish or meat entrails, rags, roof shingles, rubber, sawdust, slag slop, soot, straw, sweepings, tacks, tarpaulins not in good repair, tires (mounted or unmounted), toilets, tubs, vehicle parts, weeds, wire, wood or metal shavings, any type of solid or yard waste (bagged or unbagged), or any condition or item that would prohibit the routine maintenance of the property or adversely affect the use and

habitability of nearby property and of property within the City as a whole. Foliage and shrub clippings or cuttings, leaves, brush and fallen tree limbs or debris, firewood and other yard waste may be stored in piles in a rear yard not less than two (2) feet from a lot line and should be stored temporarily pending disposal or when used for mulch or composting or firewood.

37. Furniture, Fixtures and Appliances Outdoors. Any furniture, fixture, and appliance, including sofas, divans, recliners, toilets, bathtubs, sinks and similar objects that are not designed for outdoor use, but which are maintained or located on any porch, lawn, parking lot, driveway, or public right-of-way.
38. Miscellaneous. Any act done or committed or suffered to be done or committed by any person — or any substance or thing kept, maintained, placed, or found in or on any public or private place — which is annoying or damaging or injurious or dangerous to the public health or welfare or safety, and every act or thing done, permitted, maintained, allowed, or continued on any property, public or private, by any person, which is liable to or does endanger, annoy, damage, or injure any person or inhabitant of the City or property of said person or inhabitant.
39. Vehicle Parts. Storage (other than in an enclosed building) on private property that is residentially zoned of any two or more vehicle parts, including (but not limited to) bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers, seats, windshields or windows, wheels, or any other structural, mechanical, or decorative vehicle parts.
40. Storage on Trailers or Trucks. The storage of anything on an unenclosed trailer, pickup, truck box, or like vehicles shall be treated in the same manner as storage outside of an enclosed structure. Coverage with a tarp is not considered enclosed.
41. Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, or allowing 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.
42. Poison. The deposit of any poisonous material or thing on any premises, so as to allow access to it by any animal or person.

43. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of its location, inadequate maintenance or dilapidation, or is not kept in good repair, or is capable of causing electric shocks to persons likely to come in contact with it, or which obstructs free ingress or egress from a required door, window, fire escape or other required exit-way.
44. Residential or non-residential structures, the condition of which constitutes a hazard to safety or to health as determined by the enforcement official or his or her designee.
45. Discharge of water upon or under public streets or sidewalks by reason of faulty water service.
46. Noise Pollution. Any sound which disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans.
47. Litter. Any decomposable or non-decomposable solid or other waste material.
48. Structures damaged by Fire or Decay. All buildings and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value and which are so situated as to endanger the safety of the public.
49. Permitting or allowing the illumination of flood lights, yard lights or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.
50. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose or missing elements.
51. BUILDING MAINTENANCE. All buildings shall be maintained to be weather and watertight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and watertight properties of the structure. All wood including floorboards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.

52. Missing or torn, ripped, tattered, canvas, plastic, fabric or non-permanent material of a temporary storage structure (membrane storage structure) or missing, broken or dilapidated aluminum or steel support structures of such temporary structure (commonly referred to as hoop building or tent garages). The City's zoning ordinance may prohibit such temporary portable accessory storage structures.
53. Other Nuisances. Any matter, thing, substance, or condition within the City deemed to be a nuisance in Chapter 657 of the *Code of Iowa*, or defined as a public nuisance in Chapter 657A of the *Code of Iowa*, or its successor provisions of either of the chapters.
2. "PROPERTY OWNER" shall mean the contract purchaser if there is one of record, otherwise the record holder of legal title.
(Code of Iowa, Sec. 364.12(1))
3. "NUISANCE PARTY DEFINED" shall mean a social gathering or party of people which is conducted on premises within the City and which, by reason of those persons in attendance results in any one or more of the following conditions of events occurring at the site of said party or social gathering or neighboring public or private property is hereby declared to be an unlawful public nuisance.
- a. Public intoxication; unlawful consumption of beer, wine of alcoholic beverages in a public place.
 - b. Outdoor urination or defecation in a public place.
 - c. Outdoor urination or defecation in a public place.
 - d. The unlawful sale, furnishing, dispensing or consumption of beer, wine or alcoholic beverages.
 - e. Underage or unlawful possession of beer, wine or alcoholic beverages.
 - f. The unlawful deposit of litter or refuse.
 - g. The damage or destruction of property without the consent of the property owner.
 - h. Unlawful pedestrian or vehicular traffic.
 - i. Standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services.
 - j. Unlawfully loud noise, fighting, or any other conduct or condition that threatens injury to persons or damage to property is hereby declared to be an unlawful public nuisance.

4. "DUTY TO CONTROL PREMISES" by a tenant, or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conduct, hosts, invites, or permits a social gathering or party on said premises which is or becomes a public nuisance as defined in subsection (3) above, and which nuisance is the intentional result of, or with the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

5. "VIOLATION CHARGED" for a party or social gathering that is or becomes a public nuisance as defined in subsection (3) above shall cease and disperse immediately upon the order of the Emmet County Sheriff or any Sheriff's Deputy; and all persons not domiciled at the site of the social gathering shall leave the premises immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a municipal infraction. Alternatively, a violation of this section can be charged by the Emmet County Sheriff's Office as a simple misdemeanor.

(Ord. #649)

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

- 8.04 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this chapter:

1. **REMOVAL OF DISEASED TREES.** The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.
(Code of Iowa, Sec. 364.12(3b))
2. **REMOVAL OF STRUCTURES.** The removal, repair or dismantling of a dangerous building or structure.
(Code of Iowa, Sec. 364.12(3c))
3. **NUMBERING OF BUILDINGS.** The numbering of buildings.
(Code of Iowa, Sec. 364.12(3d))
4. **DRAINAGE CONNECTIONS.** The connection to public drainage systems from abutting property when necessary for public health or safety and protection of property.
(Code of Iowa, Sec. 364.12(3e))
5. **SANITARY FACILITIES.** The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.
(Code of Iowa, Sec. 364.12(3f))

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

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

- 8.05 **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.

- 8.06 **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)

CHAPTER 2: NUISANCES

ARTICLE 9 - ABATEMENT PROCEDURE

- 9.01 NUISANCE ABATEMENT. Whenever the mayor or other authorized municipal officer finds that a nuisance exists or a condition needs to be corrected, he 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))

- 9.02 NOTICE TO ABATE. The notice to abate shall contain:

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

1. DESCRIPTION OF NUISANCE. A description of what constitutes the nuisance or other condition.
2. LOCATION. The location of the nuisance or condition.
3. ACTS NECESSARY TO ABATE. A statement of act or acts necessary to abate the nuisance or condition.
4. REASONABLE TIME. A reasonable time within which to complete the abatement.
5. ASSESSMENT AT 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.

- 9.03 METHOD OF SERVICE. The notice may be in the form of an ordinance, or a notice sent by certified mail, or personal delivery service to the property owner.

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

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

- 9.05 ABATEMENT IN EMERGENCY. If it is determined that an emergency or danger 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 council shall assess the costs after notice to the property owner and hearing on the costs incurred by the city to abate the nuisance or condition. The City shall assess the costs as provided in section 9.07.

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

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

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

- 9.07 COSTS OF ABATEMENT. The following shall apply to abatement procedure:

1. COLLECTION. The clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

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

2. INSTALLMENT PAYMENT. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the manner and with the same interest as benefited property under the Code of Iowa.

(Code of Iowa, Sec. 364.13, 380.60 & 380.65)

3. The City may collect all associated abatement expenses in a Court of Small Claims.
4. The City may institute civil proceedings to obtain injunctive and declaratory relief or such 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.

- 9.08 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, and subject to the standard penalty contained in Title 1, Chapter 1, Article 1 of this Code of Ordinances and may also be punished under the City's municipal infraction ordinance, as codified in this Code of Ordinances. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

9.09 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Code of Iowa Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

9.10 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in this Article, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Title III, Article 14 Municipal Infraction of this Code of Ordinances.

9.11 PROSECUTION.

1. MUNICIPAL INFRACTION. In lieu of the foregoing abatement procedures, the City may choose to treat an unabated nuisance as a municipal infraction violation of this Chapter, punishable as provided in Title III, Chapter 5, Article 12, of this Code.

1 SIMPLE MISDEMEANOR. In lieu of the foregoing abatement procedures, the City may choose to treat an unabated nuisance as a simple misdemeanor violation of this Chapter, punishable as provided in Title I, Chapter 5, Article 14, of this Code.

CHAPTER 3: ANIMALS**ARTICLE 10 - REGULATION OF DOGS, CATS, VICIOUS ANIMALS & OTHER ANIMALS****10.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Abandon” means to cease to provide control over, shelter, food and water for an animal without having provided that such care, custody and physical control of such animal has been transferred to another person, with the knowledge and consent of that person.
2. “Adequate food” means providing at suitable intervals, as the dietary requirements of the species or breed so require, a quantity of food stuff, suitable for the physical condition and age of the animal sufficient to maintain an adequate level of nutrition for such animal.
3. “Adequate indoor shelter” means an indoor area that is ventilated, daytime illuminated and sufficiently regulated by heating or cooling to protect the animal according to the species or breed from extremes of temperature.
4. “Adequate outdoor shelter” means a structure or shelter which provides access to shade from direct sunlight and regress and protection from exposure to adverse weather conditions.
5. “Adequate sanitation” means regular periodic cleaning or sanitizing of primary enclosures and housing facilities to remove excreta and other waste materials and dirt so as to minimize health hazards, flies and odors.
6. “Adequate space” means primary enclosures and housing facilities constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.
7. “Adequate veterinary care” means that a sick, diseased or injured animal shall be provided with a proper program of care or humanely euthanized.
8. “Adequate water” means reasonable access to a supply of water provided in a drinkable manner to the animal at all times when outside, subject to weather elements. Water shall be provided daily for such duration and of such quantity as necessary for the animal’s health and needs.
9. “Animal” means any live vertebrate creature, domestic or wild, except human beings, of any species and of either sex, whether altered or not, kept within the City by an owner.

10. "AT LARGE" shall mean any animal in a motor vehicle open to the extent escape is permitted, or an animal off the premises of its owner, and in either case, not under the control of a competent person, either by leash, cord, chain, wire, rope, cage or other physical restraint of a length not to exceed six feet and of sufficient strength to restrain the animal.
11. "Birds" shall mean parakeets, pigeons, birds of prey, pheasants, quail and other similar birds that are kept as pets or for hobby purposes. Chickens, geese are considered "farm animals" and may not be kept as household pets.
12. "Boarding kennel" means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed and watered in return for a consideration.
13. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder. However, a person who breeds or harbors more than three breeding male or female greyhounds for the purposes of using them for pari-mutuel racing shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.
14. "Commercial kennel" means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.
15. Dangerous Animal": shall mean
 - (a) any animal which is not naturally tame or gentle and which is of a wild nature or disposition and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals, and having known tendencies as a species to do so;
 - (b) any animals declared to be dangerous by the city council or its designee; or
 - (c) the following animals which shall be deemed to be dangerous animals per se:
 - a. wolves and coyotes;
 - b. badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - c. bears;
 - d. all apes (including chimpanzees), baboons and macaques;
 - e. monkeys, except the squirrel monkey;
 - f. elephants;
 - g. wild boars;

- h. black widow spiders and scorpions;
 - i. snakes which are naturally venomous or poisonous;
 - j. all cats, except domestic cats (Carnivora of the family Felidae including, but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, et al.);
 - k. raccoons, opossums and skunks; and
 - l. alligators and crocodiles.
16. "Dog" shall mean and include members of the canine species, male or female, whether neutered or not.
17. "Defilement" means to foul, dirty, pollute or make filthy, either by the animal's body or wastes or by the animal carrying or dragging any foul material.
18. "Guard/attack dog" means a dog which is trained to attack persons upon the command of its master or custodian or upon the actions of an individual.
19. "Household pets and hobby animals" shall mean mammals, birds, fish, amphibians, arachnids, insects, and reptiles as specifically defined in this article.
20. "Housing facilities" means any room, building or area used to contain a primary enclosure or enclosures.
21. "Kennel" shall mean any premises on which four (4) or more dogs or four (4) or more cats, six (6) months old or older are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.
22. "Leash" means a rope, line, thong, chain or other similar restraint which is sufficient to hold the animal in check. Length of leash shall be no more than twenty (20) feet.
23. "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, poultry, geese or ducks.
(Code of Iowa, Sec. 717.1)
24. "Mammals" shall mean rabbits, ferrets, mongoose, mink, and similar small animals and potbellied pigs that are kept as pets or for hobby purposes.
25. "Molest" includes not only biting and scratching, but also any annoyance, interference with or meddling with any person so as to trouble or harm said person.
26. "Municipal pound" or "municipal shelter" means any public animal shelter or pound established or maintained by the City which may include any private or charitable organization or facility leased by the City or with whom the City has a contractual agreement for impoundment services.

27. "Owner" means any person means having temporary or permanent custody of, owning, keeping, sheltering or harboring an animal. If such person is a minor, then "owner" means the parents or custodial parent or guardian of such person.
28. "Person" shall mean any individual, association, partnership, or corporation and includes any officer, employee or agency thereof.
29. "Pet animal" means (a) any animal that is taxonomically classified as *Felis domestica* and generally referred to as a domestic cat; (b) any animal that is taxonomically classified as *Canis familiaris* and generally referred to as a domestic dog; and (c) any animal kept by an owner for which the State Veterinarian's Office requires a previously accepted rabies vaccination.
30. "Pet shop" means an establishment where a dog, cat, rabbit, rodent, nonhuman primate, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale. However, a pet shop does not include an establishment if one of the following applies:
- A. The establishment receives less than five hundred dollars from the sale or exchange of vertebrate animals during a twelve-month period.
 - B. The establishment sells or exchanges less than six animals during a twelve-month period
31. "Private property" means all buildings and other property owned by a private person and includes buildings, yards and service and parking areas.
32. "Public property" means buildings and other property owned or dedicated to the use of the City, the State, the County or the United States government, wherein the authorized representative has granted the City jurisdiction thereof, or any governmental subdivision of the City, State, County or U.S. government, or any governmental organization established by the City, State, County or U.S. government. Such property includes, but is not limited to, buildings, grounds, yards, street right-of-ways, parks, service areas, open areas, athletic and recreational areas, riverbanks, parking areas and ramps, and any other real estate owned by a governmental unit.
33. "Reptiles" shall mean non-constrictor snakes, lizards, geckos, salamanders, chameleons, iguanas, alligators and crocodiles less than 20 inches in length and similar reptiles that are kept as pets or hobby purses and that are not prohibited under this Chapter of the City Code.
34. "Secretary" means the State of Iowa Secretary of Agriculture.
35. "Under restraint" means that an animal is secured by a leash or lead or under the control of a person physically capable of restraining the animal and obedient to that

person's commands, or securely enclosed within the real property limits of the owner's premises.

36. "Veterinarian" means a person duly licensed by the State to practice veterinary medicine.
37. "Veterinary hospital" means an establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of diseases and injuries to animals and which may board animals.
38. "Vicious Animal" shall mean any animal, except for a dangerous animal per se as defined above, while running at large that has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct either by:
- (a) biting a person or persons on two separate occasions within a twelve (12) month period; or
 - (b) biting once within a twelve (12) month period causing injuries above the shoulders of the person; or
 - (c) being uncontrollable by the owner at the time of the bite to prevent the occurrence; or
 - (d) attacking or biting any domestic animal or fowl on two separate occasions within a twelve (12) month period; or having been found to possess such a propensity by the city council after hearing.

- 10.02 CRUELTY TO ANIMALS. No person shall impound or confine or cause to be impounded or confined, in any place, any domestic animal, or fowl, or any dog or cat, and fail to supply such animal during confinement with a sufficient quantity of food or water, or who fails to provide a dog or cat with adequate shelter, or who shall torture, torment, deprive or necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat or kill any such animal by any means which shall cause unjustified pain, distress or suffering, whether intentionally or negligently.

(Code of Iowa, Sec. 717.2 & 717.3)

- 10.03 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

(Code of Iowa, Sec. 717.3)

- 10.04 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city. Any unvaccinated cat or dog found at large, or any animal in violation of this chapter shall be seized and impounded, or, at the discretion of the mayor

or any member of the council, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

10.05 **BOTHERSOME ANIMALS.** It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep, or other animals which tend to disrupt the peace and good order of the community.

10.06 **DAMAGE OR INTERFERENCE.** It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another if it thereby causes damage to, or interference with, the premises.

10.07 **ANNOYANCE OR DISTURBANCE.** It shall be unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

10.08 **KEEPING OF VICIOUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor for any reason within the city a vicious animal so defined herein, except as provided in Section 10.09 of this Article.

10.09 **VICIOUS ANIMAL EXCEPTIONS.** The prohibition contained in Section 10.08 of this Article shall not apply to the keeping of vicious animals in the following circumstances:

1. Animals under control of a law enforcement or military agency.
2. The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 10.10 of this Article. 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 Emmet County Sheriff's Department that a guard dog is on duty at such premises.

10.10 **IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.**

1. Any peace officer or designee, hereinafter officer, in his discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the city council. The person, firm or corporation owning, keeping, sheltering or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the city or allow it to be destroyed. The notice shall be

- served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.
2. If, after hearing, the city council determines that an animal is vicious, the council shall order the person, firm or corporation owning, sheltering, harboring or keeping the animal to remove it from the city, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the order of the city council was issued has not petitioned the Emmet County District Court for a review of said order, the officer shall cause the animal to be destroyed.
 3. Failure to comply with an order of the council issued pursuant hereto shall constitute a misdemeanor offense.
 4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the officer may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three (3) days impoundment.
 5. Any animal which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city.

10.11 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous 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 person or property, such animal may, in the discretion of the peace officer or other designated official, hereinafter officer, or the Emmet County Sheriff's Department, be destroyed if it cannot be confined or captured. The City of Ringsted shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the signed written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises located in the City of Ringsted, the officer 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 animal in the City, the officer shall order the person named in the complaint to safely remove such animal from the City of Ringsted, and

permanently place the animal with an organization or group allowed under Section 10.13 of this Article to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the officer 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 issued by the officer may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the officer.
 4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the city council may affirm or reverse the order of the officer. Such determination shall be continued in a written decision and shall be filed with the city clerk within three (3) days after the hearing, or any continued session thereof.
 5. If the city council affirms the action of the officer, the council shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under Section 10.13 of this Article to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the officer is not appealed and is not complied with within three (3) days or the order of the city council after appeal is not complied with within three (3) days of its issuance, the officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the city council was issued has not petitioned the Emmet County District Court for a review of said order, the city shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under section 10.13 of this Article to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the city issued pursuant hereto shall constitute a misdemeanor offense, punishable pursuant to Title I, Section 1.06 of this Code.
- 10.12 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the City of Ringsted except as provided in Section 10.13 of this Article.

While the following animals are not declared by this ordinance to be dangerous per se, (a) constricting snakes exceeding six feet in length, and (b) lizards exceeding two feet in length, the owners of such animals shall, within two hours of knowledge of the possibility of such an animal being "at large" within the community, so notify the City Clerk of the City of Ringsted.

10.13 DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 10.12 of this Article shall not apply to the keeping of dangerous animals in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus carnival exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintenance any and all required federal or state licenses.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 109 and 109A of the Iowa Code.

10.14 ESCAPE FROM CONFINEMENT. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.

10.15 DUTY OF RESTRAINT. It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to the foregoing shall constitute a misdemeanor.

10.16 INTERFERENCE WITH OFFICIAL ACTS. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city, so as to hinder, delay, or prevent his executing his duties in relation to the matters and things contained in this chapter.

- 10.17 SANITARY CONDITIONS OF CONFINEMENT. If is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house of person's dwelling or other structure where the animal is at any time kept. At least once every twenty-four hours or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food consumption in such a manner so that it will not become food for rodents and other vermin.
- 10.18 ABANDONMENT. It is unlawful for any owner or other person to abandon, turn loose or leave any animal within the corporate limits of the city or so that the animal may find its way into the corporate limits of the city, or to abandon or leave any animal upon or in any premises unattended for a period in excess of three (3) days.
- 10.19 DISPOSITION OF UNLICENSED DOGS. It shall be lawful for any person, and the duty of all peace officers within their jurisdiction, to kill any dog for which a license is required when such dog is not wearing a collar with license tag attached.
(Code of Iowa, Sec. 351.26)
- 10.20 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities, such animal may be humanely destroyed or otherwise disposed of in accordance with the law.
- 10.21 IMPOUNDMENT. Whenever impoundment or quarantine of an animal is required under this chapter, such impoundment or quarantine shall be with an organization or group as defined in Section 10.13 which may also specifically include any clinic, shelter, pound, or office however designated which is operated by or under the direction of any licensed veterinarian.
- 10.22 IMPOUNDING COSTS. Impounding costs and boarding fees shall be as established by resolution of the City Council of Ringsted. Impounded and apprehended animals may be recovered by the owner upon payment of any fines the owner is liable, cost of securing and impounding any such animal including cost of feed and keep, the actual cost of transporting and boarding, the costs of keeping the animal's vaccinations current, and any other penalties prescribed in this code. Upon payment of the beforementioned and upon approval of the City Clerk the owner may claim any impounded animal.
- 10.23 LICENSE. A city council may provide for the issuance of licenses for dogs. If the council should require licenses for dogs, then such licenses shall be obtained from the city clerk. The council may set a license fee to be paid to the city clerk. Any license issued by the city clerk shall be in the form of a license tag bearing a license number and the year issued,

and shall be fastened to a collar or harness which shall be worn by the dog for which the license was issued.

- 10.24 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.
- 10.25 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this article if the kennel is licensed under chapter 162, Code of Iowa.
- 10.26 RIGHT OF ENTRY. Any peace officer, or mayor or designate is hereby authorized to enter upon any lot, tract or parcel of land (not including any residence thereon) for the purpose of seizing, with or without subsequent impounding, of any animal in violation of this chapter found thereon.
- 10.27 REPORTING DISEASE. Any person having knowledge of the presence of any disease among animals capable of being communicated to humans, shall immediately report that fact, together with the street and number of the premises at which the animals are kept, to the County Health Officer and the City Animal Control Department.
- 10.28 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 adequate food, water, exercise, sanitation, space, indoor and outdoor shelter or veterinary care, or to torture, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.
(Code of Iowa, Sec. 717B.3)
- 10.29 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)
- 10.30 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)
- 10.31 POISONING. No person shall expose any poisoned meat or other poisoned substances on public or private property where the same may be taken by any human being or animal.
- 10.32 RELEASING OR MOLESTING ANIMALS. No person, except the owner of an animal or an authorized agent, shall willfully or without permission or authority open any door or gate on any private or public premises resulting in the releasing or enticing or enabling any

such animal to leave such private or public premises. No person shall willfully molest, tease, provoke or mistreat an animal. However, a police officer or designate may remove and impound, for medical observation purposes, any animal that has scratched or bitten anyone.

10.33 NUISANCES. No person shall keep animals subject to the provisions of this section which cause a "public nuisance." A "public nuisance" shall include:

1. Any animal that is repeatedly found at-large.
2. Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animals are kept.
3. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or other in close proximity to the premises where the animals are kept.
4. Any animal, whether or not on the property of its owner, that, without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons on a public right-of-way.
5. Any animal that attacks domestic animals.
6. Any animal that causes unsanitary conditions in enclosures or surrounding where the animal is kept.
7. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single location, or the inadequacy of the facilities.
8. Any animals kept for commercial purposes.

10.34 PROHIBITIONS AND REQUIREMENTS.

1. At Large. No animal shall be found at large within the City at any time. A properly licensed animal shall not be deemed at large if:
 - A. It is on the premises of the owner, with the owner visibly outside monitoring the animal and able to restrain the animal;
 - B. It is on the premises of another person with the prior knowledge and consent of that person, and that person is outside, monitoring the animal and able to restrain the animal; or

- C. It is under the control of a person competent to restrain the animal, either by leash or properly restrained within a motor vehicle or enclosed within a structure.
- 2. Presumption of Consent. In the event any animal is found running at large and not under restraint as herein defined, it shall be presumed that the owner of said animal has permitted said animal to run at large and consented thereto and the burden of proof shall be upon said owner to prove otherwise.
- 3. Female Pets in Estrus. Notwithstanding the provisions of subsection 1 above, any animal shall be deemed at large at any time when attacking persons, animals or destroying property. Furthermore, any female animal in estrus shall be deemed at large at any time except:
 - A. When housed in a building which is completely enclosed;
 - B. When housed in a veterinary hospital or boarding kennel licensed or registered with the State;
 - C. When on the premises of the owner, provided the area in which such animal is located is completely enclosed by a fence or other structure having a height of at least sixty (60) inches; or
 - D. When under the control of a person competent to restrain the animal, either by leash or properly restrained within a motor vehicle.
- 4. Private Property. No animal shall be taken, allowed or permitted on private property not owned by the owner of the animal without the prior permission of the person owning such property or the person in charge thereof and the burden of proof shall be upon the animal owner.
- 5. Sanitation. The owner of any animal shall, at all times when said animal is not on the owner's premises, clean up any feces of said animal and deposit the same in the sanitary sewer system or suitable receptacle. Animals are not to be walked in any children's playground area in parks or school grounds.
- 6. Tying Animals. No animal shall be tied by any person to a utility pole, parking meter, building, structure, fence, sign, tree, shrub, bush or other object on public property or tied on private property without the consent of the owner or person in charge thereof, or tied in such a manner as to intrude onto the use of public sidewalks, streets or private property without fear therefrom.
- 7. Food Establishments. No animal shall be allowed, taken or permitted on or in any building, store, restaurant or tavern where food or food products are sold, prepared or dispensed to people other than the owners thereof. This provision does not apply to property wherein food is sold in stands or shelters such as fairs or circus carnivals

or the like, when the owner or person in charge of the grounds generally allows animals on the premises.

8. Exceptions. The provisions of this section do not apply to dogs used to guide the visually impaired while such dogs are acting in such capacity.

10.35 KEEPING LIVESTOCK.

1. General Prohibition. Except in agriculture zoned districts, no person shall be permitted to raise, keep or harbor livestock within the corporate limits of the City. The term “livestock” includes animals 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, poultry, ducks or geese. The purpose of this section is to prohibit the pasturing, feeding and keeping of livestock either in the open or confined to buildings within the nonagricultural areas as so zoned by the City unless the same is in conjunction with an agricultural nonconforming use.
2. Exception; Authorization Required. Any person desiring to keep split-hoofed grazing livestock on nonagricultural zoned property within the corporate limits of the City for the specific purpose and reason that such split-hoofed livestock will graze on and consume grass, weeds and shrubbery, thus helping to keep the area in a cleaner and better-appearing condition when other procedures are impractical, shall first make application therefor in writing to the Council stating the reason therefor and the length of time that authorization to do so is requested. The Council shall examine each application and the necessity therefor on an individual basis.
3. Granting Authorization. The Council shall examine the application to determine that the person making the application will comply with any and all requirements set out regarding safety and public welfare; and the Council, if so satisfied that the applicant will observe such conditions, shall then grant written authorization through the Clerk’s office.
4. Authorization Period. Authorization for the keeping of split-hoofed grazing livestock shall be valid for the period of time set out in such authorization and shall be subject to review and revocation by the Council at any time the prescribed conditions and requirements are not complied with, or at any time revocation is deemed necessary in the furtherance of public safety or public welfare.

10.36 ISOLATION AND QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES OR OTHER DISEASES.

1. It is the duty of animal control personnel to cause to be placed in isolation and under quarantine for observation for a minimum of ten (10) days any such animal suspected of being infected with rabies or other diseases communicable to humans or any animal that has bitten or caused a skin abrasion upon any person.

2. Such isolation and quarantine shall be either at the municipal pound or in a veterinary hospital, except that if such animal is properly licensed and is currently vaccinated against rabies, it may be placed in the custody of the owner on the owner's premises during the isolation and quarantine period if the owner resides in the City. When isolation and quarantine is authorized on the owner's premises, it will be at the discretion of and under the direct supervision of the City.
3. The expense of isolation and quarantine at a veterinary hospital will be paid by the owner. If the animal is placed in isolation and under quarantine in the animal shelter, a charge to the owner, as set by resolution of the City Council of Iowa City, shall be made. Every owner or person having possession, custody or control of an animal which is known to be rabid or which has been bitten by an animal infected with rabies shall immediately report such fact to the City and shall have such animal placed in isolation and quarantine as directed by the City for such period as may be designated and at the expense of the owner.

This section shall 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.

- 10.37 TRAPS AND TRAPPING. No person shall trap or attempt to trap any animal on City public property except authorized personnel in the performance of their duties. Further, no person shall trap or allow the trapping of animals within the City corporate limits except on property zoned agricultural, and notice of intent to trap any of said areas must be annually filed in writing in advance with the Clerk by the owner and/or the trapper with the traps and trapping being in strict compliance with the appropriate statutes of the State and Rules and Regulations of the State Department of Natural Resources. Excepted from the provisions of this section are instant kill traps for the purpose of small rodent pest control on private property.
- 10.38 ANIMALS AS PRIZES. No person shall offer to give or give any live animal as a gift or prize for any contest or other competition or as a business inducement or promotion.
- 10.39 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, farm deer, ostriches, rheas, emus or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.
- (Code of Iowa, Sec. 717.3)
- 10.40 DOG CONSIDERED FULL-GROWN. A dog or canine is considered full-grown at the age of twelve (12) weeks of age.

- 10.41 CERTIFICATE OF REGISTRATION FOR POUND. A pound shall not be operated unless a certificate of registration for the pound is granted by the secretary. Application for the certificate shall be made in the manner approved by the secretary. Certificates of registration expire one year from date of issue unless revoked and may be renewed upon application in the manner provided by the secretary. A registered pound may engage in the sale of dogs or cats under its control, if the privilege is allowed by the department of agriculture, but no fee shall be charged unless the registered pound is privately owned.

(Code of Iowa, Sec. 162.3)

- 10.42 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER. A person shall not operate an animal shelter unless a certificate of registration for the animal shelter is granted by the secretary. Application for the certificate shall be made in the manner provided by the secretary. A fee is not required for the application or certificate. Certificates of registration expire one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. A registered animal shelter may engage in the sale of dogs or cats if the privilege is allowed by the department.

(Code of Iowa, Sec. 162.4)

- 10.43 PET SHOP LICENSE. A person shall not operate a pet shop unless the person has obtained a license to operate a pet shop issued by the secretary. Application for the license shall be made in the manner provided by the secretary. The license expires one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. The license fee is fifty dollars per year. The license may be renewed if the licensee has conformed to all statutory and regulatory requirements.

(Code of Iowa, Sec. 162.5)

- 10.44 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE. A person shall not operate a commercial kennel or public auction unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate expire one year from date of issue unless revoked. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

(Code of Iowa, Sec. 162.6)

- 10.45 DEALER LICENSE. A person shall not operate as a dealer unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate expire one year from date of issue unless revoked. The license may be renewed upon application and payment of the fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the fee in the manner provided by the secretary.

(Code of Iowa, Sec. 162.7)

- 10.46 COMMERCIAL BREEDER'S LICENSE. A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

(Code of Iowa, Sec. 162.8)

- 10.47 BOARDING KENNEL OPERATOR'S LICENSE. A person shall not operate a boarding kennel unless the person has obtained a license to operate a boarding kennel issued by the secretary. Application for the license shall be made in the manner provided by the secretary and expires one year from date of issue. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements.

(Code of Iowa, Sec. 162.9)

- 10.48 RESEARCH FACILITY REGISTRATION. A person shall not operate a research facility unless the person obtains a certificate issued by the secretary. The certificate expires one year from date of issue. Application for the certificate shall be made in the manner provided by the secretary. A fee is not required for the application or certificate.

(Code of Iowa, Sec. 162.10)

10.49 SANITATION:

1. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any property, except the premises of the owner, unless such owner immediately removes and disposes of all deposits by such animals.
2. No person owning, harboring, keeping, or in charge of an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner so as to cause or create an unhealthy, unsanitary, dangerous, or offensive condition, or so as to create an odor.
3. No person owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

CHAPTER 3: ANIMALS**ARTICLE 11 - REGULATION OF DOGS AND CATS**

- 11.01 **LICENSE REQUIRED:** The owner of any dog or cat four (4) months old or over and residing in the City of Ringsted shall be responsible for applying for and acquiring a license for such dog or cat as of January 1 of each year. The term owner shall, in addition to its ordinary meaning, include any person who keeps or harbors a dog or cat.
- 11.02 **APPLICATION FOR LICENSE.** The owner of any dog or cat for which a license is required, shall on or before January 31 of each year, apply in writing on forms provided by the clerk, for license for each dog or cat owned by the applicant, which application form shall be signed by the owner. The application shall show the breed, sex, age, color, markings and name of the dog, the address and telephone number of owner, and receipt of a rabies inoculation for current year.
- 11.03 **LICENSING AFTER JANUARY 31.** Application for a license for dogs or cats over which ownership is acquired after January 31, or which dog or cat has reached the age of four (4) months, shall be made within one month from the date of acquisition, or within one month after the dog reaches age of four (4) months.
- 11.04 **LICENSE FEES.** The annual license fee of a dog or cat shall be paid annually of a fee of three dollars (\$3.00) if the dog or cat has been altered or spayed, and if the dog or cat has not been altered or spayed, the annual fee shall be six dollars (\$6.00). New residents of the City of Ringsted shall have thirty (30) days to obtain a city dog and/or cat license. No person may transfer a dog and/or cat license from one dog and/or cat to another.
- 11.05 **DELINQUENT LICENSE FEES.** For each month or fraction thereof, that an owner exceeds January 31, or one month after acquiring a dog or cat, or one month after a dog or cat reaches the age of four (4) months, a delinquency penalty of one dollar (\$1.00) shall be added to the licensee fee for each succeeding month of delinquency in acquiring a dog or cat license and shall be added to the regular licensee fee.
- 11.06 **ISSUANCE OF LICENSE TAG.** Upon payment of the license fee, the clerk shall issue to the owner a receipt for the payment of the license fee. The clerk shall issue to the applicant a license which shall be in the form of a metal tag stamped substantially as follows:
1. The year in which issued;
 2. Serial number as shown in the office of the clerk, and
 3. the wording "Dog Tax" or "Cat Tax".
- 11.07 **TAG TO BE ATTACHED TO COLLAR.** The tag shall be attached by the owner to a substantial collar, and during the term of the license shall be at all times kept on the dog or cat for which the license is issued. Upon expiration of the license, the owner shall remove said tag from the dog or cat.

11.08 LOST TAG: Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of one dollar (\$1.00). The clerk shall keep proper record of the issuance of duplicate tags.

11.09 CONTROL OF DOGS AND CATS: An owner shall keep his dog and/or cat under control at all times. It shall be deemed that an owner does not have his dog and/or cat under control if he permits said animal to commit any of the following acts:

1. Damage or defile the premises or property of another.
2. Bark, howl, or whine in such a manner as to disturb the peace and quiet of persons in the neighborhood. It shall be a rebuttable presumption that any such barking, howling, or whining does in fact disturb the peace, comfort and/or repose of others when such activities take place between the hours of 10:00 p.m. and 7:00 a.m.
3. Bite or attempt to bite, attack, or belligerently pursue any person or other animal.
4. Running at large within the City. No dog or cat, whether licensed or unlicensed shall be allowed upon the streets of the City or other property without a leash.

11.10 IMPOUNDING OF ANIMALS: Unrestrained animals, abandoned animals, unlicensed animals, animals running at large and animal maintained in violation of this Chapter shall be taken by the Animal Control Officer to the pound and, confined in a humane manner. The animal Control Officer shall maintain a record of all impounded animals, including, if known, the name and address of the animal's owner, description of the animal, license number, sex of the animal, date of impoundment and the date and manner of notice to the owner of the animal's impoundment.

11.11 PERIOD OF IMPOUNDING:

- A. **CATS.** It shall be the duty of the Animal Control Officer to cause cats impounded for violation of this Chapter, to be impounded for a period of three days from the time of delivery to the pound. If, at the expiration of the three days of the impounding of such cat, such animal shall not have been redeemed, then such cat may be disposed of in a humane manner.
- B. **DOGS.** A dog shall be apprehended and impounded by a local board of health or law enforcement official or animal control officer if the dog is running at large and the dog is not wearing a valid rabies vaccination tag, or a rabies vaccination certificate is not presented to the local board of health or law enforcement official or animal control officer.

The local board of health or law enforcement or animal control officer shall provide written notice to the owner if the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with

law. For purposes of this section, notice is delivered when the local board of health or law enforcement or animal control officer official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and paying the cost of impoundment.

If the owner of the impounded dog fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in this section, the dog may be disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in Code of Iowa Section 162.2.

- 11.12 OWNER NOTIFIED. The Animal Control Officer shall be responsible for notifying the owner of any dog or cat impounded where ownership can be established. Where owner is known, the owner shall be notified by phone or contacted in person and advised that his dog and/or cat has been impounded, date and time of impounding, and the time of keeping said dog and/or cat. Where the owner cannot be reached by phone or by contact in person, after reasonable efforts by the Animal Control Officer, then the Animal Control Officer shall mail a postcard notice to the owner at the owner's last known address.
- 11.13 IMPOUNDMENT FEES: A redemption fee of ten dollars (\$10.00) for each animal plus impoundment fees is to be paid by the claimant upon reclaiming an animal. Additionally, the Animal Control Officer shall not release said animal to such owner or other person unless and until such owner or other person shall have paid all the fees required to be paid hereunder and if the animal be unlicensed an additional charge is to be paid to the City for the issuance of a license.
- 11.14 ADDITIONAL CAUSE FOR RESTRAINT: If any dog or cat, licensed or unlicensed, shall attack or bite, or attempt to attack or bite or belligerently pursue any person, or if an Animal Control Officer of the city shall have reasonable grounds to believe that any dog or cat is infected or infested with rabies, it shall then become the duty of the Animal Control Officer to cause such animal to be taken up and to impound such animal for a period of fourteen (14) days. Any owner shall, when notified by the Animal Control Officer, deliver any such animal to him for impounding and observation for a period of fourteen (14) days. If any animal bites or wounds a person, the owner shall within a period of six (6) hours, report "the same to the Animal Control Officer and deliver such animal to him, for impounding and observation for a period of fourteen (14) days. The fees for impounding a dog in quarantine for fourteen (14) days shall be the obligation of the owner.
- 11.15 RETURN TO OWNER. If, at the end of said fourteen (14) day period the Animal Control Officer shall determine that it is safe to return any such animal to its owner, he shall there upon notify the owner, if know, of such fact, and of the cost of taking up and caring for said dog. If the owner thereof shall pay such costs within two (2) days, he shall be entitled to the return of the dog.
- 11.16 FAILURE TO PAY COSTS. If the owner of a dog is not known to the Animal Control Officer, or if any such owner shall fail to pay the charges for taking up and caring for any animal impounded under quarantine, then the Animal Control Officer shall either dispose

of said animal or may sell the same at private sale when such animal has been quarantined with a veterinary, and apply the proceeds thereof for paying the costs of taking up and caring for such animal.

11.17 NUMBER OF ANIMALS ALLOWED AT RESIDENCE: It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than two (2) dogs or three (3) cats or any combination of such animals exceed four (4) in number, over the age of four (4) months at such residence unless the residence of all of the dogs and cats kept there are within one (1) or more of the following exceptions:

- a. The residence is licensed as a commercial animal establishment.
- b. The residence is zoned agricultural pursuant to the zoning ordinance.
- c. All of the dogs and cats are kept at the residence are licensed as required under the Ordinances of the City of Ringsted, and the person in charge of the residence upon request of any Animal Control Officer or Peace Officer presents for inspection certificates of registry for all such animal showing continuous licenses for all animals existing from a date proceeding the passage of this ordinance.

When animals in excess of the limit established in this section are found at a residence, all of the animals found at the residence may be removed to the pound and handled as stray animals, except that the person in charge of the residence present, may designate and retain up to four (4) licensed animals.

11.18 SPECIAL PENALTIES: Any person who keeps or harbors a dog in excess of four (4) months without obtaining a license, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of five dollars (\$5.00) and where the owner refuses to pay any delinquent license fee of such dog or cat, the animal of such person shall be impounded by the Animal Control Officer.

CHAPTER 3: ANIMALS**ARTICLE 12 – URBAN CHICKENS****12.01 DEFINITIONS.**

1. Chicken — shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. Urban Chicken-shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. Coop- shall mean a cage, enclosure or building used for housing and protection chickens from weather and predators.
4. Pen- shall mean an enclosure for chickens with allows freedom of movement but also prevents escape.
5. Permittee- shall mean an applicant who had been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

12.02 **WHERE PERMITTED.** Permit will be granted only for tracts of land located in residential districts as identified on the current Official Zoning Map on file with the City of Ringsted.

12.03 ENCLOSURES REQUIRMENTS.

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a coop or fowl house during non-daylight hours.
2. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
3. The coop, fowl house, or fenced pen shall only be located in the rear yard.
4. Coops, fowl houses and fenced pens must be located at least (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
5. Slaughtering of chickens or selling of eggs are forbidden.
6. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
7. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. Not more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or

fertilizing shall be removed. The coop, fowl house, or fenced pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

12.04 UNLAWFUL ACTS.

1. No person shall slaughter any chickens or sell eggs.
2. No person shall keep chickens inside a single-family dwelling unit, multi family dwelling unit(s) or rental unit.
3. No person shall keep a rooster
4. No person shall keep chickens on a vacant or uninhabited tract of land.

12.05 NUMBER OF CHICKENS PERMITTED AND TYPE OF CHICKENS ALLOWED.

1. No more than six (6) chickens shall be kept or maintained per property at any time.
2. Only female chickens (hens) are allowed.

12.06 PERMIT REQUIRED.

1. No person shall raise, harbor or keep chickens within the City of Ringsted without a valid permit obtained from the City Clerk with approval by the city council. under the provisions of this Chapter.
2. The fee for such permit shall be ten dollars (\$10.00). You must notify all adjacent property owners/occupants of your intention to harbor chickens. Permits will be granted for 1 year from January 1 until December 31 and shall not be pro-rated for partial year from the application year.
3. Permit may be purchased at any time during the year but will be valid only through December 31.
4. Property owner shall notify the City upon discontinuance of housing chickens. The pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.
5. Fees shall not be refunded if the property owner removes the chickens from the premises.

6. The permit may be suspended or revoked by the City Council upon hearing and finding evidence that the permittee has violated the conditions of the permit and listed in this Section of the Code. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit. There will be no refund of the permit fee. All associated costs of removal of the chickens shall be assessed back to the property owner.
7. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right onto the permittee's property any time for limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

12.07 NUISANCES. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Ringsted Municipal Code Chapter 2.

((Ord. #648, Council Approve 12-12-2017))

CHAPTER 4: WEEDS

ARTICLE 13 – GENERAL PROVISIONS

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

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

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

13.03 GROUND COVER REQUIRED. Property in a residential area shall be seeded, sodded or otherwise planted with a ground cover not more than thirty (30) days after construction is completed, unless impractical, but not later than the beginning of the next growing season.

13.04 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner’s property, to a uniform height as defined in Section 13.05 of this Chapter.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner’s property.

13.05 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas – not to exceed six inches (6").
2. Undeveloped Residential Areas – not to exceed twelve inches (12").
3. Business and Industrial Areas – not to exceed six inches (6").
4. Agriculture Areas – not to exceed eighteen inches (18").

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

13.06 NOXIOUS WEEDS.

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

13.07 NOTICE TO ABATE. Upon discovery of any violations of this chapter, the City may within five (5) days initiate abatement procedures as outlined in Title III, Chapter 2, Article 9 of this Code of Ordinances.

13.08 MOWING AND REMOVAL. In addition to the foregoing provisions, the City has the right, without notice, to mow grass and weeds as well as remove brush from private property when such grass and weed or brush exceed the height as set forth in section 13.05 of this article. The cost thereof shall be the responsibility of the record title owner of the property served, and said cost may either be certified over to the County Auditor for collection in the same manner as real estate taxes or may be collected via filing of a small claim, municipal infraction, or complaint with the County Magistrate Court. When said services are performed by the City, the minimum charge shall be fifty (\$50.00) along with an additional fee of fifty (\$50.00) per hour after the first hour or any fraction thereof.

CHAPTER 5: MUNICIPAL INFRACTIONS

ARTICLE 14 - MUNICIPAL INFRACTIONS

14.01 DEFINITIONS.

1. Municipal Infraction: A violation of, or omission or failure to perform any act or duty required by, this Code of Ordinances or any ordinance or code herein adopted by reference 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 Chapter 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.
2. Officer: Any employee or person authorized to enforce the ordinances and the City Code of the City of Ringsted, Iowa.
3. Repeat Offense: Any recurring violation of the same section of the ordinances or the City Code of Ringsted, Iowa.

(Code of Iowa Sec. 364.22)

14.02 PENALTIES.

1. A municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

First offense, a penalty not to exceed \$750.00

Each repeat offense, a penalty not to exceed \$1,000.00

However, 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 may be punishable by a civil penalty of not more than \$1,000.00 for each day a violation exists or continues.

2. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
3. A municipal violation 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:
 - a. 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.

- b. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- c. The violation does not continue in existence for more than eight (8) hours.
- 4. Seeking a civil penalty as authorized in the above provisions 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)

14.03 CIVIL CITATIONS.

- 1. Any officer authorized by the City to enforce the City Code or ordinances may issue a civil citation to a person who commits a municipal infraction.
- 2. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 1.305, or by certified mail to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 1.310 and subject to the conditions of Iowa Rule of Civil Procedure 1.311.
- 3. A copy of the citation shall be retained by the issuing officer, and one original copy shall be provided to the clerk of the district court.
- 4. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - a. The name and address of the defendant.
 - b. The name or description of the infraction attested to by the officer issuing the citation.
 - c. The location and time of the infraction.
 - d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - e. The manner, location, and time in which the penalty may be paid.
 - f. The time and place of court appearance.
 - g. The penalty for failure to appear in court.
 - h. The legal description of the affected property, if applicable.

(Code of Iowa, Sec. 364.22)

14.04 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 connection with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provision of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or 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 the industrial production or manufacturing of grain products of if such discharge occurs from September 15 to January 15.

14.05 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 relief may include, but it not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22(5))

14.06 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 the criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22)

14.07 PROHIBITION AGAINST FURTHER VIOLATIONS. A person who commits an infraction of a City ordinance subject to the provisions of this chapter may be ordered by the Court to cease further violations of the same provisions of the ordinance. Failure of the person to adhere to this order will result in contempt proceedings being initiated by the City.

CHAPTER 6: MUNICIPAL INFRACTIONS

ARTICLE 15 – RESERVED FOR FUTURE USE

Article is reserved for future use.

TITLE IV - TRAFFIC AND STREETS

CHAPTER 1: TRAFFIC CODE

ARTICLE 1 - GENERAL PROVISIONS

1.01 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "PARK" OR "PARKING" shall mean 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.
2. "STAND" OR "STANDING" shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of, and while actually engaged in, receiving or discharging passengers.
3. "STOP" shall mean when required, the complete cessation of movement.
4. "STOP" OR "STOPPING" shall mean, 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.
5. "BUSINESS DISTRICT" shall mean the territory described by the following parts of streets:
 - A. One-half (1/2) block either side of Maple Street from the southwest line of Second Street to the west line of Larch Street.
6. "RESIDENCE DISTRICT" shall mean the territory contiguous to and including a highway, not comprising a business, suburban, or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.
7. "SCHOOL DISTRICT" shall mean the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city.
8. "SUBURBAN DISTRICT" means all other parts of a city not included in the business, school, or residence districts.

9. "PEACE OFFICER" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in section 801.4 Code of Iowa.
(Code of Iowa, Sec. 321.1 (50))
 10. "TRAFFIC CONTROL DEVICE" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
(Code of Iowa Sec. 321.1 (46))
 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.
(Code of Iowa Sec. 321.1 (90))
- 1.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by Emmet County Sheriff's Department.
- 1.03 TRAFFIC ACCIDENTS. The following shall apply to traffic accidents:
1. REPORT. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the city for the confidential use of the peace officers and shall be subject to the provisions of the Code of Iowa.
(Code of Iowa, Sec. 321.271)
 2. INVESTIGATION. The Emmet County Sheriff's Department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.
 3. STUDIES. Whenever the accidents at any particular location become numerous, the Emmet County Sheriff's Department shall conduct studies of such accidents and propose remedial measures.
- 1.04 FILES MAINTAINED. The Emmet County Sheriff's Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three-year period. Such reports shall be filed alphabetically under the name of the driver concerned.
- 1.05 ANNUAL SAFETY REPORTS. The Emmet County Sheriff's Department shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including plans and recommendations for future traffic safety activities.

- 1.06 HABITUAL TRAFFIC VIOLATORS. The Emmet County Sheriff's Department shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.
(Code of Iowa, Sec. 321.201 & 321.215)
- 1.07 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the fire department when at the scene of a fire, or emergency or assisting law enforcement at the location of a traffic accident or when assisting peace officers, 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.
- 1.08 PEACE OFFICER'S AUTHORITY. Any 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 the vehicle.
(Code of Iowa, Sec. 321.492)
- 1.09 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.

CHAPTER 1: TRAFFIC CODE**ARTICLE 2 - REGULATIONS AND VIOLATIONS**

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B – Proof of security against liability; driving without liability coverage.
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 321.218 – Operating without valid driver's license or when disqualified.
20. Section 321.219 – Permitting unauthorized minor to drive.
21. Section 321.220 – Permitting unauthorized person to drive.
22. Section 321.221 – Employing unlicensed chauffeur.
23. Section 321.222 – Renting motor vehicle to another.

24. Section 321.223 – License inspected.
25. Section 321.224 – Record kept.
26. Section 321.232 – Radar jamming devices; penalty.
27. Section 321.235A – Electric personal assistive mobility devices.
28. Section 321.256 – Obedience to official traffic-control devices.
29. Section 321.257 – Official traffic control signal.
30. Section 321.259 – Unauthorized signs, signals or markings.
31. Section 321.260 – Interference with devices, signs or signals; unlawful possession
- traffic signal preemption devices.
32. Section 321.262 – Damage to vehicle.
33. Section 321.263 – Information and aid.
34. Section 321.264 – Striking unattended vehicle.
35. Section 321.265 – Striking fixtures upon a highway.
36. Section 321.275 – Operation of motorcycles and motorized bicycles.
37. Section 321.276 – Hand-Held Electronic Communication Device
38. Section 321.278 – Drag racing prohibited.
39. Section 321.284 – Open containers in motor vehicles – drivers.
40. Section 321.284A – Open containers in motor vehicles – passengers.
41. Section 321.288 – Control of vehicle; reduced speed.
42. Section 321.295 – Limitation on bridge or elevated structures.
43. Section 321.297 – Driving on right-hand side of roadways; exceptions.
44. Section 321.298 – Meeting and turning to right.
45. Section 321.299 – Overtaking a vehicle.
46. Section 321.302 – Overtaking and otherwise.
47. Section 321.303 – Limitations on overtaking on the left. (Unsafe Passing)
48. Section 321.304 – Prohibited passing.
49. Section 321.306 – Roadways laned for traffic.
50. Section 321.307 – Following too closely.
51. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
52. Section 321.309 – Towing; convoys; drawbars.
53. Section 321.310 – Towing four-wheel trailers.
54. Section 321.311 – Turning at intersections.
55. Section 321.312 – Turning on curve or crest of grade.

- 56. Section 321.313 – Starting parked vehicle.
- 57. Section 321.314 – When signal required.
- 58. Section 321.315 – Signal continuous.
- 59. Section 321.316 – Stopping.
- 60. Section 321.317 – Signals by hand and arm or signal device.
- 61. Section 321.318 – Method of giving hand and arm signals.
- 62. Section 321.319 – Entering intersections from different highways.
- 63. Section 321.320 – Left turns; yielding.
- 64. Section 321.321 – Entering through highways.
- 65. Section 321.322 – Vehicles entering stop or yield intersection.
- 66. Section 321.323 – Moving vehicle backward on highway.
- 67. Section 321.323A – Approaching certain stationary vehicles.
- 68. Section 321.324 – Operation on approach of emergency vehicles.
- 69. Section 321.324A – Funeral processions.
- 70. Section 321.325 – Pedestrians subject to signals.
- 71. Section 321.326 – Pedestrians on left.
- 72. Section 321.327 – Yield to pedestrians in crosswalks.
- 73. Section 321.328 – Pedestrian failing to use crosswalk.
- 74. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
- 75. Section 321.330 – Use of crosswalks.
- 76. Section 321.331 – Pedestrians soliciting rides.
- 77. Section 321.332 – White canes restricted to blind persons.
- 78. Section 321.333 – Duty of drivers.
- 79. Section 321.340 – Driving through safety zone.
- 80. Section 321.341 – Obedience to signal of train.
- 81. Section 321.342 – Stop at certain railroad crossings; posting warning.
- 82. Section 321.343 – Certain vehicles must stop.
- 83. Section 321.344 – Heavy equipment at crossing.
- 84. Section 321.344B – Immediate safety threat; penalty.
- 85. Section 321.354 – Stopping on traveled way.
- 86. Section 321.358 – Stopping, standing, or parking where prohibited.
- 87. Section 321.359 – Moving other vehicle.

88. Section 321.360 – Parking prohibited in front of certain buildings (i.e., Theaters, hotels and auditoriums).
89. Section 321.362 – Unattended motor vehicle. (Parking without stopping engine and setting brake).
90. Section 321.363 – Obstruction to driver’s view.
91. Section 321.364 – Preventing contamination of food by hazardous material.
92. Section 321.365 – Coasting prohibited.
93. Section 321.366 – Acts prohibited on fully controlled-access facilities.
94. Section 321.367 – Following fire apparatus.
95. Section 321.368 – Crossing fire hose.
96. Section 321.369 – Putting debris on highway.
97. Section 321.370 – Removing injurious material.
98. Section 321.371 – Clearing up wrecks.
99. Section 321.372 – School buses.
100. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
101. Section 321.381A – Operation of low-speed vehicles.
102. Section 321.382 – Upgrade pulls; minimum speed.
103. Section 321.383 – Exceptions; slow vehicles identified.
104. Section 321.384 – When lighted lamps required. (Failure to use headlamp when required).
105. Section 321.385 – Head lamps on motor vehicles.
106. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
107. Section 321.387 – Rear lamps.
108. Section 321.388 – Illuminating plates. (Improper registration plate lamp)
109. Section 321.389 – Reflector requirement. (Improper rear reflector)
110. Section 321.390 – Reflector requirements.
111. Section 321.392 – Clearance and identification lights.
112. Section 321.393 – Color and mounting.
113. Section 321.394 – Lamp or flag on projecting load.
114. Section 321.395 – Lamps on parked vehicles.
115. Section 321.398 – Lamps on other vehicles and equipment.
116. Section 321.402 – Spot lamps.
117. Section 321.403 – Auxiliary driving lamps.

- 118. Section 321.404 – Signal lamps and signal devices.
- 119. Section 321.404A – Light-restricting devices prohibited.
- 120. Section 321.405 – Self-illumination.
- 121. Section 321.406 – Cowl lamps.
- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.
- 124. Section 321.415 – Required usage of lighting devices. (Failure to Dim)
- 125. Section 321.417 – Single-beam road-lighting equipment.
- 126. Section 321.418 – Alternate road-lighting equipment.
- 127. Section 321.419 – Number of driving lamps required or permitted.
- 128. Section 321.420 – Number of lamps lighted.
- 129. Section 321.421 – Special restrictions on lamps.
- 130. Section 321.422 – Red light in front.
- 131. Section 321.423 – Flashing lights.
- 132. Section 321.430 – Brake, hitch and control requirements.
- 133. Section 321.431 – Performance ability.
- 134. Section 321.432 – Horns and warning devices.
- 135. Section 321.433 – Sirens, whistles and bells prohibited.
- 136. Section 321.434 – Bicycle sirens or whistles.
- 137. Section 321.436 – Mufflers, prevention of noise.
- 138. Section 321.437 – Mirrors.
- 139. Section 321.438 – Windshields and windows.
- 140. Section 321.439 – Windshield wipers.
- 141. Section 321.440 – Restrictions as to tire equipment.
- 142. Section 321.441 – Metal tires prohibited.
- 143. Section 321.442 – Projections on wheels.
- 144. Section 321.444 – Safety glass.
- 145. Section 321.445 – Safety belts and safety harnesses; use required.
- 146. Section 321.446 – Child restraint devices.
- 147. Section 321.449 – Motor carrier safety regulations.
- 148. Section 321.450 – Hazardous materials transportation.
- 149. Section 321.454 – Width of vehicles.

- 150. Section 321.455 – Projecting loads on passenger vehicles.
 - 151. Section 321.456 – Height of vehicles; permits.
 - 152. Section 321.457 – Maximum length.
 - 153. Section 321.458 – Loading beyond front.
 - 154. Section 321.459 – Excessive weight – dual axels (each over 2000 lb. over).
 - 155. Section 321.460 – Spilling loads on highways.
 - 156. Section 321.461 – Trailers and towed vehicles.
 - 157. Section 321.462 – Drawbars and safety chains.
 - 158. Section 321.463 – Maximum gross weight.
 - 159. Section 321.465 – Weighing vehicles and removal of excess.
 - 160. Section 321.466 – Increased loading capacity; re-registration.
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- 2.02 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the city unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
 - 2.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.
 - 2.04 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a simple misdemeanor punishable as provided in the Code of Iowa.
(Code of Iowa, Sec. 321.482)
 - 2.05 MILLING. It shall be unlawful to drive or operate a motor vehicle, either singly or with others in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.
 - 2.06 SQUEALING TIRES. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.
 - 2.07 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.
(Code of Iowa, Sec. 321.436)

2.08 PLAY STREETS. The council may declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.
(Code of Iowa, Sec. 321.255)

1. No motor vehicle shall be operated on North Railroad Street from the intersection of West Maple Street and Elm Street when signs and barricades are erected by the Superintendent.
2. Motor vehicles are defined as cars, mopeds, motorcycles or any mechanized vehicle or other similar such devices.
3. Said streets shall be closed from April through September of each year.

2.09 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.

2.10 FUNERAL OR OTHER PROCESSIONS. The following shall apply to funeral and other processions:
(Code of Iowa, Sec. 321.236(3))

1. IDENTIFIED. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief.
2. MANNER OF DRIVING. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and safe.
3. INTERRUPTING PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by traffic control signals or peace officers.

2.11 SCHOOL BUSES. The following shall apply to school buses:

1. SIGNALS. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver

shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

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

2. **LIGHTS ON.** The driver of a school bus shall, while carrying passengers, have its headlights turned on.

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

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

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

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

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

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

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

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

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

- 2.12 **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 Title III Chapter 2 of this Code of Ordinances.

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

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

2.15 ENGINE OR COMPRESSION BRAKES OR JAKEBRAKING. It shall be unlawful for any person in any part of the City of Ringsted to make, or cause to be made, load or disturbing noises with any mechanical devices operated by any engine brake, compressed air, 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 and used for the purpose of assisting braking and commonly referred to as jake braking. The City shall cause notices to be posted, or signs erected indicating prohibition.

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

2.16 UNATTENDED VEHICLE.

1. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key; or to permit it to stand unattended upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
2. No “reefer”, or refrigeration unit of a semi or semi-trailer, or a vehicle with refrigeration shall be left unattended and running during daylight hours, nor shall any reefer or refrigeration unit on a vehicle be left running from the hours of sunset to sunrise.

2.17 SCOOTERS, SKATEBOARDS, ROLLER SKATES AND IN-LINE SKATES.

1. DEFINITIONS. For use in this chapter, the following terms are defined:
 - A. “Roller skates” or “in-line skates” means skates with wheels instead of runners;
 - B. “Scooter” means a device having two wheels and a low footboard which is steered by a handlebar and is propelled by motor or by pushing one foot against the ground while resting the other on the footboard;
 - C. “Skateboard” means a device consisting of a short oblong piece of wood, plastic or aluminum mounted on large roller skate wheels used for riding upon while standing.

2. OPERATION PROHIBITED IN CERTAIN AREAS. No person shall ride or operate any scooter, skateboard or roller skates or in-line skates upon the sidewalks within the Business District or in any public park or on the following streets:

LIST

3. USE ON SIDEWALKS. Whenever any person is using a scooter, skateboard or roller skates or in-line skates on any other sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
4. USE ON STREETS. Whenever any person is using a scooter, skateboard or roller skates or in-line skates on any other street, such person shall:
 - A. Observe all traffic control devices and be subject to all the duties applicable to the use of vehicles as required by statute or ordinance;
 - B. Stay as near to the right-hand side of the roadway as possible, exercising due care when passing a standing vehicle or one proceeding in the same direction.

CHAPTER 1: TRAFFIC CODE**ARTICLE 3 - SPEED REGULATIONS**

- 3.01 **GENERAL.** Every driver of a motor vehicle on a street shall drive the same, at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.
(Code of Iowa, Sec. 321.285)
- 3.02 **MINIMUM SPEED.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.
(Code of Iowa, Sec. 321.294)
- 3.03 **BUSINESS DISTRICT.** A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.
(Code of Iowa, Sec. 321.285(1))
- 3.04 **RESIDENCE OR SCHOOL DISTRICT.** A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.
(Code of Iowa, Sec. 321.285(2))
- 3.05 **PARKS, CEMETERIES AND PARKING LOTS.** A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.
(Code of Iowa, Sec. 321.236(5))
- 3.06 **SPECIAL SPEED RESTRICTIONS.** In accordance with requirements of the Iowa Uniform Traffic Devices Manual, the council, upon the basis of an engineering and traffic investigation, finds that the general speed limits set out above are greater or less than is reasonable or safe under the conditions found to exist at the particular intersections or parts of the city street system and therefore declares the maximum speed limits to be as set out in section 3.07 at the places named.
(Code of Iowa, Sec. 321.290)

3.07 SPECIAL SPEED ZONES. A speed in excess of the limits set out miles per hour shall be unlawful on any of the following designated streets or parts thereof:

A. SPECIAL 5 MPH SPEED ZONES . A speed in excess of five (5) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Railroad Street from the intersections of Maple Street and Elm Street.

B. SPECIAL 15 MPH SPEED ZONES . A speed in excess of fifteen (15) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. Traveling on South 2nd Street from the intersections of Ash Street to Cedar Street while school is in session.

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

1. Heritage Street

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

None Listed

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

1. 240th Street from the intersection of Emmet Street to the Westerly City limits.
2. 240th Street from the intersection of 550th Avenue to the Easterly City Limits.

F. SPECIAL 45 MPH SPEED ZONES . A speed in excess of fifty (50) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

None Listed

3.08 AUTHORIZED EMERGENCY VEHICLES.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.
2. The driver of any authorized emergency vehicle, may:

- a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.
 - b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.
3. The driver of a fire department vehicle, police vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:
 - a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - b. Exceed the maximum speed limits so long as the driver does not endanger life or property.
4. The exemptions granted to an authorized emergency vehicle under subsection 2 and for a fire department vehicle, police vehicle or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of Iowa Code 321.433 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph "b" of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.
5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

(Code of Iowa, Sec. 321.231)

CHAPTER 1: TRAFFIC CODE

ARTICLE 4 - TURNING REGULATIONS

- 4.01 AUTHORITY TO MARK. The mayor may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.
(Code of Iowa, Sec. 321.311 & 321.255)
- 4.02 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.
- 4.03 SIGNAL REQUIREMENTS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning when the speed limit is forty-five (45) miles per hour or less. The required signals may be given either by means of the hand and arm as provided in the Code of Iowa or by a mechanical or electrical directional signal device or light of a type approved by the department and conforming to the provisions of the Code of Iowa.
(Code of Iowa, Sec. 321.315)
- 4.04 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection; provided however, that "U" turns are prohibited at intersections within the business district, at intersections where there are automatic traffic signals and on the following streets:
(Code of Iowa, Sec. 321.255 & 321.236(9))
- 4.05 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.

CHAPTER 1: TRAFFIC CODE

ARTICLE 5 - PARKING REGULATIONS

5.01 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 or within ten (10) feet of a crosswalk at an intersection.
(Code of Iowa, Sec. 321.236(1) & 321.358(5))
2. CENTER PARKING. 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 an intersection of any street.
(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. 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))
10. 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))

11. **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))
12. **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 mayor may cause curbs to be painted with a yellow color and erect no parking or standing signs.
 (Code of Iowa, Sec. 321.358(13))
13. **THEATERS, HOTELS, AND HOSPITALS.** A space of fifty (50) feet is 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, 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)
14. **PUBLIC ALLEY.** In any public alley within the fire limits of this city.
 (Code of Iowa, Sec. 321.236(1))
15. **PRIVATE ALLEY.** In any private alley within the fire limits of this city in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.
 (Code of Iowa, Sec. 321.236(1))
16. **STATE HIGHWAY INTERSECTING STREETS.** On the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign or on the exit side of the minor street for a distance of thirty-five (35) feet of any State Highway.
17. **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))
18. **IN MORE THAN ONE SPACE.** In any designated parking place so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such spaces.
19. **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))

20. 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 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))

- 5.02 PARKING 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)

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

(Code of Iowa, Sec. 321.361)

- 5.04 ANGLE PARKING. 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 an angle 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)

- 5.05 ANGLE PARKING LOCATIONS. Angle parking shall be permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. Maple Street from Second Street to Railroad Street.
2. Second Street from Maple Street to Alley in Block 4.
3. First Street from Alley in Block 2 to Alley in Block 3.

- 5.06 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the municipal code, any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the mayor to erect or cause to be erected appropriate signs giving notice, and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense, except where there is a parking ban of uniform application relating to snow removal. When the signs are so erected giving notice, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.358(14))

- 5.07 SCHOOL LOADING ZONE. No person, except drivers of authorized school buses, shall park a vehicle in any of the following designated locations between the hours of 7:00 a.m. and 4:00 p.m. on school days.

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

- 5.08 TRUCK PARKING LIMITED. Trucks weighing five (5) tons or more, loaded or empty, shall not be parked for more than one (1) hour on any streets within the city limits.

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

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

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

1. DISPLAY SALE VEHICLE. Displaying such vehicle for sale.
2. MAINTENANCE. For washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. ADVERTISING. Displaying advertising.
4. SELLING FROM VEHICLE. Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the city code.
5. STORAGE. Storage or as junk or dead storage for more than forty-eight (48) hours.

- 5.11 METERED PARKING ZONES. When parking meters are erected adjacent to a space marked for parking and giving notice thereof, such space shall be a metered parking zone. The following shall apply to metered parking:

1. PARKING TIME PERIOD. No person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by said parking meters upon the deposit of a coin of United States currency of the denomination designated on said meters on any day except Sundays and full legal holidays.

2. VEHICLE OPPOSITE METER. Every vehicle shall be parked wholly within the metered parking space for which the meter shows a parking privilege has been granted. In areas designated for angle parking the front end of such vehicle shall be immediately opposite the parking meter for such space.
 3. VIOLATIONS. It is a violation of this section for any person to deposit or attempt to deposit in any parking meter anything other than a lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen. It is a violation of this section for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, and no person shall willfully manipulate any parking meter in such a manner.
- 5.12 HANDICAPPED PARKING SPACES. The city council shall create handicapped parking spaces in the number and in the dimension as required by federal and Iowa statutes or regulations.
- 5.13 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 motor vehicle not displaying a handicapped parking permit:
 - b. Use by a motor vehicle displaying a handicapped permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly persons being so transported in a vehicle displaying a removable placard in accordance with section 321L.2(1b) of the Iowa Code;
 - c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.
 - d. Scheduled Violation. A violation of this subsection 2 is a scheduled violation and subject to a fine of Two Hundred Dollars (\$200.00).
(Code of Iowa, Sec. 805.8A(1c))

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.
 - c. For a parking violation under section 321L.2A of the Code of Iowa, subsection 2, the scheduled fine is twenty dollars (\$20.00).
(Code of Iowa, Sec. 805.8A(1b))

- 5.14 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or city-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.
(Code of Iowa, Sec. 321.236[1])

- 5.15 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street of the following named streets between the hours of two-thirty (2:30) a.m. and five thirty (5:30) a.m. on any day:

1. East Maple Street to Railroad Street.
2. West Maple Street to Second Street.

There will be a ten-dollar (\$10.00) violation fine.

(Editor's Note: Section 5.16 was amended by Ordinance 606 on August 8, 1994)

- 5.16 PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on the following named street from April 1 to November 1 of each year.

1. Elm Street on the south side from the intersection of North First Street to the intersection of North Second Street

(Editor's Note: Section 5.17 was added by Ordinance 634, passed and approved by Council on April 9, 2007)

5.17 PARKING ON PRIVATE PROPERTY. If is unlawful for any person to park a motor vehicle on private property not his/her own without the consent of the owner of the property, his/her agent or other person in charge thereof.

5.18 VEHICLES ON PRIVATE PROPERTY. Section 5.17 prohibiting the unlawful parking of a vehicle on private property, in addition to any other remedy available, may be enforced as follows:

1. **REMOVAL - IMPOUNDING**. When any vehicle is found parked in violation of Section 5.17 the police are authorized to remove, or have removed, at the request of the owner, his/her agent, or other person in charge or when signs are erected and the vehicle is known to be parked illegally on the private property and have the vehicle towed to an authorized place of storage. The person responsible for the vehicle shall pay the reasonable cost of towing and storage.
2. **PENALTY**. In addition to the remedy of removal of the vehicle which is parked in violation of Section 5.15, the Emmet County Sheriff's Department (Law Enforcement) shall issue a parking ticket, payable at the city clerk's office before the motor vehicle may be released by the person in charge of the storage of the impounded vehicle. The clerk shall provide the necessary form or use a receipted copy of the parking ticket to authorize such release. The fee in satisfaction of penalty shall be five (5) dollars.
3. **ALTERNATE PROCEDURE**. The police authority may, in the alternative, when conditions warrant, only attach or give a parking ticket if the violation has not extended over four (4) hours, or likely to so extend for such a period, and not cause the vehicle to be removed if the use of the property by the owner, his/her agent or other person in charge thereof is not prevented.
4. **MISDEMEANOR**. The violation of Section 5.18 shall be deemed a misdemeanor if the fine is not paid within three (3) days. The violation of the alternate procedure set out in Section 5.18(3) shall be deemed a misdemeanor if the fine is not paid within five (5) days, Nonpayment of fines within the above-described time limits shall be cause for the police to write a summons to the violator to appear in the appropriate court.

5.19 USE OF AREA BETWEEN CURB AND RIGHT OF WAY BOUNDARY. It shall be unlawful to permanently park, store, or place a car, truck, vehicle, trailer, camper, boat, snowmobile, junk or any other goods, wares, merchandise of any kind upon that portion of the street between the edge of the street surfacing if no curb or curb line and the adjacent property line (right-of-way boundary), without permission of the City Council. Parking of vehicles in this section is also subject to the following prohibition of this section that shall not apply:

1. To that portion of the area outside of the curb or edge of the street between the curb or edge of the street and the adjacent property line (right of way boundary), which is a driveway or entranceway to the property.
2. To those areas in the city where the curb or sidewalk has been offset and a paved parking area constructed between the normal curb line and the right of way boundary.

- 5.20 AUTHORITY TO IMPOUND VEHICLES. Law enforcement or the Mayor are hereby authorized to remove, or have removed, a vehicle from a street, public alley or municipal parking lot to the nearest garage or other place of safety, or to a garage designated or maintained by the Emmet County Sheriff's Department, or otherwise maintained by the city, under the following circumstances:
1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are, by reason of physical injury or otherwise, unable to provide for the vehicle's custody or removal.
 2. When any vehicle is left unattended upon a street or municipal parking lot and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement to traffic.
 3. When any vehicle is left parked upon a street or municipal parking lot for a continuous period of forty-eight (48) hours or more.
 4. When any vehicle is left parked upon a street, alley or municipal parking lot in a manner which interferes with any officer or employee of the city in cleaning, marking, repairing or using the street, alley or parking lot, or in removing snow or ice therefrom.
 5. In addition to the penalties hereinafter provided, the owner or operator of any vehicle impounded for violation of any of the provisions of this section shall be required to pay the reasonable cost of towing charges and storage before it is released. The towing and storage charges shall be set by the city council from time to time by resolution.

CHAPTER 1: TRAFFIC CODE

ARTICLE 6 - STOP AND YIELD

- 6.01 VEHICLES ENTERING STOP INTERSECTION. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, 321.322(1))

- 6.02 THROUGH STREET STOPS. Every driver of a vehicle shall stop, unless a yield is permitted by this article, before entering an intersection with the following designated through streets:

(Code of Iowa, Sec. 321.350)

1. Maple Street, from the West corporate line to the East corporate line.

- 6.03 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following intersections from the directions indicated:

1. Emmet Street. Vehicles traveling north on Emmet Street shall stop at 240th Street.
2. Larch Street. Vehicles traveling north on Larch Street shall stop at 240th Street.
3. Diagonal Street. Vehicles traveling north on Diagonal Street shall stop at 240th Street.
4. Woodroe Street. Vehicles traveling north on Woodroe Street shall stop at 240th Street.
5. Emmet Street. Vehicles traveling north on Emmet Street shall stop at North Second Street.

(Editor's Note: Section 6.03 was amended by Ordinance 614 on October 12, 1998)

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

1. Beech Street and County Highway A-34.
2. Maple Street and First Street.
[Ordinance # 579, 6/12/89]

- 6.05 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 he is operating.

- 6.06 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 he shall proceed into the sidewalk area only when he can do so without danger to pedestrian traffic and he shall yield the right of way to any vehicular traffic on the street into which his vehicle is entering.

(Code of Iowa, Sec. 321.353)

- 6.07 SCHOOL STOPS. At school crossing zones approved by the council, every driver of a vehicle approaching said zone shall bring his 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 he shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

- 6.08 VEHICLES ENTERING YIELD INTERSECTION. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions, and if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, Sec. 321.322(2))

- 6.09 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the foregoing section, at the following intersections if approaching from the directions indicated:

1. Oak Street. Vehicles traveling on Oak Street shall yield at Second Street.
2. Cedar Street. Vehicles traveling on Cedar Street shall yield at Second Street.
3. Elm Street. Vehicles traveling on Elm Street shall yield at First Street and Second Street.
4. Woodroe Street. Vehicles traveling south on Wood roe Street shall stop at Diagonal Street.

(Editor's Note: Section 6.09(1) was added by Ordinance 594, passed and approved on September 9, 1991)

- 6.10 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so 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)

CHAPTER 1: TRAFFIC CODE

ARTICLE 7 - ONE WAY STREETS

- 7.01 ONE WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction when appropriate signs are in place.

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

None

- 7.02 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT. The mayor is authorized to determine and recommend to the council certain streets, or specified lanes upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and shall upon authority given by ordinance place and maintain appropriate markings, signs, barriers or other devices to give notice.

1. ERECT SIGNS. The mayor may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
2. VIOLATION. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.
3. STREETS LISTED. The following streets may have variable lanes or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

CHAPTER 1: TRAFFIC CODE

ARTICLE 8 - TRAFFIC CONTROL DEVICES

- 8.01 INSTALLATION. The mayor shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this city or under state law, or to guide or warn traffic. He shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254, 321.236(2) & 321.255)

- 8.02 CROSSWALKS. The mayor is hereby authorized, subject to approval of the council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13(4), 321.236(2) & 321.255)

- 8.03 TRAFFIC LANES. The mayor is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

- 8.04 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)

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

(Code of Iowa, Sec. 321.256)

- 8.06 MOVING OR DAMAGING DEVICE.. It is unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City."

- 8.07 TRAFFIC CONTROL DEVICES. The Council shall establish by the resolution and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersection, yield right-of-way intersection, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power by resolution to designate and indicate intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and

U-turns shall be prohibited; 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.

CHAPTER 1: TRAFFIC CODE

ARTICLE 9 - LOAD AND WEIGHT REQUIREMENTS

- 9.01 TEMPORARY EMBARGO. If the council by resolution declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 321.472)

- 9.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The city council may, upon application in writing 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 city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance.

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

- 9.03 LOAD LIMITS ON BRIDGES. Where it has been determined by the council, upon engineering advice, 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 Mayor may cause to be posted and maintained, signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.473)

- 9.04 TRUCK ROUTES. The following shall apply to the movement of trucks and equipment upon city streets:

1. FARMEQUIPMENT AND THROUGH TRUCKS. Farm equipment and every motor vehicle weighing more than 5 tons per axel, when loaded or empty, having no fixed terminal within the city or making no scheduled or definite stops within the city for the purpose of loading or unloading shall travel over or upon the following streets with the city and none other:
 - a. West Maple Street
 - b. South Railroad Street
 - c. East Maple Street from the intersections of Railroad St. and Diagonal St.
 - d. Heritage Street
 - e. 240th Street
 - f. South 550th Avenue
 - g. North 550th Avenue
 - h. Diagonal Street.
 - i. Emmet Street from the intersection of 240th Street and North Second Street

- j. North Second Street from the intersections of Emmet Street and West Maple Street.

(Editor's Note: Section 9.05 Truck Routes was amended by Ordinance 639, which was adopted by Council on December 12, 2011, and became effective December 21, 2011)

- 2. **TRUCKS WITH SCHEDULED STOPS.** Any motor vehicle weighing five (5) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the city for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.
- 3. **OWNER'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. 321.472)

CHAPTER 1: TRAFFIC CODE**ARTICLE 10 - PEDESTRIANS**

- 10.01 USE SIDEWALKS. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent street.
- 10.02 WALKING IN STREET. Where sidewalks are not provided, pedestrians shall at all times when walking on or along a street, walk on the left side of the street, or facing traffic on one-way streets.
(Code of Iowa, Sec. 321.326)
- 10.03 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)
- 10.04 HITCH HIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.
(Code of Iowa, Sec. 321.331)

CHAPTER 1: TRAFFIC CODE**ARTICLE 11 - BICYCLES**

11.01 EFFECT OF REGULATIONS. These regulations applicable to bicycles 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))

11.02 TRAFFIC CODE APPLICABLE. 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 this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

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

(Code of Iowa, Sec. 321.234)

11.04 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. The following shall also apply:

1. **NOT MORE THAN TWO ABREAST.** 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.
2. **USE PATH WHEN AVAILABLE.** 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.

11.05 RIDING ON SIDEWALKS. No person shall ride a bicycle upon a sidewalk within a business district. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs. 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 such pedestrian.

(Code of Iowa, Sec. 321.236(10))

11.06 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))

- 11.07 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on 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))
- 11.08 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, in such a manner as to afford the least obstruction to pedestrian traffic.
(Code of Iowa, Sec. 321.236(10))
- 11.09 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.
(Code of Iowa, Sec. 321.236(10))
- 11.10 EQUIPMENT ON BICYCLES. No person shall operate a bicycle unless it is equipped with the following equipment:
1. LAMP. A 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 red reflector on the rear of a type which shall be visible from at least three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of three hundred (300) feet to the rear may be used in addition to the red reflector.
(Code of Iowa, Sec. 321.236(10))
 2. BRAKE. 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))
- 11.11 TOWING. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.
- 11.12 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment, or any other emergency equipment, including an ambulance, first responders, or law enforcement at any time.

CHAPTER 1: TRAFFIC CODE**ARTICLE 12 - ENFORCEMENT**

12.01 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. **IMMEDIATE ARREST.** Immediately arrest such person and take him before a local magistrate.
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 law enforcement agency.
(Code of Iowa, Sec. 805.6 & 321.485)

12.02 PARKING VIOLATIONS. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine in accordance with the following schedule, payable at the office of the clerk of district court.

1. **FIRST VIOLATION.** For the first violation of any parking provision of this chapter, the penalty shall be ten dollars (\$10.00) providing much penalty is paid within thirty days (30) days of the time of violation. The fine may be increased by five dollars (\$5.00) if not paid within thirty (30) days.
(Code of Iowa, Sec. 321.236(1a))

12.03 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 the particular vehicle described in the information was parked in violation of this chapter, and the defendant named in the information was the registered owner at the time in question.

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

1. **DISABLED VEHICLE.** When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
(Code of Iowa, Sec. 321.236(1))

2. **ILLEGALLY PARKED VEHICLE.** When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
(Code of Iowa, Sec. 321.236(1))
 3. **PARKED OVER FORTY-EIGHT HOUR PERIOD.** When any vehicle is left parked upon a street 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 he shall be given an opportunity to remove the vehicle.
(Code of Iowa, Sec. 321.236(1))
 4. **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))
 5. **SNOW REMOVAL.** When any vehicle is left parked in violation of a ban on parking during snow removal.
- 12.05 **SCHEDULED VIOLATIONS.** For violation of the Traffic Code which are designated by Section 805.8 of Code of Iowa to be scheduled violations, the schedule fine for each of those violations shall be specified in Section 805.8 of the Code of Iowa.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 13 - STREET AND ALLEY REGULATIONS

- 13.01 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.
(Code of Iowa, Sec. 716.6)
- 13.02 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.
(Code of Iowa, Sec. 364.12(2))
- 13.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.
(Code of Iowa, Sec. 321.369)
- 13.04 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed for the purpose of guarding or enclosing unsafe or dangerous places in a highway, street, alley, avenue or bridge without the consent of the person in control.
(Code of Iowa, Sec. 716.6)
- 13.05 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 therefore. 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.
- Applicant agrees to hold City harmless in regard to any and all claims of injury or damage arising from the acts or omissions of the applicant or applicant's agent and

further agrees to comply with 29 CFR Part 1926.650, 651, 652 as adopted by the Iowa Division of Labor.

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. All excavation shall be mechanically compacted in lifts not to exceed 12 inches. All excavation that requires pavement removal shall, before replacing, include sawing all paving edges and the paving will be replaced with six inches of 3500 psi concrete. In the event that the excavation is under a street, driveway, sidewalk or any other paving, the paving shall be replaced within 72 hours after the completion of the excavation. The City has the right to finish any improper or unfinished work to protect the public from harm. The permit holder/property owner will bear any expenses incurred. The City will be held harmless by the permit holder/property owner in regard to any and all claims of injury or damage arising from acts or omissions of the authority of the permit. It is the permit holder/property owner's responsibility to protect the public. All barricades and safety fence are the permit holder/property owner's responsibility.

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 Fee. A permit fee set by resolution of the Council shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
 12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.
 13. 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 an amount set by resolution of the Council to guarantee such compliance.
- 13.06 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition, except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or the property owner's agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

- 13.07 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way 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.
- 13.08 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by authority of the police chief for such purposes.
(Code of Iowa, Sec. 364.12(2))
- 13.09 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when much work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when it is lawfully parked in the street.
- 13.10 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.
- 13.11 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property line 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 in the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.
- 13.12 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.
- 13.13 BURNING PROHIBITED. No person shall bum any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.
- 13.14 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 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 costs of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

CHAPTER 2: STREETS AND ALLEYS**ARTICLE 14 - NAMING OF STREETS**

14.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. **EXTENSION OF EXISTING STREET**. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.
2. **ORDINANCE**. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
3. **STREET COMMISSION**. Proposed street names shall be referred to the council for review and recommendation before placing on plats or presentation of a street name ordinance, or placing on the official map.
(Code of Iowa, Sec. 592.7)

14.02 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the mayor and clerk shall certify and file a copy thereof with the county recorder and county auditor.
(Code of Iowa, Sec. 354.26)

14.03 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 article. 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 14.03 of Title IV of the Municipal Code of Ringsted, Iowa.

14.04 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows: "On (date), by official action of the city council, the following change(s) were made in the Official Street Name Map: (brief description)," which entry shall be signed by the mayor and attested by the clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

14.05 CHANGING NAME OF STREET. The council may by ordinance change the name of a street.
(Code of Iowa, Sec. 592.7))

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 15 - VACATION AND DISPOSAL

15.01 POWER TO VACATE. When in the judgment of the council it would be in the best interest of the city to vacate a street or alley, or portion of a street or alley, they may do so in accordance with the provisions of this article.
(Code of Iowa, Sec. 364.12(2a))

15.02 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing, at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

15.03 FINDINGS REQUIRED. No street or alley, or portion of a street or alley shall be vacated unless the council finds that:

1. PUBLIC USE. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. ABUTTING PROPERTY. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.
(Code of Iowa, Sec. 364.15)

15.04 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the council it would be in the best interest of the city to dispose of a vacated street or alley, or portion of a street or alley, they may do so by resolution following notice and hearing.
(Code of Iowa, Sec. 364.7)

15.05 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion of a street or alley, by gift except to a governmental body for a public purpose.
(Code of Iowa, Sec. 364.7(3))

Editor's Note: The following ordinances, not codified herein and specifically save from repeal, have been adopted vacating certain streets, and/or alleys and remain in full force and effect.

<u>Ordinance Number</u>	<u>Adopted</u>
58	Revised Ordinance of 1953
501	April 9, 1956
502	February 6, 1961
539	April 10, 1978
546	May 14, 1979
581	August 14, 1989
600	December 14, 1992
612	July 13, 1998
615	December 14, 1998

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 16 - STREET GRADES

- 16.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks which have been established by ordinance are hereby confirmed, ratified and established as official grades.
- 16.02 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request. The ordinances that established the official grades of streets, alleys and sidewalks are:

<u>Ordinance #</u>	<u>Date</u>
601	February 8, 1993
616	December 14, 1999

CHAPTER 2: STREETS AND ALLEYS**ARTICLE 17 - DRIVEWAYS**

17.01 DEFINITIONS. For use in this article the following terms are defined:

1. "DRIVEWAY" shall mean that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. "PAVING" shall include any kind of hard surfacing including, but not limited to, portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. "Paving" shall not include surfacing with oil, unstabilized gravel, oil and gravel, or chloride.

17.02 PERMIT. A written permit shall be obtained from the City Clerk before any person shall construct or repair a driveway.

1. APPLICATION. A written application for the permit shall be filed with the City Clerk. 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 City Clerk who may allow amendments to the application or permit which do not conflict with this article.
2. ISSUANCE. The City Clerk shall issue the permit, bearing his signature and the date of issuance, if the proposed plan meets all of the requirements of this article, if the fee required under this article 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.
3. FEE. The applicant shall pay a fee of twenty dollars (\$20.00) to the City Clerk upon issuance of the permit. The City Clerk shall give the applicant a written receipt showing the sum received and the date.
4. EXPIRATION. Each permit shall expire six (6) months from the date of issuance, if not constructed within that time.
5. REVOCATION. The City Clerk may at any time revoke the permit for any violation of this article and may require that the work be stopped.

- 17.03 PERMIT REQUIRED. No curb shall be cut or changed and no parking or public property shall be used for a driveway or parking without first obtaining a permit therefor from the city. No such permit shall be granted until the permit has been approved by an authorized officer and unless application therefor conforms to this division and to all other ordinances of the city.
- 17.04 WHERE APPLICABLE. The provisions of this article shall be applicable to all future driveways into filling stations, parking lots, drive-in service, or other businesses which are used by customers or the public in general, and residential homes; and to all existing drives from and after May 1, 2004.
- 17.05 PLAN FILED. Before any permit required by this article shall be granted, the applicant therefor shall file with the authorized city officer a plat and plan of the area to be improved which plan shall be drawn accurately to scale of not less than one-eighth (1/8) inch to one (1) foot, and with all principal driveways shown.
- 17.06 RELOCATION OF UTILITIES. Wherever there may be encountered in the street or parking, any cables, service poles, water mains, valve or curb stop boxes, manholes, drain inlets, or other utilities, the applicant for the permit required shall obtain the written permission of an authorized city officer for any change necessary therein and the reasonable expenses and cost of all such changes shall be paid by the applicant.
- 17.07 LIMITATION ON NUMBER, SIZE, WIDTH AND LOCATION OF DRIVEWAYS. There shall be not more than two (2) driveways on any one (1) street frontage of one hundred fifty (150) feet or less, nor more than three (3) driveways for any one (1) street frontage of over one hundred fifty (150) feet, for any gasoline filling stations, parking lot, drive-in-service, or other business which invites the use of the driveway by its customers or members of the public generally. No driveway for any such business shall be less than twenty (20) feet, nor more than twenty-five (25) feet in width measured at the curb. Where there are two (2) or three (3) driveways on one (1) street frontage, there shall be a safety zone between such driveways of not less than ten (10) feet measured at the property line. No more than one (1) driveway per street frontage shall be allowed for a residence except as approved by the council where circumstances and safety justify. No residential drive shall be less than twelve (12) feet wide at the property line, or more than twenty-five (25) feet wide at the property line, or more than twenty-five (25) feet between the outer points of the curb.
- In no event shall the curb for a driveway be cut except in front of the property for which the driveway is to be used and no driveway shall be within five (5) feet of any intersection, sidewalk or crosswalk at the property line.
- 17.08 DRIVEWAYS IN RESIDENTIAL DISTRICTS TO BE PAVED. All driveways in the residential districts of the city shall be paved from gutter to walk, with Portland cement concrete.

- 17.09 SIDEWALK INCORPORATED INTO DRIVEWAY. No driveway which is part of the public walk shall have a longitudinal slope greater than one-half (1/2) inch per foot, and no grade of walk shall be changed so as to make the walk less than six (6) inches above the adjacent gutter. The surface of such walk shall be of a rough finish so as to prevent slipping.
- 17.10 CURBING REQUIRED. Except for the street access driveway permitted in this article, wherever the property adjoining a public sidewalk is used for a driveway paralleling the sidewalk or for parking of vehicles adjacent to the walk, there shall be installed upon the property six (6) inches inside the property line, a reinforced concrete curbing at least six (6) inches high and six (6) inches wide, so as to prevent the driving or stopping of vehicles upon the sidewalk.
- 17.11 CURBING ALONG DRIVEWAYS. Driveways shall be bounded on each side by a tapered curb with a face varying from the established height of the curb to zero, prior to meeting the sidewalk.
- 17.12 CUTTING OF CURBS. Existing curb shall either be removed at the nearest joint of cut with a concrete saw when constructing a driveway.
- 17.13 END OF DRIVE DEFINED. Driveways shall end at the curb line.
- 17.14 SIDEWALK GRADES Sidewalk grades will not be changed except as provided herein.
- 17.15 EXCAVATION, TRENCHING, AND BACKFILLING. Excavation, trenching and backfilling for service pipes from the public water or sewer main to the street property line, shall be in accordance with the requirements of the state plumbing code, except as hereinafter provided.
- 17.16 SAFETY BARRICADING. All excavations in streets shall be dug so as to occasion the least possible inconvenience to the public and to provide for passage of water along the gutter. All such excavations shall be properly barricaded at all times and warning lights shall be placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise.
- 17.17 EXCAVATION AND TRENCHING. The trench walls shall be as nearly vertical as possible. Where soil conditions normally prevent this, sheeting, shoring, and bracing shall be used to kneed the walls vertical and the width of the trench as narrow as practicable. Under all paved areas, including sidewalks and drives, the pavement and its base shall be removed by neatly cutting with saws or jack hammers so that the width and length of the pavement and base removed is two (2) feet wider and longer than the trench width and length.

- 17.18 BACKFILLING. The trench shall not be backfilled until the city has inspected and approved the service pipe installations. Upon approval, selected backfill material, at the proper moisture content, shall be placed around the pipe in six (6) inch lifts and thoroughly compacted with approved mechanical tampers until the top of the pipe is covered with eighteen (18) inches of compacted dirt. No frozen material, except approved fill gravel, will be permitted for backfill trenches. The remainder of the backfill material, free from boulders larger than six (6) inches, wood, or organic material, shall be placed in uniform layers of not more than twelve (12) inches thickness and thoroughly compacted with approved mechanical tampers until the trench has been filled to the bottom of the pavement base. The base shall be replaced to its full length, width, and thickness with Portland cement concrete having a twenty-eight (28) day compressive strength of not less than three thousand (3,000) pounds per square inch. The pavement surface, where one existed prior to the opening of the trench shall be replaced with Iowa Department of Transportation Type A or Type B asphaltic concrete or Portland cement concrete to the city's satisfaction. The plumber must maintain the affected area in good repair to the satisfaction of the city council for one year after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the city.
- 17.19 COMPLETION BY CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or sewer service pipe connected with the sanitary sewer system, or should the work be improperly done, the city shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit, and the plumber's bond shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.
- 17.20 CASH BOND FOR CUTTING PAVEMENT. Before a permit shall be granted for any work which involves the cutting of street pavement whether it be asphaltic concrete or Portland cement concrete, the applicant shall give to the clerk a cash bond of fifty (50) dollars. If replacement of the street as provided for in the next succeeding section is completed to the city's satisfaction, said cash bond shall be returned to the applicant. If such replacement does not meet the city's approval, the cash bond provided for herein shall be forfeited to the city in addition to any other penalties, fines or fees provided for in this article.
- 17.21 EXCAVATIONS NEAR STREETS. No person shall make any excavation in any street, alley or public place or within ten (10) feet of any sidewalk, street, alley, or public place and not secure the excavation by an enclosure at least four (4) feet high, substantially built and with warning lights placed and burning during the entire night.

- 17.22 REMOVING EARTH. No person shall remove or cause to be removed any dirt, sand, stone, rock, tree, shrub, plank, sidewalk or fence from any street, alley, highway, lot or ground belonging to the municipality without permission from the council.
- 17.23 RESTORING EXCAVATIONS OF STREET CUTS. No person shall dig into, or in any manner break any sidewalk, curb, pavement, street, alley, or public ground without placing the same in as good condition as found.
- 17.24 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.
- 17.25 RECORDS MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning grades upon request.
- 17.26 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the superintendent of public works within thirty (30) days after completion of the work. The superintendent of public works shall keep a record of such approvals in his office. If he refuses to approve the work, it must be corrected immediately so that it will meet with his approval. If the work has been done improperly, the superintendent of public works shall have the right to finish or correct the 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.
- 17.27 RULES. The council may provide by resolution such further rules as necessary to clarify and implement the requirements of this article.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 18 - SNOW REMOVAL AND STREET CLEANING

18.01 SNOW EMERGENCY: TEMPORARY NO PARKING During a snow emergency period:

1. On any even-numbered calendar date, no person shall park any vehicle, truck, semi-truck or trailer on the side of the street on which even-numbered street addresses abut during the hours of 6:00 p.m. until 6:00 p.m. the following day.
2. On any odd-numbered calendar date, no person shall park any vehicle, truck, semi-truck or trailer on the side of the street on which odd-numbered street addresses abut during the hours of 6:00 p.m. until 6:00 p.m. the following day.
3. The mayor shall be authorized to declare a "snow emergency period" upon a determination that an accumulation of snow has impeded the movement of traffic on public streets. Such "snow emergency period" shall commence eight (8) hours after the mayor causes the announcement of its commencement to be made on Cable T.V. - Channel 2 and KILR radio. The "snow emergency period" will terminate upon a like announcement by the mayor.

18.02 ENFORCEMENT. A peace officer shall be responsible for the enforcement of said special parking restrictions when they are in effect. When a motor vehicle is parked in violation of the special parking restrictions, a police officer shall attempt to locate the owner of the vehicle to have it removed. If the owner cannot be located after reasonable attempts, the vehicle shall be towed away at the direction of the police officer, and the cost of the towing shall be charged to the owner of the vehicle.18.03 SPECIAL PENALTY. Any person who violates or fails to comply with the provisions of this article shall be guilty of a simple misdemeanor and shall be fined in accordance with the amount set forth in the City of Ringsted Parking Violations Traffic Code for parking violations.

CHAPTER 2: STREETS AND ALLEYS**ARTICLE 19 – GOLF CARTS**

- 19.01 OPERATION OF GOLF CARTS ON CITY STREETS. Upon approval of a written application, a person with a valid motor vehicle license may operate a golf cart upon the city streets within the corporate limits of the city. A golf cart shall not be operated upon a city street which is a primary road extension through the city, but shall be allowed to cross a city street which is a primary road extension through the city as long as such operation can be performed safely. A golf cart shall be only operated on City streets between sunrise and sunset, unless headlights and taillights are properly installed. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet all other safety requirements. Said Ordinance is enacted to implement Iowa Code Section 321.247.

CHAPTER 2: STREETS AND ALLEYS**ARTICLE 20 - BUILDING NUMBERING**

20.01 DEFINITIONS. For use in this article the following shall be defined:

1. "PRINCIPAL BUILDING" shall mean the main building on any lot or subdivision.
2. "OWNER" shall mean the owner of the principal building.

20.02 OWNER REQUIREMENTS. Every owner shall comply with the following building number requirements:

1. **OBTAIN BUILDING NUMBER.** The owner shall obtain the assigned number to his 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 maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) 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 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))

20.03 ALL BUILDINGS FRONTING PUBLIC STREETS. All buildings fronting the public streets within the immediate city may be numbered so far as practicable in accordance with a guide furnished by the "Postmaster" for numbering. The owners, agents or occupants may cause numbers, in accordance with the provisions of this Ordinance, to be placed and maintained on their property, said numbers to be conspicuously displayed on the front of each building, be of durable substance, clearly legible and not less than three inches in height. Numbers shall be assigned by the City Clerk in accordance with the provisions herein.

20.04 BASE LINE AND STREET DESIGNATIONS. All streets running easterly and westerly shall be numbered with increasing numbers both to the east and to the west from the center of Maple and Railroad Streets, said intersection being zero starting place. The buildings on the south side of such east and west streets being numbered with even numbers and the buildings on the north side being numbered with odd numbers. All streets running north and south and intersecting Maple Street shall be numbered north and south from Maple

Street, the buildings on the east side of such north and south streets being numbered with even numbers and the buildings on the west side being numbered with odd numbers.

- 20.05 PROGRESSION OF NUMBERS. Commencing with the base street, numbers shall begin with one or two and each number thereafter represents twenty-five feet. After the first street is crossed, numbers shall be 101 and 102, adding 100 as each successive street is crossed, but maintaining the same hundreds designations on all streets on either side of the same cross streets, and the progression of numbers assigned shall be as nearly uniform as practicable on all streets according to linear frontage of property whether there are unplatted or irregularly platted streets and property or not.
- 20.06 ASSIGNMENT OF NUMBERS TO PROPERTY. One number shall be reserved for every twenty-five lineal feet of residential and business district frontage for each side of the street, the number chosen to be the one allocated to the frontage in which the dwelling or building entrance is located. Separate apartments shall be designated by number assigned the complete apartment building and by literal suffixes.
- 20.07 NUMBERING MANDATORY, ENFORCEMENT - The placing of numbers is voluntary until April 1, 1985, after which, if numbers meeting the requirements of this ordinance have not been placed on each building, the City Clerk shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time the City Clerk shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner. If the bill is not paid within thirty (30) days, the billing shall be certified promptly to the County Auditor for collection with and in the same manner as property taxes.
- 20.08 ENFORCEMENT. The clerk shall be responsible for enforcing the provisions of this Article.

CHAPTER 3: SIDEWALKS**ARTICLE 21 - SIDEWALK REGULATIONS**

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

1. "SIDEWALK" shall mean all permanent public walks in business, residential or suburban areas.
2. "ESTABLISHED GRADE" shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed.
3. "BROOM FINISH" shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
4. "WOOD FLOAT FINISH" shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.
5. "PORTLAND CEMENT" shall mean any type of cement except bituminous cement.
6. "ONE-COURSE CONSTRUCTION" shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
7. "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.
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.

21.02 RESPONSIBILITY FOR MAINTENANCE. It shall be 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))

21.03 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of 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)

- 21.04 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 him to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12(2d, & e))

- 21.05 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)

- 21.06 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. MATERIAL. Portland cement concrete shall be the only material used in the construction and repair of sidewalks.
2. CONSTRUCTION. Sidewalks shall be of one-course construction.
3. SIDEWALK BASE. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. SIDEWALK BED. The sidewalk bed shall be placed so that the surface will be to the established grade at its location.
5. LENGTH, WIDTH AND DEPTH.
 - a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length.
 - b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.

- c. Driveway areas shall not be less than six (6) inches in thickness.
6. LOCATION. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the council shall establish a different distance due to circumstances.
7. GRADE. Curb tops shall be on level with the center line of the street, which shall be the established grade.
8. ELEVATIONS. The street edge of a sidewalk shall be at an elevation even with the curb when at the curb and not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk in residential areas.
9. SLOPE. All sidewalks shall slope 0.25 inch per foot toward the curb.
10. FINISH. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. RAMPS FOR HANDICAPPED. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one (1) inch of rise per twelve inches lineal distance, except that a slope no greater than one (1) inch or rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.
(Code of Iowa, Sec. 216C.9)
- 21.06 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. 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.

- 21.07 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.
- 21.08 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:
1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
 2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
 3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.
- 21.09 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the council.
- 21.10 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.
- 21.11 REMOVAL OF SNOW, ICE AND ACCUMULATIONS It shall be the responsibility of the abutting property owners to promptly remove from the sidewalk's natural accumulations of snow and ice (including ice formed from water flowing onto the walk and freezing). In the Commercial Districts as defined in the City's Zoning Ordinance, a reasonable time shall be twelve (12) hours from the cessation of snowfall. In all other areas of the City, a reasonable time shall be deemed to be twenty-four (24) hours from the cessation of snowfall. If an abutting property owner does not remove snow and ice within the time specified in this Section, the City may do so and assess the costs, including a reasonable administration fee, against the property owner for collection in the same manner as a property tax pursuant to Section 364.12(2)(e) of the Code of Iowa.
- 21.12 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.
- 21.13 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

- 21.14 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.
- 21.15 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or other substance likely to injure any person, animal or vehicle properly using the sidewalk.
(Code of Iowa, Sec. 364.12(2))
- 21.16 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to a building in the business district be occupied for such purposes.
- 21.17 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the clerk.
- 21.18 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:
1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.
 2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
 3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.
- 21.19 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

CHAPTER 3: SIDEWALKS**ARTICLE 22 - SIDEWALK REPAIRS**

22.01 PURPOSE. The purpose of this chapter is to clarify the responsibilities of the city and the owners of abutting property for the maintenance, repair, replacement, or reconstruction of sidewalks.

22.02 DEFINITIONS. As used in this chapter the following terms have these meanings:

1. Defective sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:
 - a. vertical separations equal to three-fourths inch or more
 - b. horizontal separations equal to three-fourths inch or more
 - c. holes or depressions equal to three-fourths inch or more and at least four inches in diameter
 - d. spalling over 50 percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half inch or more
 - e. spalling over less than 50 percent of a single square of the sidewalk with one or more depressions equal to three-fourths inch or more
 - f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot
 - g. a sidewalk with any part thereof missing to the full depth
 - h. a change from design or construction grade equal to or greater than three-fourths inch per foot
2. Sidewalk improvements. The reconstruction, repair, replacement, or removal of a public sidewalk or the excavation, filling, or depositing of material in the public right-of-way in connection therewith.
3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, if any.
4. City engineer. The city engineer or the officer designated by the city council to perform the duties prescribed for the engineer by this chapter.

22.03 STANDARD SIDEWALK SPECIFICATION. The city engineer shall prepare complete plans and specifications for the construction, reconstruction, and repair of sidewalks and driveway crossings in the sidewalk, which, upon approval of the council, shall be kept on file in the office of the clerk. The specifications shall include descriptions and location of barricades and warning lights.

All sidewalk improvements in public property, whether performed by the owner of the abutting property or by the city, shall be performed under the supervision and inspection

of the city engineer, and in accordance with the plans and specifications adopted in accordance with this chapter.

- 22.04 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the city engineer. The permit shall state that the person will comply with the ordinances of the city and with the specifications for sidewalks adopted by the city. The permit also shall state that city engineer. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the city engineer. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the city engineer. All permits for sidewalk improvements not ordered by resolution of the city council shall be issued in compliance with this chapter. The city engineer may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.
- 22.05 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this Chapter and with the specifications or when any sidewalk improvements are made without a permit, the city engineer shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five days from receipt of the permit. If the owner fails to comply with this notice, the engineer shall have the work completed and the costs assessed to the property owner as provided in 22.15 of this chapter.
- 22.06 INSPECTION AND APPROVAL. Upon final completion, the city engineer shall inspect the work. He or she may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, specifications, and the permit, the engineer shall indicate this on both copies of the permit.
- 22.07 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.
- 22.08 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

- 22.09 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 him to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax. The notice shall include the fact that the owner may request a hearing by the city council within fifteen days of receipt of the notice.
(Code of Iowa, Sec. 364.12(2d, & e))
- 22.10 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty days' notice from the city to repair, replace, or reconstruct all broken or defective sidewalks in the street right-of-way abutting his or her property. If, after the expiration of the thirty days as provided in the notice, the required work has not been done or is not in the process of completion, the city engineer shall proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the city engineer shall submit to the council, the itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes.
- 22.11 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the city immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.
- 22.12 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the property clear of natural accumulations of snow or ice removed without notice to the property owner.
- 22.13 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the city engineer submits a bill for sidewalk improvements or for removal of accumulations as provided in sections 21.04, 21.05 and 21.11 of this chapter, the city clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which council will hear such objections. The time set for hearing shall be at least fifteen days after the service or mailing of the notice.
- 22.14 HEARING AND ASSESSMENT. At the time and place designated in the notice, the council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

- 22.15 BILLING AND CERTIFYING TO COUNTY. Thirty days after the council's decision, the city clerk shall certify any unpaid amounts to the county treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the county treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments. No interest shall be charged for assessments, or parts thereof, paid within thirty days of the time the council determined the final amounts.

CHAPTER 4: SNOWMOBILES & ATV'S**ARTICLE 23 - GENERAL PROVISIONS****23.01 DEFINITIONS.** For use in this article the following terms shall be defined:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
(Code of Iowa, Section 3211.1)
2. "Off-road utility vehicle" or "UTV" means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than two thousand pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
(Code of Iowa, Section 3211.1(17)(a).)
3. "SNOWMOBILE" "Snowmobile" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle, as defined in section 3211.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.
(Code of Iowa, 321G.1(20))
4. "OPERATOR" shall mean a person who operates or is in actual physical control of an all-terrain vehicle or snowmobile.
5. "OPERATE" shall mean to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle or snowmobile in any manner, whether or not the all-terrain vehicle is moving.
(Code of Iowa, Sec. 321G.1(10))
6. "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 travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.
7. "SHOULDER" shall mean the portion of a street immediately adjacent to the right side of a street which is customarily used only for emergency travel and parking.
8. "DEAD MAN THROTTLE" shall mean a device which disengages the motor from the driving track of a snowmobile when pressure is removed from the accelerator or throttle.

9. "ROADWAY" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

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

23.02 GENERAL REGULATIONS No person shall operate an ATV/UTV or snowmobile within the City in violation of the provisions of Chapter 321G and 321I of the Code of Iowa or rules established by the Natural Resources Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

23.03 HOURS OF OPERATION. No person shall operate a snowmobile or ATV/UTV on public or private property within the city limits of Ringsted, Iowa, Sunday through Thursday night between the hours of 11:30 p.m. and 5:30 a.m., nor during the overnight hours of 1:00 a.m. through 5:00 a.m. on Saturday and Sunday mornings. The only permitted operation during these hours shall be for routine snow removal.

23.04 LICENSE TO OPERATE AN ATV/UTV. No person shall operate an ATV/UTV on the public streets of the City of Ringsted, Iowa, without a valid motor vehicle operator's license.

23.05 AGE OF OPERATION FOR SNOWMOBILES. Minors under twelve. An owner or operator of a snowmobile shall not permit a person under twelve years of age to operate and a person less than twelve years of age shall not operate, a snowmobile except when accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid driver's license, as defined in section 321.1, or a safety certificate issued under this chapter.

23.05 OPERATION OF SNOWMOBILE OR ATV/UTV. A snowmobile or ATV/UTV may not be operated on any street, shoulder of a street, sidewalk, public property, city park, or any other area within the corporate limits of the city except as specifically permitted as follows:

1. DURING EMERGENCY. On streets in an emergency during the period of time when at locations where snow and ice upon the streets render travel by conventional motor vehicles impractical and unsafe.

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

2. TRAILS. On trails in city parks or on other public property which is specially designated by the council and which is marked by appropriate signs giving notice that snowmobiles may be operated in the area.

3. PRIVATE PROPERTY. On the private property of the operator or owner of a snowmobile or on any other private property in the city with the consent or permission of the property owner.

4. PUBLIC AREAS PROVIDED FOR SNOWMOBILES AND/OR ATV/UTV . On other public areas or streets specifically provided by the council by resolution of the Council.
5. SIDEWALKS. No snowmobile or ATV/UTV shall be operated upon public sidewalks or upon that portion of the street between the curb line and the property of the line commonly referred to as the “parking”. However, an ATV may be operated upon a sidewalk or that area referred to as the parking if engaged in snow removal or maintenance activities or landscaping.
6. PROHIBITED STREETS FOR ATV/UTV. ATV/UTV shall not be operated upon any City street which is a primary road extension through the City. The following City streets are considered a primary road extension through the City:
 - A. West Maple Street
 - B. Heritage Street

However, ATVs may cross such primary road extensions.
(Code of Iowa, 1987, Sec. 321.G.9 [4a])

7. RESTRICTED SNOWMOBILE STREETS. Snowmobiles may not be operated upon the following designated streets.
(Code of Iowa, 1987, Sec. 321.G.9 [4a])
 - A. West Maple Street from Third Street to Railroad Street.
 - B. South First Street from West Maple Street to Cedar Street.
 - C. South Second Street from West Maple Street to Cedar Street.
 - D. Heritage Street from Beech Street to 240th Street.
 - E. Lexington Street from West Maple Street to Dead Street.

(Editor’s Note: Section 23.05(7) was amended by Ordinance 620 on January 8, 2001)

23.06 ADEQUATE SNOW AND ICE COVER. A snowmobile may not be operated within the city on public or private property without adequate snow or ice cover. A snow or ice cover of no less than two (2) inches shall be deemed adequate.

23.07 CROSSING OF STREET. A snowmobile or ATV/UTV may make a direct crossing of a street or highway provided:
(Code of Iowa, Sec. 321G.9(2))

1. NINETY DEGREE ANGLE. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing; and
2. COMPLETE STOP. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled portion of the street, and

3. YIELD TO TRAFFIC. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
4. CROSSING AT INTERSECTION. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

23.08 REQUIRED EQUIPMENT. All snowmobiles operated within the city shall have the following equipment:

1. MUFFLER. An effective and suitable muffling device that reduces the noise of operation of a snowmobile manufactured before July 1, 1973, to not more than 86 decibels, those manufactured before July 1, 1975 that limits engine noise to 82 decibels, and those manufactured since July 1, 1975, that limits engine noise to not more than 78 decibels, as provided by State law.
(Code of Iowa, Sec. 321G.11)
2. Every all-terrain vehicle operated during the hours of darkness shall display a lighted head lamp and tail lamp. Every snowmobile shall be equipped with at least one head lamp and one tail lamp. Every all-terrain vehicle and snowmobile shall be equipped with brakes.
(Code of Iowa, Sec. 321G.12)
3. BRAKES. Every snowmobile shall be equipped with brakes.
4. SAFETY THROTTLE. A safety or "dead man" throttle in operating condition.

23.09 ATV/UTV REQUIRED EQUIPMENT. All ATV/UTV operated within the city shall have the following equipment:

1. MUFFLER. An all-terrain vehicle shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet.
2. HEADLAMP -- TAIL LAMP -- BRAKES. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp. Every all-terrain vehicle shall be equipped with brakes.
(Code of Iowa, Sec. 321I.13)

23.10 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any snowmobile in the City in the manner described:

1. SPEED. At a rate of speed greater than at a speed in excess of that posted nor at any time operate at a rate of speed greater than is reasonable and proper under existing conditions.
(Code of Iowa, Sec. 321G.13(1a))

2. CARELESS MANNER. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
(Code of Iowa, Sec. 321G.13(1b))
3. UNDER THE INFLUENCE. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
(Code of Iowa, Sec. 321.13(c))
4. IMPROPER EQUIPMENT. Without a proper headlight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead; or without proper equipment as required by Section 23.08 of this Article.
(Code of Iowa, Sec. 321G.13(d))
5. IN TREE NURSERY. In any tree nursery or planting in a manner which damages or destroys growing stock.
(Code of Iowa, Sec. 321G.13(e))
6. RAILROAD RIGHT-OF-WAY. Upon an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
(Code of Iowa, Sec. 321G.13(1h))
7. FIREARMS. A person shall not operate or ride in an all-terrain vehicle or snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle or a snowmobile.
(Code of Iowa, Sec. 321G.13(2))
8. UNREGISTERED SNOWMOBILE. Without having such snowmobile registered as provided for by Iowa law except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
9. WITHOUT INSURANCE. Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be \$50,000 for one person who is injured or killed in any one accident and \$100,000 for two or more persons who are

injured or killed in one accident. For property damage, the minimum coverage shall be \$10,000. If requested by a peace officer (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.

10. UNATTENDED VEHICLE. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with keys for starting the vehicle left in the ignition.
 11. PARKING. The operators must obey all parking regulations in the City of Ringsted when parked on a public street or thoroughfare.
 12. DISPLAY OF IDENTIFICATION NUMBERS. The owner shall display the identification number on the snowmobile in the manner described by the rules established by the Department of Natural Resources Commission.
(Code of Iowa, Sec. 321G.5)
- 23.11 TOWING. No item shall be towed by a snowmobile or ATV/UTV unless coupled to said snowmobile or ATV by a rigid tow bar.
- 22.12 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any ATV/UTV (all-terrain vehicle) in the City in the manner described:
1. At a rate of speed greater than reasonable or proper under all existing circumstances.
(Code of Iowa, Sec. 321I.14(1b))
 2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
(Code of Iowa, Sec. 321I.14(1b))
 3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
(Code of Iowa, Sec. 321I.14(1c))
 4. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
(Code of Iowa, Sec. 321I.14(1d))
 5. In any tree nursery or planting in a manner which damages or destroys growing stock.
(Code of Iowa, Sec. 321I.14(1e))
 6. Upon an operating railroad right-of-way. An all-terrain vehicle 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. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.

(Code of Iowa, Sec. 321I.14(1h))

7. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.

(Code of Iowa, Sec. 321I.14(3))

8. A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry.

(Code of Iowa, Sec. 321I.14(3))

9. A person operating an all-terrain vehicle on a highway shall have a valid driver's license.

(Code of Iowa, Sec. 321.234A(2))

10. Without having such snowmobile registered as provided for by Iowa law except.

(Code of Iowa Sec. 324I.4(2))

11. Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be \$10,000 for one person who is injured or killed in any one accident and \$20,000 for two or more persons who are injured or killed in one accident. For property damage, the minimum coverage shall be \$5,000. If requested by a peace officer (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.

12. It is unlawful for the owner or operator to leave or allow an ATV/UTV to be or remain unattended on public property while the motor is running or with keys for starting the vehicle left in the ignition.

13. It is unlawful to operate an ATV/UTV in a manner as to create a loud, unnecessary or unusual noise so as to disturb with the peace and quiet of other persons.

- 23.13 SINGLE FILE. Snowmobiles and ATV/UTV shall, only when permitted on the traveled way, be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

TITLE V - BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS

CHAPTER 1: LIQUOR AND BEER CONTROL

ARTICLE 1 - GENERAL PROVISIONS

- 1.01 **PURPOSE.** The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.
- 1.02 **DEFINITIONS.** Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:
1. "Person of Good Moral Character" shall mean any person who meets all of the following requirements:
(Code of Iowa, Sec. 123.3(34))
 - a. Has such financial standing and good reputation as will satisfy the commission and the administrator that he will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his operations under state law. The administrator shall not require the person to post a bond to meet the requirements of this paragraph.
 - b. Does not possess a federal gambling stamp.
 - c. Is not prohibited by the Code of Iowa from obtaining a liquor license or beer permit.
(Code of Iowa, Sec. 123.40)
 - d. Is a Citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
 - e. Has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the administrator may determine that he is a person of good moral character notwithstanding such conviction.
 - f. If such person is a corporation, partnership, association, club, or hotel or motel, the requirements of this subsection shall apply to each of the officers, administrators and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one person.

2. "Club" shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.
(Code of Iowa, Sec. 123.3(11))
 3. "Commercial establishment" shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the standards and specifications of the State of Iowa Alcoholic Beverage Division
(Code of Iowa, Sec. 123.3(12))
(Code of Iowa, Sec. 123.3(12))
 4. "Grocery store" shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.
(Code of Iowa, Sec. 123.129(18))
 5. "Pharmacy" shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.
(Code of Iowa, Sec. 123.129(35))
 6. "Hotel or Motel" shall mean a premise licensed by the state department of agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.
(Code of Iowa, Sec. 123.3(20))
 7. "Legal age" shall mean twenty-one (21) years of age or more.
(Code of Iowa, Sec. 123.3(24))
 8. "Administrator" shall mean the administrator of the division.
(Code of Iowa, Sec. 123.3(1))
 9. "Division" or "Department" shall mean the alcoholic beverages division of the Iowa Department of Commerce.
(Code of Iowa, Sec. 123.3(16))
- 1.03 LIQUOR STORE LOCATION. No liquor store shall be located within three hundred (300) feet of a public or private educational institution.

1.04 PERSONS UNDER LEGAL AGE

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.

(Code of Iowa, Sec. 123.47 (1))

2. 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 the 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 beer permittee under State laws.

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

3. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

(Code of Iowa, Sec. 123.47 (3))

- a. A simple misdemeanor punishable as a scheduled violation under Code of Iowa section 805.8C, subsection 7.
- b. A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
- c. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

1.05 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer or wine permit nor his agents or employees shall do any of the following:

1. **INTOXICATED PERSONS.** Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
(Code of Iowa, Sec. 123.49(1))
2. **HOURS OF OPERATION.** Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday and between the hours of two a.m. and noon on Sunday and ten p.m. on Sunday and six a.m. on the following Monday.
(Code of Iowa, Sec. 123.49(2b))
3. **CREDIT SALES.** Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.
(Code of Iowa, Sec. 123.49(2c))
4. **EMPLOYMENT OF MINORS.** Employ any person under 18 years of age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.
(Code of Iowa, Sec. 123.49(2f))
5. **SELLING TO MINORS.** 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
(Code of Iowa, Sec. 123.49(2h))
6. **MIXING OF ALCOHOLIC BEVERAGE.** In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.
(Code of Iowa, Sec. 123.49(2i))
7. **SOLICITING AND DISORDERLY CONDUCT.** Knowingly permit any gambling, except in accordance with Code of Iowa Chapter 99B, 99D, 99F, or 99G, or knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49(2a))

8. BEER BRAND SIGNS PROHIBITED. Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.
(Code of Iowa, Sec. 123.51)
- 1.06 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer or wine permit may be suspended by the Council for a period up to one year for violations of the municipal code, or suspended for a period up to one year or revoked by the Council for any of the following causes:
(Code of Iowa, Sec. 123.39)
 1. MISREPRESENTATION. Misrepresentation of any material fact in the application for such license or permit.
(Code of Iowa, Sec. 123.39(1))
 2. VIOLATIONS. Violations of any of the provisions of the Iowa beer and liquor control act.
(Code of Iowa, Sec. 123.39(2))
 3. CHANGE IN OWNERSHIP. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the City and the division.
(Code of Iowa, Sec. 123.39(3))
 4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.
(Code of Iowa, Sec. 123.39(4))
 5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such license or permit.
(Code of Iowa, Sec. 123.39(5))
 6. PAYMENT OF TAXES. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the division under the state law.
(Code of Iowa, Sec. 123.39(6))
 7. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 1.05 shall, subject to section 1.07, is grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be

surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.

(Code of Iowa, Sec. 123.50(2))

1.07 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the City Council in accordance with the following:

1. **SALE TO MINORS OR "SPIKING".** If any licensee, beer or wine permittee, or employee of such licensee or permittee is convicted of a violation of section 1.05(5) or a retail beer permittee is convicted of a violation of subsection 6 of said section, the City shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:
 - a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of five hundred dollars (\$500). Failure to pay the civil penalty as ordered under Code of Iowa, Section 123.39 shall result in automatic suspension of the license or permit for a period of fourteen days.
(Code of Iowa, Sec. 123.50(3a))
 - b. A second violation within two years shall subject the licensee or permittee to a thirty-day suspension and a civil penalty in the amount of one thousand dollars (\$1,000).
(Code of Iowa, Sec. 123.50(3b))
 - c. A third violation within three years shall subject the licensee or permittee to a sixty-day suspension and a civil penalty in the amount of one thousand dollars (\$1,000).
(Code of Iowa, Sec. 123.50(3c))
 - d. A fourth violation within three (3) years shall result in revocation of the license or permit.
(Code of Iowa, Sec. 123.50(3d))
 - e. For purposes of this subsection:
 - (1) The date of any violation shall be used in determining the period between violations.
 - (2) Suspension shall be limited to the specific license or permit for the premises found in violation.
 - (3) Notwithstanding section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.

2. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division.
- 1.08 DEPARTMENT NOTIFIED. When the City Council revokes or suspends a liquor license or beer or wine permit, the alcoholic beverages division of the Iowa Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.
 - 1.09 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer or wine permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the administrator or City disapproving, suspending or revoking issuance of a liquor control license or beer permit may appeal pursuant to the Iowa Administrative Procedures Act. A City may appeal a decision of the hearing board as provided by statute.
(Code of Iowa, Sec. 123.32(4&5))
 - 1.10 EFFECT OF REVOCATION. Any liquor control licensee or beer or wine permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer or wine permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer or wine permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.
(Code of Iowa, Sec. 123.40)
 - 1.11 HEARING ON SUSPENSION OR REVOCATION. The Council shall conduct a hearing on each suspension or revocation in the following manner:
 1. NOTICE. The permit holder, and the surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.
 2. HEARING. The Council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the Council may proceed to a determination of the complaint.

3. **RIGHTS OF PERMIT HOLDER.** The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses.
4. **EVIDENCE.** The Council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.
5. **CRIMINAL CHARGES.** In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the Council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.
6. **RECORD AND DETERMINATION.** The Council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

CHAPTER 1: LIQUOR, BEER AND WINE CONTROL**ARTICLE 2 - BEER AND WINE PERMITS AND LIQUOR LICENSES**

- 2.01 **LICENSE OR PERMIT REQUIRED.** It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine, or beer without first securing a liquor control license or beer or wine permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, Sec. 123.2)

- 2.02 **NATURE OF LICENSE OR PERMIT.** A liquor control license or beer permit or wine permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the administrator may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the descendant for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

(Code of Iowa, Sec. 123.38)

- 2.03 **BEER PERMITS - CLASSES.** Beer permits shall be classed as follows:

1. **CLASS "B".** A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.
2. **CLASS "C".** A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

(Code of Iowa, Sec. 123.124 & 123.129)

- 2.04 **WINE PERMITS - CLASSES.** Wine permits shall be classed as follows:

1. **CLASS "A".** A class "A" wine permit shall allow the holder to manufacture and sell, or sell at wholesale, wine for consumption off the premises.
2. **CLASS "B".** A class "B" wine permit shall allow the holder to sell wine at retail for consumption off the premises.

(Code of Iowa, 123.173 & 123.177)

2.05 LIQUOR LICENSES - CLASSES. Liquor control licenses shall be classed as follows:

1. CLASS "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.
(Code of Iowa, Section 123.30(3)(a))

2. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises.
(Code of Iowa, Sec. 123.30(3)(b))

3. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder to purchase wine from class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.

(Code of Iowa, Sec. 123.30(3)(c))

4. CLASS "E". A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and to sell the alcoholic liquor to patrons for consumption off the licensed premise and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other liquor control licenses, wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license. The division may issue a Class "E" liquor control license for premises covered by a liquor control license or wine or beer permit for on-premise consumption, if the

premises are in a county having a population under nine thousand five hundred in which no other class "E" liquor control license has been issued by the division, and no other applicant for a class "E" license has been made within the previous twelve consecutive months.

(Code of Iowa, Section 123.30(3)(e))

- 2.06 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit or wine permit shall be filed at such time, in such number of copies and in such form as the administrator shall prescribe, on forms prescribed by the administrator.

(Code of Iowa, Sec. 123.31)

- 2.07 BOND FILED. The application shall be accompanied by the necessary fee and bond, if required, and be filed with the council for approval or disapproval.

(Code of Iowa, Sec. 123.32 & 123.127)

1. LIQUOR CONTROL LICENSE. Upon posting bond in the penal sum of \$5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa beer and liquor control act and compliance with all provisions of the act.

(Code of Iowa, Sec. 123.30(1))

2. BEER PERMIT AND WINE PERMIT. With class "B" and "C" beer permits, or class "A" and "B" wine permits, upon posting bond in the penal sum of \$500.00, and conditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.128&123.129)

- 2.08 CONDITIONS FOR APPROVAL. No liquor control license or beer or wine permit shall be approved unless:

1. CHARACTER OF APPLICANT. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.

(Code of Iowa, Sec. 123.30(1))

2. RIGHT OF ENTRY. The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

(Code of Iowa, Sec. 123.30(1))

3. ACCESS TO RESIDENTIAL OR SLEEPING QUARTERS. No interior access or residential or sleeping quarters is permitted or maintained unless permission is granted by the administrator in the form of a living quarters permit.

(Code of Iowa, Sec. 123.30(2))

4. LOCATION OF PREMISES. The premises are located within areas where such businesses are, or hereafter are, permitted by zoning regulations.
(Code of Iowa, Sec 123.128(1b))
 5. SEATING CAPACITY. The premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.
(Code of Iowa, Sec. 123.128(1b))
 6. CONFORM TO APPLICABLE LAWS. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.
(Code of Iowa, Sec. 123.30(2) & 123.127(2))
- 2.09 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the division.
(Code of Iowa, Sec. 123.92)
- 2.10 SEPARATE LOCATIONS. Every person holding a class "B" or class "C" beer permit or class "A" or "B" wine permit having more than one place of business where such beer or wine is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.
(Code of Iowa, Sec. 123.140)
- 2.11 INVESTIGATION. Upon receipt of an original application for a liquor license or beer or wine permit by the clerk, it shall be forwarded to a peace officer who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officer.
(Code of Iowa, Sec. 123.30(1))
- 2.12 LICENSE AND PERMIT FEES. The following fees shall be submitted with the respective application:
1. CLASS "B" BEER. For a class "B" beer license the annual fee shall be:
 - a. For cities with population under 1,500:
 - 1) Without Sunday sales privileges \$100.00
 - 2) With Sunday sales privileges \$120.00
(Code of Iowa, Sec. 123.134(2&5))

2. CLASS "C" BEER. For a class "C" beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:
 - a. Up to one thousand five hundred square feet -\$75.00
 - b. Over one thousand five hundred square feet
and up to two thousand square feet - \$100.00
 - c. Over two thousand and up to five thousand
square feet - \$200.00
 - d. Over five thousand square feet - \$300.00
(Code of Iowa, Sec. 123.134(3))
 - e. A Sunday sales permit will increase the fee by 20%.
(Code of Iowa, Sec. 123.134(5))
3. CLASS "A" WINE. For a class "A" wine permit the annual fee is \$750.00.
(Code of Iowa, Sec. 123.179(1))
4. CLASS "B" WINE. For a class "B" wine permit the annual fee is \$500.00.
(Code of Iowa, Sec. 123.179(2))
5. CLASS "A" LIQUOR. For a class "A" liquor control license the annual fee shall be:
 - a. Club, less than 250 members:

without Sunday sales privileges	\$400.00
with Sunday sales privileges	\$480.00
 - b. Club, which is a post, branch or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week:

without Sunday sales privileges	\$200.00
with Sunday sales privileges	\$240.00

(Code of Iowa, Sec. 123.36(2))
6. CLASS "B" LIQUOR. For a class "B" liquor control license the annual fee shall be:
 - a. Cities of 3,000 or less population \$800.00
 - b. The fee is 20% more for Sunday sales.

(Code of Iowa, Sec. 123.36(3))

7. CLASS "C" LIQUOR. For a class "C" liquor control license the annual fee shall be:
 - a. Cities of 1,500 population or less \$600.00
 - b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(4,6))
8. CLASS "E" LIQUOR. For a class "E" liquor license, the annual fee is a sum of not less than \$750.00, and not more than \$7,500.00 as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises and the population of the area of the location of the licensed premises.
(Code of Iowa, Sec. 123.36(9))
- 2.13 SURCHARGE. There is imposed a surcharge on the fee for each class "A", "B" or "C" liquor license equal to 30% of the scheduled license fee to be collected and deposited as provided in the Code of Iowa.
(Code of Iowa, Sec. 123.36(10))
- 2.14 SEASONAL, FIVE-DAY, OR FOURTEEN-DAY LICENSE OR PERMIT.
 1. Liquor control licenses, wine permits, and beer permits, unless sooner suspended or revoked, expire one year from date of issuance. The administrator shall give sixty days' written notice of the expiration to each licensee or permittee. However, the administrator may issue six-month or eight-month seasonal licenses, class "B" wine permits, or class "B" beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor licenses or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses or beer permits. No seasonal license or permit shall be renewed except after a period of two months.
 2. The administrator may issue fourteen-day class "A", class "B", class "C", and class "D" liquor control licenses and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in Code of Iowa, sections 123.36, subsection 6 and 123.134, subsection 5.
 3. The fee for a fourteen-day liquor license or beer permit is one quarter of the annual fee for that class of liquor license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license or beer permit.

4. The administrator may issue five-day class "A", class "B", class "C", and class "D" liquor control licenses and five-day class "B" beer permits. A five-day license or permit is valid for five consecutive days, but the holder shall not sell alcoholic beverages on Sunday in the five-day period unless the holder qualifies for and obtains the privilege to sell on Sunday pursuant to Iowa Code, sections 123.36 and 123.134.
 5. The fee for the five-day liquor control license or beer permit is one-eighth of the annual fee for that class of license or permit. The fee for the privilege to sell on a Sunday in the five-day period is ten percent of the price of the five-day liquor control license or beer permit.
(Code of Iowa, Sec. 123.34(1))
- 2.15 ACTION BY COUNCIL. Action taken by the council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the division for such further action as is provided by law.
(Code of Iowa, Sec. 123.32(2))
- 2.16 EXPIRATION. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance.
(Code of Iowa, Sec. 123.34(1))
- 2.17 REFUNDS. Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer or wine permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows:
1. **BEFORE THREE MONTH PERIOD**. If surrendered during the first three (3) months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee.
 2. **SIX MONTH PERIOD**. If surrendered more than three (3) months but not more than six (6) months after issuance the refund shall be one-half of the amount of the fee.
 3. **SIX - NINE MONTH PERIOD**. If surrendered more than six (6) months but not more than nine (9) months after issuance the refund shall be one-fourth of the amount of the fee.
 4. **AFTER NINE MONTH PERIOD**. No refund shall be made, however, for a liquor control license or beer or wine permit surrendered more than nine (9) months after issuance.

5. SUNDAY SALES. No refund will be given on the Sunday Sales portion of a license or permit fee.
 6. COMPLAINT FILED. No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him with a violation of this chapter or provisions of the Iowa beer and liquor control act.
 7. HEARING ON COMPLAINT. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing he/she shall not be eligible for the refund of any portion of his license or permit fee.
 8. SEASONAL LICENSES OR PERMITS. No refund shall be made for seasonal licenses or permits.
(Code of Iowa, Sec. 123.38)
- 2.18 TRANSFERS. The council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of \$15.00.
(Code of Iowa, Sec. 123.38)
- 2.19 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the city council, who shall verify that the qualifications have not changed from the original application, and give a recommendation to the council as to the approval of the license or permit.
(Code of Iowa, Sec. 123.35)
- 2.20 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer or wine permit nor his agents or employees shall do any of the following:
1. INTOXICATED PERSONS. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
(Code of Iowa, Sec. 123.49(1))
 2. HOURS OF OPERATION. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday and between the hours of two a.m. and noon on Sunday and ten p.m. on Sunday and six a.m. on the following Monday.
(Code of Iowa, Sec. 123.49(2b))

3. CREDIT SALES. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.
(Code of Iowa, Sec. 123.49(2c))
 4. EMPLOYMENT OF MINORS. Employ any person under 18 years of age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.
(Code of Iowa, Sec. 123.49(2f))
 5. SELLING TO MINORS. 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.
 6. MIXING OF ALCOHOLIC BEVERAGE. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.
(Code of Iowa, Sec. 123.49(2i))
 7. SOLICITING AND DISORDERLY CONDUCT. Knowingly permit any gambling, except in accordance with Code of Iowa Chapter 99B, 99D, 99F, or 99G or knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49(2a))
 8. BEER BRAND SIGNS PROHIBITED. Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.
(Code of Iowa, Sec. 123.51)
- 2.21 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer or wine permit may be suspended by the council for a period up to one year for violations of the municipal code, or suspended for a period up to one year or revoked by the council for any of the following causes:
(Code of Iowa, Sec. 123.39)
1. MISREPRESENTATION. Misrepresentation of any material fact in the application for such license or permit.
(Code of Iowa, Sec. 123.39(1))

2. VIOLATIONS. Violations of any of the provisions of the Iowa beer and liquor control act.
(Code of Iowa, Sec. 123.39(2))
 3. CHANGE IN OWNERSHIP. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the division.
(Code of Iowa, Sec. 123.39(3))
 4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.
(Code of Iowa, Sec. 123.39(4))
 5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such license or permit.
(Code of Iowa, Sec. 123.39(5))
 6. PAYMENT OF TAXES. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the division under the state law.
(Code of Iowa, Sec. 123.39(6))
 7. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 2.20 shall, subject to section 2.22, be grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.
(Code of Iowa, Sec. 123.50(2))
- 2.22 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the city council in accordance with the following:
1. SALE TO MINORS OR "SPIKING". If any licensee, beer or wine permittee, or employee of such licensee or permittee is convicted of a violation of section 2.20 of this Article or a retail beer permittee is convicted of a violation of section 2.20 of this Article, the City shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:
 - a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under

Code of Iowa, Section 123.39 shall result in automatic suspension of the license or permit for a period of fourteen days.

(Code of Iowa, Sec. 123.50(3a))

- b. A second violation within two years shall subject the licensee or permittee to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars (\$1,500).

(Code of Iowa, Sec. 123.50(3b))

- c. A third violation within three years shall subject the licensee or permittee to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars (\$1,500).

(Code of Iowa, Sec. 123.50(3c))

- d. A fourth violation within three years shall result in revocation of the license or permit.

(Code of Iowa, Sec. 123.50(3d))

- e. For purposes of this subsection:

- (1) The date of any violation shall be used in determining the period between violations.

- (2) Suspension shall be limited to the specific license or permit for the premises found in violation.

- (3) Notwithstanding section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.

(Code of Iowa, Sec. 123.50(3e))

- (4). In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division.

2.23 DEPARTMENT NOTIFIED. When the city council revokes or suspends a liquor license or beer or wine permit, the alcoholic beverages division of the Iowa Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

2.24 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer or wine permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the

administrator or city disapproving, suspending or revoking issuance of a liquor control license or beer permit may appeal pursuant to the Iowa Administrative Procedures Act. A city may appeal a decision of the hearing board as provided by statute.

(Code of Iowa, Sec. 123.32(4&5))

- 2.25 EFFECT OF REVOCATION. Any liquor control licensee or beer or wine permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer or wine permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer or wine permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, Sec. 123.40)

- 2.26 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

1. NOTICE. The permit holder, and the surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.
2. HEARING. The council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.
3. RIGHTS OF PERMIT HOLDER. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses.
4. EVIDENCE. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.
5. CRIMINAL CHARGES. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action

shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. **RECORD AND DETERMINATION.** The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

CHAPTER 2: CIGARETTE PERMITS

ARTICLE 3 - GENERAL PROVISIONS

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

1. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "*Alternative nicotine product*" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.
(Code of Iowa, Sec. 453A.1(1))
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. Provided the definition herein shall not be construed to include cigars.
(Code of Iowa, Sec. 453A.1(4))
3. "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the State of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.
(Code of Iowa, Sec. 453A.1(21))
4. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products irrespective of quantity or amount or the number of sales.
(Code of Iowa, Sec. 453A.1(23))
5. "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 pipe or otherwise, or both chewing and smoking, but does not mean cigarettes.
(Code of Iowa, Sec. 453A.1(28))

6. Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.

(Code of Iowa, Sec. 453A.1(29))

- 3.02 PERMIT REQUIRED. Every distributor, wholesaler, cigarette vendor, and retailer, now engaged or who desires to become engaged in the sale or use of cigarettes, upon which a tax is required to be paid, and every retailer now engaged or who desires to become engaged in selling, offering for sale, or distributing alternative nicotine products or vapor products, including through delivery sales, shall obtain a state or retail permit as a distributor, wholesaler, cigarette vendor, or retailer, as the case may be.

(Code of Iowa, Sec. 453A.13(1&10))

- 3.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 3.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the council in June. If a renewal application is not timely filed, and 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(5&9))

- 3.04 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13(3))

- | | |
|--|---------|
| 1. For permits issued or renewed during:
(For cities under 15,000 population) | 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 |

- 3.05 ISSUANCE. The council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

Upon proper application, approval by Council and payment of the required fee, a permit shall be issued to the applicant. Each permit issued shall clearly describe the place of business for which it is issued

(Code of Iowa, Sec. 453A.13(2))

- 3.06 DISPLAY. The permit shall, at all times, be publicly displayed by the distributor, wholesaler, or retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where cigarettes and other tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the cigarettes or other tobacco products are kept for sale or with intent to sell in violation of this division.

(Code of Iowa, Sec. 453A.13(10))

- 3.07 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the council, if it decides to issue a new permit to him, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

- 3.08 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.13(3))

- 3.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city except during April, May, or June, as follows:

(Code of Iowa, Sec. 453A.13(4))

1. Permits surrendered during: Amount of refund:
(For cities under 15,000 population)

July, August, or September	\$56.25
October, November, or December	\$37.50
January, February, or March	\$18.75

- 3.10 PERSONS UNDER THE LEGAL AGE.

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen years of age.
2. A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

3. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under eighteen years of age does not constitute a violation under this section if the individual under eighteen years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the individual's employment and the individual is employed by a person who holds a valid permit under this chapter or who lawfully offers for sale or sells cigarettes or tobacco products.
4. The alcoholic beverages division of the department of commerce, a county, or a city may directly enforce this section in district court and initiate proceedings pursuant to Code of Iowa, Section 453A.22 before a permit-issuing authority which issued the permit against a permit holder violating this section.
5. Payment and distribution of court costs, fees, and fines in a prosecution initiated by a city or county shall be made as provided in chapter 602 for violation of a city or county ordinance.
6. If a county or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the alcoholic beverages division of the department of commerce. Following transfer of the matter, if the violation is contested, the alcoholic beverages division of the department of commerce shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections and appeals in accordance with the provisions of Code of Iowa, Section 10A.801, to adjudicate the matter pursuant to Code of Iowa, Chapter 17A.

(Code of Iowa, Sec. 453A.2 & 453A.36(6))

3.11 PERMIT SUSPENSION & REVOCATION. If a retailer or employee of a retailer has violated the provisions of 3.10 of this Chapter or unlawful acts per Iowa Code 453A.36, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

- a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300). 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.
- b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars or the retailer's permit shall be suspended for a period of thirty days. The retailer may select its preference in the penalty to be applied under this paragraph.

- c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of thirty days.
- d. For a fourth violation within a period of three (3) years the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty days.
- e. For a fifth violation within a period of four 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, 453A.22(1))

- 3.12 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

(Code of Iowa, 453A.22(3))

- 3.13 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except as provided in Code of Iowa, Section 453A.3(6), 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.

CHAPTER 3: LICENSING

ARTICLE 4 - HOUSEMOVERS

- 4.01 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and wellbeing by licensing and regulating house and building movers.
- 4.02 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.
- 4.03 LICENSE REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid license from the city for each house, building or similar structure to be moved.
- 4.04 APPLICATION. Application for a house mover's license shall be made in writing to the clerk on forms furnished by him. The application shall include:
1. Name and Address. The applicant's full name and address and if a corporation, the names and addresses of it's principal officers.
 2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
 3. Routing Plan. A routing plan approved by the City Clerk and City Superintendent. The route approved shall be the shortest route compatible with the greatest public convenience and safety.
- 4.05 BOND REQUIRED. BOND. The applicant shall post with the city clerk a penal bond in the sum of \$5,000 with good and sufficient sureties approved by the clerk. The bond shall guarantee the licensee's payment for any damage done to the city or to the public property in the course of moving the building or similar structure.
- 4.06 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the license covering himself and his agents and employees for the following amounts. A penal bond for the same sum of money may be posted with the clerk in lieu of the insurance policy. The sureties on the bond shall be approved by the city clerk and the bond shall guarantee the licensee's payment for personal injuries or property damage caused by him or his agents or employees in the course of the moving operations.

	<u>Per Person</u>	<u>Per Accident</u>
Bodily Injury	\$50,000	\$100,000
Property Damage		\$50,000

- 4.07 **LICENSE FEE.** A license fee of \$10.00 shall be payable at the time of filing the application with the clerk. A separate license shall be required for each house, building or similar structure to be moved.
- 4.08 **LICENSE ISSUED.** Upon completion of the application, filing of bond and insurance certificate, and payment of the required fee the clerk shall issue a license.
- 4.09 **PUBLIC SAFETY.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. AT all times when the building or structure is at rest upon any street, alley, sidewalk, or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.
- 4.10 **TIME LIMIT.** No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the city.
- 4.11 **REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of section 10 of this chapter, the city is authorized to remove such building or structure and assess the costs thereof against the license holder and the surety on his bond.
- 4.12 **FLAGMEN AND WARNING SIGNS.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

CHAPTER 3: LICENSING**ARTICLE 5 - SPECIAL REQUIREMENTS**

- 5.01 **COMPLIANCE.** Every person who is granted a license under the terms of this Article shall comply with the following regulations that apply in his case.
- 5.02 **PUBLIC DANCE HALLS.** No place in which beer is sold shall hold a license for a public dance hall unless such place has complied with all the requirements of the city ordinances concerning dancing in connection with the operation of an establishment which sells beer for consumption on the premises.
- 5.03 **BILLIARD HALL.** No minor shall be allowed to be in any billiard hall in which beer is sold.
- 5.04 **BILL POSTERS.** The following shall apply to the license for bill posters:
1. **APPLICATION.** An application for a bill poster's license shall contain a description of the boundaries of the areas of the city in which the distribution of bills is to be made. The license shall limit distribution of bills in the city to these areas.
 2. **PROHIBITED LOCATIONS.** Bill posters shall not attach bills to any tree, pole, sidewalk, building or other structure.
 3. **MANNER OF DISTRIBUTION.** Bills shall not be distributed in such a manner that they may be blown about or scattered.
 4. **SIZE OF BILLS.** Bills larger than nine by twelve inches in size shall not be handed to persons on the sidewalks or streets or public property or attached to automobiles parked on any streets, alleys or public property.
- 5.05 **JUNK DEALERS.** The following shall apply to the license for junk dealers:
1. **RECORD BOOK.** Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.
 2. **SEGREGATE DAY'S COLLECTION.** Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period no item shall be disposed of or altered in any manner.
 3. **RECEIVE JUNK FROM MINOR.** A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the minor's parent or

guardian. Such consent shall be attached to the record book as a part of the permanent record.

4. INSPECTION. Health officers and peace officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.
5. ENCLOSED WITH FENCE. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from public view. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and equal height.

5.06 SCAVENGERS. The following shall apply to the license for scavengers:

1. APPLICATION. An application for a scavenger's license shall contain a detailed list describing each of the places from which the scavenger collects or intends to collect refuse.
2. COLLECTION RECORD. The licensee shall keep this list up to date by reporting immediately to the city clerk any changes of places of collection. Refuse shall be collected only from the places reported as places of collection.
3. REFUSE ON STREET. Refuse shall not be carried upon any street, alley, sidewalk or property of this city in containers that permit leaking or spilling of the refuse.
4. INVESTIGATION BY HEALTH OFFICER. The health officer shall be permitted at all times to investigate the scavenger's activities for the existence of materials or conditions dangerous to the public health.

5.07 PAWNBROKERS. The following shall apply to the license for pawnbrokers:

1. RECORD BOOK. Every pawnbroker shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, a statement of the nature of the transaction including the sum for which the item is security, the time and date of the transaction, and the disposition made of the item including the time and date of disposition.
2. RECEIVE FROM MINOR. A pawnbroker shall not purchase or receive any item from a minor unless he first receives the written consent of a parent or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.
3. NOTIFY POLICE. Any pawnbroker shall notify the local police immediately upon receipt of an item that he believes or has reason to believe is stolen property. Such

an item shall not be disposed of or altered without written permission from the local police.

CHAPTER 3: LICENSING

ARTICLE 6 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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

1. "Peddler" shall mean any person carrying goods or merchandise from house-to-house or upon the public street.
2. "Solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

6.02 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this ordinance.6.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers. Farmers who offer for sale products of their own raising.
4. Milk Delivery. Milk delivery persons who only incidentally solicit additional business or make special sales.
5. Retail or institution Use. Person customarily calling on business or institutions for the purpose of selling products for resale or institutional use.

6.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6.05 - 6.13 of this ordinance. All such organizations shall be required to submit in writing to the city 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 for his efforts and the amount thereof. If the city clerk shall find

that the organization is a bona fide charity or religious organization he shall issue, free of charge, a license containing the above information to the applicant.

- 6.05 APPLICATION. An application in writing shall be filed with the city clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, right thumb print, and, unless a solicitor, be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. A fee of five dollars (\$5.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.
- 6.06 AGENT FOR SERVICE OF PROCESS. Before license is issued the applicant shall first sign an appointment naming the city clerk as agent of the licensee for service of process in the event of claim or litigation against such registrant arising out of or in connection with any peddling or solicitation.
- 6.07 BOND REQUIRED. Before a license under this chapter shall be issued, each applicant shall post a bond of five hundred (\$500.00) with the clerk. Such bond shall be conditioned to indemnify and pay the city for any penalties or costs occasioned by the enforcement of this article, and shall not be retired until after a lapse of thirty days (30) from the expiration of each license.
- 6.08 FEES. Every licensee shall pay the following fee before a license shall be issued:
1. PEDDLERS OR TRANSIENT MERCHANTS:
 - a. For one day or any part thereof \$5.00.
 - b. For one week \$25.00.
 - c. For up to six (6) months \$100.00.
 - d. For up to one (1) year \$175.00.
 2. SOLICITORS:
 - a. In addition to the investigating fee for each person actually soliciting (principal or agent), a fee for the principal solicitor of \$10.00 per year shall be charged.
- 6.09 LICENSE ISSUED. If the City Clerk finds the application is completed in conformance with section 6.05 of this Article and the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.
- 6.10 DISPLAY. Each solicitor or peddler shall at all times while doing business in this city keep in his possession the license provided for in this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all

requirements of this chapter. Each transient merchant shall display publicly his license in his place of business.

- 6.11 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.
- 6.12 TIME RESTRICTION. All peddlers, transient merchants and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight (8:00) a.m. and six (6:00) p.m.
- 6.13 REBATES. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.
- 6.14 REVOCATION. The city council, after notice and hearing, may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his business in an unlawful manner, or the licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order or morals.
- 6.15 NOTICE. The license holder, and the surety on his bond shall be served with written notice containing particulars of the complaints against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.
- 6.16 HEARING. The clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his authorized representative, fail to appear without good cause the clerk may proceed to a determination of the complaint.
- 6.17 RECORD AND DETERMINATION. The clerk shall make and record findings of fact and conclusion of law, shall revoke a license only when upon review of the entire record he finds clear and convincing evidence of substantial violation of this article or state law.
- 6.18 APPEAL. If the clerk revokes, or refuses to issue, a license he shall make a part of the record his reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk by a majority vote of the council members present and the clerk shall carry out the decision to the council.
- 6.19 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this article for a period of one year from the date of revocation.

- 6.20 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 82.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he sells a product or service and, comply with the other requirements of the law.

TITLE VI - BUILDING REGULATIONS

CHAPTER 1: BUILDING CODE

ARTICLE 1 - GENERAL PROVISIONS

- 1.01 ADOPTION OF BUILDING CODE. Reserved for future use.
- 1.02 BUILDING OFFICIAL. The Mayor will be responsible for the enforcement of this Chapter. The council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official.
- 1.03 GENERAL, DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, the city building code or any other ordinance, are, for the purpose of this ordinance, 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 sections 4, 5, 6 and 7 below.

"Unsafe building" shall mean any structure or mobile home meeting any or all the following criteria:

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
2. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 20 lb. per sq. ft.
3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
 7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 9. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.
 10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the State Fire Marshall or city fire chief to be a fire hazard.
 11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 12. 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 months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- 1.04 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 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 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.

Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if he shall be found within the city limits. If he is not found within the city limits, such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date he receives such notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least 3 days before the deadline set in the notice if less than 15 days was set, and at least 10 days if over 21 days was set.

- 1.05 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Ringsted, Iowa." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed except for the purposes of making the required repairs or of demolishing the building.
- 1.06 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.
- 1.07 COSTS. Costs incurred under Section 1.06 above 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 collected in the manner provided for taxes in Section 364.12(3)(h), Code of Iowa.

CHAPTER 2: FIRE LIMITS

ARTICLE 2 - GENERAL PROVISIONS

- 2.01 FIRE LIMITS ESTABLISHED. The fire limits are established to include the following property:

All property within the corporate boundaries of the City of Ringsted.

- 2.02 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the fire limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the building inspector or mayor etc., who if the proposal is in accordance with the provisions of the building code, shall issue a permit for the proposed work.

- 2.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the fire limits, unless constructed in strict compliance with the provisions of the city building code for Fire Zone No. 1.

- 2.04 SPECIAL PERMIT. The council may, by four-fifths vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.

- 2.05 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this chapter, from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.

- 2.06 RECONSTRUCTION PROHIBITED. Any building within the fire limits, not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value, the building shall not be repaired so as to be higher in value than it was before the damages were sustained, except upon approval by four-fifths of the members of the council, of the plans and specifications of such repairs and rebuilding.

- 2.07 REMOVAL OF BUILDINGS. Any person who erects or moves any building in the fire limits, contrary to the provisions of this chapter, shall be given ten (10) days written notice by the mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the mayor shall cause the same to be removed or taken down. The mayor shall report an itemized bill of the expense to the clerk, and the same shall be charged to the person owning such building. The clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the

clerk, to the county auditor, as a special tax against the property and collected the same as other taxes.

- 2.08 **BOARD OF APPRAISEMENT.** In case of a question as to the amount or extent of damage by fire or otherwise to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member within ten (10) days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the clerk. No building within the fire limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the clerk.

CHAPTER 3: TREES

ARTICLE 3 - GENERAL PROVISIONS

3.01 DEFINITIONS.

1. “Property Owner” shall mean a personal and private property owner in the city as shown by the County Auditor’s plats of the city.
2. “Public Property” shall mean any and all property located within the confines of the city and owned by the city or held in the name of the city by any of the departments, commissions or agencies within city government.
3. “Street Tree” shall mean a tree in a public place, except where otherwise indicated. Trees located within the area known as the “parking” are street trees.

3.02 PURPOSE. The purpose of these regulations is to establish and maintain a healthy urban forest within the City. Rules for planting or removal, care and maintenance of trees are included to ensure proper treatment and to avoid interference with infrastructure.

3.03 TREES ON PUBLIC PROPERTY. No person, except City personnel or agents for City purposes, shall plant any tree or shrub upon any City owned property, including property dedicated or used for right-of-way purposes.

3.04 MAINTENANCE OF TREES ON PUBLIC PROPERTY.

1. Maintenance. The maintenance of all street trees or shrubs shall be the responsibility of the City Superintendent. Street trees may be trimmed and maintained to allow free passage of pedestrians and vehicular travel and so they will not obstruct or shade streetlights, traffic lights, signs or any traffic control devices or the view of any street intersection. Whenever the City Superintendent is notified or becomes aware of a dead or broke branch or limb in any street tree or a dead street tree which is in imminent danger of falling and thereby injuring any individual or causing property damage, the offending branch, limb or tree shall be considered a hazard and may be removed.
2. Removal. If in the opinion of the City Superintendent removal of a street tree becomes necessary, the adjacent property owner shall be notified. In the event the adjacent property owner requests the removal of a street tree or shrub and the City Superintendent’s does not consider the removal necessary, the property owner may appeal the City Superintendent’s decision to the City Council.
3. Protection. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters or other contrivance to any street tree; allow any gaseous, liquid, chemical or solid substance harmful to such trees to come in contact with them, or set fire or permit fire to burn when such fire or the heat will injure any portion of any tree.

4. Permit. No person except the City or person hired by the City shall spray, fertilize, preserve, prune, remove, cut above or below ground or otherwise disturb any tree on City property without first filing an application and obtaining a permit from the City Council. The person receiving the permit shall abide by the rules of this code of ordinances.
5. Insurance. The City Superintendent shall have the authority to require any permit holder to show adequate insurance coverage to cover potential damages that occur during the execution of the work. The certificates shall show the following minimum required limits of coverage of Commercial General Liability Insurance with limits of not less than \$500,000 per occurrence and Worker's Compensation insurance coverage at statutory limits on any and all employees. A license shall not be required of any City employee doing such work in the pursuit of public service endeavors.

3.05

MAINTENANCE OF TREES ON PRIVATE PROPERTY.

1. Planting. Trees shall not be planted closer than two and one half (2 ½) feet to any property line. All planting shall conform to the additional area and height regulations of the Zoning Ordinance for the City of Ringsted.
2. Maintenance. The property owner is responsible for the maintenance and care of any tree located on private property. Certain regulations apply to trees whose branches, limbs, roots or other parts extend into or over the street right-of-way. The property owner is responsible for ensuring private trees are trimmed to at least fifteen (15) feet above the surface of the street and eight (8) feet above sidewalks to allow free passage of pedestrians and vehicular travel and so they will not obstruct or shade streetlights, traffic lights, signs or any traffic control devices or the view of any street intersection. If it becomes necessary to trim trees or shrubs on private property to comply with this chapter, the City Council shall declare the tree or shrub a nuisance. Whenever the City Council is notified or becomes aware of a dead tree or broken or dead branch or limb in any private tree which is in imminent danger of falling and thereby injuring any individual or causing property damages to adjacent property, the City Council may declare the tree, branch or limb a hazard and order the property owner to remove the hazard in an expedient manner. If the property owner fails to remove the hazard, the City Superintendent may cause the hazard to be removed. For purposes of removing the hazard, City crews or City agents shall be allowed on private property. Attempts should be made to notify the property owner before entering onto private property.
3. Traffic Control. In the event the planting, maintenance or removal of any private tree requires equipment or material to be located on or fall onto the street right-of-way, the homeowner or the homeowner's agent shall provide for traffic control. In all cases the disruption of smooth traffic flow shall be kept to a minimum. Additional warning devices or precautionary measures may be necessary to control pedestrian traffic.

2.06

ENFORCEMENT.

1. Appeals. Any person who receives an order from the City Superintendent and objects to all or part of the order may, within ten (10) days of the receipt of the order, notify the City Superintendent and City Council in writing of the nature of the objection and request a hearing on the order thereon. The hearing shall be held within thirty (30) days of notice to the appellant. Within ten (10) days the City Clerk shall notify the appellant of the final decision.
2. Interference. No person shall hinder, prevent, delay or otherwise interfere with the City Superintendent or any assistants in the execution or enforcement of this chapter.
3. Violation. If, as a result of a violation of any provision of this chapter, the injury, mutilation or death of a tree, shrub or other plant located on City-owned property is caused, the cost of repair or replacement of the tree, shrub or other plant shall be borne by the party in violation. The value of shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published the International Society of Arboriculture.

(Editor's Note: Chapter 3 Trees, Article 3 General Provisions was approved by Council on May 11, 2009)

CHAPTER 3: TREES

ARTICLE 4 – DISEASE & DEAD TREE CONTROL

- 4.01 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The city shall notify the owner of any tree, shrub, bush or other woody vegetation located on private property to remove the tree, bush, shrub or other woody vegetation when such plant constitutes a public nuisance or is a hazard to person or property, or harbors insects, other pests, or disease. The city shall notify in writing the property owner of the property on which such tree, shrub, bush or other woody vegetation is located of the necessity to remove same. Upon such notice, the owner shall remove the planting at the owner's expense within thirty (30) days. Notice shall either be given by personal service or by certified mail with return receipt bearing the signature of the property owner. In the event the property owner fails to comply with the notice, the city may force compliance by legal process and if granted authority to perform the required action, may there after assess the costs against the property for collection in the same manner as a property tax. Code of Iowa, Chapter 364.12(3)(h) allows the City in an emergency to perform any action which may be required to abate the emergency without prior notice, and assess the costs as provided in Chapter 364.12, after notice to the property owner and hearing.
- 4.02 DUTY TO REMOVE. No person, firm or corporation shall permit any diseased tree, dead wood to remain on the premises owned, controlled or occupied by the person within the City.
(Code of Iowa, Sec, 364.12(3b))
- 4.03 INSPECTION. The City shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Article 4.01 of this Article exists thereon, and shall also inspect or cause to be inspected any trees reported or suspected to constitute a public nuisance, a hazard to person or property, or harbors insects, other pests, or disease.
- 4.04 REMOVAL FROM CITY PROPERTY. If the City, upon inspection or examination, in person or by some qualified person acting for the City, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property within the City, and that the danger of other trees, shrubs, bushes, or woody vegetation within the City is imminent, the City shall immediately cause the tree, shrub, bush or woody vegetation to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of disease, or insect pests, or vectors known to carry such disease, insects, and/or fungus.

- 4.05 REMOVAL FROM PRIVATE PROPERTY. If the City upon inspection or examination, in person or by some qualified person acting for the City, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises, and that he danger to other trees within the City is imminent, he/she shall immediately notify by certified mail or personal delivery to the occupant or person in charge of such property, to correct such condition within thirty (30) days of said notification. If such owner, occupant or person in charge of said property fails to comply within thirty (30) days of receipt thereof, the Council may cause the nuisance to be removed and the cost assessed against the property for collection in the same manner as a property tax.

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

- 4.06 REASONABLE CERTAINTY. If the City is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected, diseased, or harboring insects or pests, a City representative is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 5 - ABANDONED VEHICLES

5.01 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle" shall mean any of the following:
(Code of Iowa, Sec. 321.89(1b))
 - a. A vehicle that has been left unattended on public property for more than 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 motor 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 thirty (30) days. However, a police authority may declare the vehicle abandoned within the ten-day period 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(4)(B) 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.
(Code of Iowa, Sec. 321.89(1.b))
3. "Police authority" means the Iowa highway safety patrol or any law enforcement agency of a county or city.
(Code of Iowa, Sec. 321.89(1c))

- 5.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property with the consent of the property owner. 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))

- 5.03 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 it 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 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 the 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 personal 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 reclaim 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))

- 5.04 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 5.03. 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 mail notice in section 5.03.
(Code of Iowa, Sec. 321.89(3b))
- 5.05 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, obtaining an additional five (5) days within which the motor vehicle or personal property may be reclaimed
(Code of Iowa, Sec. 321.89(3c))
- 5.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay five dollars (\$5.00) per day if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. At least once a year the Council may take bids from privately owned garages for schedule of fees for towing and storing impounded vehicles or vehicles taken up because of being illegally parked. Thereupon the Council shall designate such of the bidders as are geographically located to tow and store such vehicles at a minimum cost in the event City facilities are not available for towing or storing vehicles to be impounded. The mayor is hereby authorized to direct the same until disposed of as provided in this section. Such garage is hereby authorized to retain such vehicles until fees for towing and storage, on the basis of the bid, are paid.
- 5.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The city or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner or a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders a 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 of authority in lieu of the certificate of title.
(Code of Iowa, Sec. 321.90(2e))
- 5.08 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])

- 5.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of the auction, cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety (90) days, and then shall be deposited in the 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 the Department of Transportation.

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

- 5.10 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 a motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90(3a))

CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 6 - JUNKED VEHICLES AND MACHINERY

6.01 DEFINITIONS.

1. "Enclosed Structure". Means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
2. "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, iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware; storing or permitting the open storage of used or unused or discarded building materials such as windows, doors, siding, shingles or other building materials for a period of thirty (30) or more days; noncurrent registered boat, pontoon, canoe, jet ski, or similar watercraft or with no current registration stickers attached to the same. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.
3. For use in this article, the term "Junk Motor Vehicle" or "Junk Machinery" shall mean any motor vehicle or piece of machinery stored within the corporate limits of the city, not licensed for the current year as required by any law, or which because of any one of the following characteristics, constitutes a threat to the public health and safety:
 - A. UNLICENSED. Any vehicle not licensed for the current year as required by any law.
 - B. Is rendered inoperable (not road-ready or in a safe condition for use on any roadways) for a period of thirty (30) days or more because of a missing or broken or cracked windshield or window glass or turn signal or mirror, exhaust system, or because of a missing or broken fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, one or more wheels, one of more flat tires, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part, which render the vehicle incapable of both forward and reverse movement in the manner in which it was designed;
 - C. UNINSURED. Any vehicle not insured and not having proof of financial liability coverage card as required under Section 321.20(B) (or any subsequently adopted replacement provision) of the Code of Iowa.

- D. **BROKEN GLASS.** Any vehicle with a broken or cracked windshield, window, headlight or taillight, or any other cracked or broken glass.
 - E. **BROKEN OR LOOSE PART.** Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
 - F. **HABITAT FOR NUISANCE ANIMALS OR INSECTS.** Any vehicle or piece of machinery which has become the habitat for rats, mice, or any other vermin or insects.
 - G. **FLAMMABLE FUEL.** Any vehicle or machinery which contains gasoline or any other flammable fuel.
 - H. **DEFECTIVE OR OBSOLETE CONDITION.** Any other vehicle or piece of machinery which, because of its defective or obsolete condition in any other way, constitutes a threat to the public health and safety.
 - I. **TIRES.** Not equipped with four (4) inflated tires.
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- 4. "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, boat trailer, camping trailer, utility trailer, semi-trailer, motorhome (RV), or any combination thereof
 - 5. "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
 - 6. "Store" means an inoperable vehicle, trailer, semitrailer, or junk left upon private property for thirty (30) days or more.
 - 7. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
 - 8. "Unlicensed vehicle" means any vehicle which is required to be licensed if it is operated on a public street or highway, but which is not displaying a valid and current license plates and registration sticker to the rear plate on the vehicle as required by law for use on public roads.

Mere licensing or placing vehicle in storage with the County Treasurer of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

6.02 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.

6.03 JUNK AND JUNKED VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle or junk machinery located upon private property, unless excepted by section 6.04 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 a 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))

6.04 EXCEPTIONS. The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

1. In a garage or other similar enclosed structure where junk or junk vehicles are not visible to the public or from adjacent properties; or
2. Held for storage or sale upon property, not in a restricted residence district, owned or controlled by a licensed motor vehicle dealer, body shop, repair shop, or vehicle towing company regularly engaged in commercial sales, repair, transportation or storage of vehicles. Grass, weeds, vegetation shall not be allowed to partially cover a vehicle. Junk or junk vehicles are stored and maintained in an orderly manner so as to not cause a nuisance; or
3. In an appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

6.05 NOTICE TO ABATE. Upon discovery of any junk, junk motor vehicle or junk machinery located upon private property in violation of Article 6.03, the City shall within five (5) days initiate abatement procedures as outlined in Title III, Chapter 2, Article 9 of this Code of Ordinances.

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

CHAPTER 5: CONTROL OF DRAINAGE OF SURFACE WATER

ARTICLE 7 – GENERAL PROVISIONS

- 7.01 PERMIT. Before any person shall provide for the removal of ground or storm water on a building site or agricultural land, a written permit must be obtained from the city superintendent.
- 7.02 APPLICATION REQUIREMENTS: The application shall be in writing and be accompanied by a plan to scale that shows how the roof, storm, and ground water drainage will be provided including, where applicable, information as to the method of connection to a public drainage system involving the interior plumbing or the building sewer. The plan may be in pencil or ink and shall show the following elevations, related to the centerline of the street:
- A. Elevations at curbline or edge of travelled way.
 - B. Ditch or waterway bottom and top elevations where involved.
 - C. Sidewalk elevation, or elevation at street property line if no sidewalk exists.
 - D. Elevation, or elevations at ground line at edge of the building's foundation.
 - E. The first-floor elevation.
- 7.03 FEE FOR PERMIT. The person who make the application shall pay twenty-five dollars (\$25.00) to the Clerk to cover cost of issuing the permit and supervising, regulating, inspecting the work. The Council may provide by motion such further costs as necessary to cover expenses incurred by the City.
- 7.04 CONNECTION DEADLINE. All approved permits shall require the owner to complete construction of drainage or conduction into ditches, storm drains, or gutters, or into public streams within thirty (30) days from the approval of the permit.
- 7.05 EXTENSION OF DEADLINE. When, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond his control or peculiar hardship, the period of time set forth for the completion of connection shall be inequitable or unfair to him, an extension of time within which to comply with the provisions herewith may be granted.
- (Editor's Note: Sections 7.01, 7.03, 7.04 & 7.05 were amended by Ordinance 623 on August 12, 2002)
- 7.06 FLOOR ELEVATIONS: The floor elevation of all dwellings shall be at least one foot above the elevation of the centerline of the street which shall be taken as that elevation of the existing street surface taken opposite the main doorway, or the official grade at that point, but if an official grade is not set and a different elevation is contemplated, at the approximate grade agreed to by council after recommendation of the City Engineer or other competent official. In no event shall floor elevation be less than one resulting from

calculating a gradient starting at curb or the edge of travelled way and using 1/8 inch per foot to the front edge of foundation above the centerline elevation.

- A. Exceptions for dwellings: The floor of a dwelling on a site having a downward slope away from the street to a suitable drain or waterway which will receive storm and ground water drainage without dumping on private property (unless there is a permanent drainage easement granted to the applicant's property) may be set at a different grade elevation with the approval of council.
- B. Exceptions for commercial buildings: The floor of stores and similar structures whose fronts immediately abutt the sidewalks in the central business district or other permitted location shall be one inch above the established sidewalk grade at the edge of the sidewalk nearest the property line and in no event less than the elevation calculated at 1/4 inch per foot rise from said edge to the face of the doorway into the interior of the building. Site grading shall be sloped away from the building at least 1 per cent toward the lower points of the grading.

7.07 CONNECTING STORM DRAINAGE TO SANITARY SEWERS: No roof, footing drain or storm water drain, or drainage tile or downspout or sump pump or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer shall be connected with the sanitary sewer system. Storm water conducted from roofs or other impervious areas shall be dispersed entirely upon the grounds of the owner of the contributing property, or it shall be drained or conducted into ditches, storm drains, public drainage tile, or gutters where available on public property or easements legally useable for that purpose, or into public streams.

No building sewer or roof or footing drain outlets shall be covered or backfilled until the City's inspector has viewed the completed work. Where outletting of footing drains is not physically possible (as required above) the applicant may apply for a variation permitting such connection provided that footing drains shall outlet inside the wall of the building into a suitable sump. The sump pump outlet shall not connect directly to the sanitary sewer but have an adequate air gap and discharge into a trapped inlet to the building sewer. Such variation shall be granted only by council resolution.

All approved permits shall require the owner to complete conduction into ditches, storm drains, public drainage tile, or gutters, or into public streams within thirty (30) days from approval of the permit.

(Editor's Note: Section 7.07, second paragraph was added by Ordinance 623, approved on August 12, 2003)

7.08 ROOF DRAINS: It shall be unlawful to discharge a roof drain, downspout, or leader into any sanitary sewer within the city. The owner of the building so connected as to permit such discharge upon order of the authorized city officer. No person shall connect a roof drain to a sanitary sewer.

- 7.09 ROOF DRAINS PREVIOUSLY DISCHARGING IN INTO SEWER: Any roof drain or other storm water of footing drain discharging into a sanitary sewer prior to the adoption of this chapter or illegally discharging into sanitary sewer subsequent to said passage, is hereby declared to be a nuisance and may be abated in the same manner as any other nuisance.
- 7.10 PROHIBITED DISCHARGE AND OBSTRUCTION SPECIFIED: Except as hereinafter provided no person shall discharge or cause to be discharged and no person shall obstruct or cause to be obstructed any of the following described waters or waste or substance to a public storm drain or public drainage tile.
- A. Discharges: Any sewer which carries sewage and to which storm surface and ground water are not admitted.
 - B. Obstruction: No person shall obstruct, impede or fill up without legal authority any gutter, drain or watercourse in the storm system. It shall be unlawful for any person to throw, push or place or cause to be thrown, pushed or placed, any substance likely to obstruct any gutter, drain or watercourse. Council shall cause to be removed by person obstructing the gutter, drain or watercourse any obstruction which interfere with the flow of the water, including ice, snow, leaves, grass, tree limbs, trash, garbage, or any other substance likely to obstruct the watercourse.

(Editor's Note: Section 7.10, second paragraph was added by Ordinance 623, approved on August 12, 2003)

- 7.11 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 this chapter. The superintendent or his 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.
- 7.12 OWNERS LIABILITY LIMITED. While performing the necessary work on private property, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.
- 7.13 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.

7.14 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person found to be violating any provision of this chapter except, 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 guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding five hundred (\$500.00) dollars for each violation. 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 this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

(Editor's Note: Sections 7.11, 7.12, 7.13 & 7.14, were added to this Article by Ordinance 602, approved on June 14, 1993.)

7.15 RULES: The Council may provide by resolution such further rules as necessary to clarify and implement the requirements of this chapter.

CHAPTER 6: INSTALLATION AND PLACEMENT OF SATELLITE TELEVISION
ANTENNAS

ARTICLE 8 – GENERAL PROVISIONS

8.01 **PURPOSE.** The purpose of this ordinance is to establish provisions for the installation and placement of Satellite Television Antennas, Satellite Television Antennas are dish type antennas greater than one meter (39.37 inches) in diameter used in the reception of television communication signals from orbiting satellites. These antennas shall be allowed to be placed in a position to receive "Usable Satellite Signal" in accordance with the provisions of this chapter. Usable satellite signal shall constitute signal strength capable of providing television receiver picture quality equivalent with reception from local commercial stations or cable television.

If a "usable satellite signal" is not obtainable under the provisions of this ordinance, the applicant may request a variance, upon demonstration of such inability to receive a "usable satellite signal".

Installation and Local Requirements for Satellite Dish Antennas:

1. Satellite television antennas shall be placed in rear or side yards only all zoning districts except side-yard adjacent to streets. All satellite television antennas shall have setbacks of eight (8) feet from adjacent property lines so that antenna placement and usage will not infringe on neighboring property. .
2. Satellite television antennas may be placed on the roof of a building in accordance with Uniform Building Code requirements and accepted engineering standards.
3. The distance of guy wires or any supportive device for satellite television antennas shall be at least two (2) feet from the property line.
4. All satellite television antennas shall be properly grounded, and have their electrical wiring securely supported or buried underground in accordance with the National Electrical Code.
5. Satellite television antennas placed in required yards shall not exceed a height of twenty (20) feet.
6. Not more than one satellite television antenna shall be allowed in any single-family residential zone on any lot less than one half (1/2) acre in size. More than one dish may be allowed if the property owner holds a valid amateur radio license and is using the additional dishes for experimentation or non-commercial microwave reception. Any non-commercial satellite television antenna may not exceed twelve (12) feet in diameter.

7. In all residential districts, Satellite Television Antennas shall be located and designed to reduce visual impact from surrounding properties and public streets.
8. Satellite Television Antennas used for demonstration or display purposes by commercial entities be exempt from provisions of this ordinance for a period of up to thirty (30) days.
9. All satellite television antennas must be placed in a permanent foundation within thirty (30) days of operation unless inclement weather make such placement unobtainable.
10. Existing non-conforming satellite, television antennas shall have one (1) years' time from the effective date of enactment of this ordinance to comply with the provisions.

CHAPTER 7: PUBLIC WATER SUPPLY WELLHEAD PROTECTION REGULATIONS

ARTICLE 9 – GENERAL PROVISIONS

9.01 DEFINITIONS:

- (a) "Aquifer" - A rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.
- (b) "Alluvium" - Sand, clay, etc., gradually deposited by moving water.
- (c) "Contamination" - Subsurface water in the saturated zone from which wells, springs, and groundwater runoff are supplied.
- (d) "Groundwater" - Subsurface water in the saturated zone from which wells, springs, and groundwater runoff are supplied.
- (e) "Hazardous Substances" - Those materials specified in Section 128.03 of this ordinance
- (f) "Flow System Boundaries" - A delineation criterion that uses groundwater divides, surface bodies, or other hydrologic/physical features to delineate a Wellhead Protection Area.
- (g) "Labeled Quantities" - The maximum quantity of chemical as recommended on the label, for specific applications.
- (h) "Person" - Any natural person, individual, public or private corporation, firm association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such jointly or severally.
- (i) "Petroleum Product" - Fuels, (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic oils, solvents, and other similar products.
- (j) "Pollution" - The presence of any substance (organic, inorganic, radiological, or biological) or condition (temperature, pH, turbidity) in water that tends to degrade usefulness of the water.
- (k) "Potable Water" - Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.
- (l) "Primary Containment" - The first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.
- (m) "Public Utility" - Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.
- (n) "Secondary Containment" - The level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leak proof trays under containers, floor curing or other containment systems and shall be of adequate size and design to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

- (o) "Shallow Well" - A well located and constructed in such a manner that there is not a continuous five-foot layer of low-permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.
- (P) "Time-Related Capture Zone" - The surface or subsurface area surrounding a pumping well(s) that will supply groundwater recharge to the well(s) within some specified period of time.
- (q) "Toxic Substance" - Any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation, or absorption into the body.
- (r) "Transit" - The act or process of passing through the wellhead protection zones, where the vehicle in transit may be parked (within the wellhead protection area) for a period not to exceed two (2) hours.
- (s) "Water Pollution" - The introduction in any surface or underground water, or any organic or inorganic deleterious substance in such quantities, proportions, and accumulations that are injurious to human, plant, animal, fish, and other aquatic life or property or that unreasonably interferes with the comfortable enjoyment of life or property or the conduct of business.
- (t) "Well" - A pit or hole sunk into the earth to reach a resource supply such as water.
- (u) "Well Field" - A tract of land that contains a number of wells for supplying water.
- (v) "Wellhead Protection Zones" - Zones delineated by time-of-travel or fixed radii criterion around wellheads, within which toxic substances will be regulated to protect the quality of the underground resource.
- (w) "Zone of Contribution" - The area surrounding a pumping well that encompasses all areas or features that supply groundwater recharge to the well.

9.02 SUBSTANCES REGULATED.

The materials regulated by this ordinance shall consist of the following:

- A. Substances listed in 40 CFR Section 302.4, List of Hazardous Substance and Reportable Quantities.
- B. Substances listed by the Iowa Labor Commissioner pursuant to Section 898.12 of the Iowa Code (Hazardous Chemicals Risks-Right to Know).
- C. Substances listed in 40 CFR Section 261, subparts A, B, C, and D, Federal Hazardous Waste list.

9.03 MAPS OF ZONES OF INFLUENCE

- A. Maps- Zone of Protection maps and any amendments thereto are incorporated by reference and made a part of this ordinance. These maps shall be on file at City Hall. At the time of adoption of this ordinance the location of all wells in Ringsted supplying potable water to the City Water System shall be located on the official Wellhead Protection Map with Primary Zone and Secondary Zone(s).
- B. Map Maintenance- The Zone of Protection Maps may be updated on an annual basis. The basis for such an update may include, but is not limited to, the following:

1. Changes in the technical knowledge concerning the aquifer.
2. Changes in permitted pumping capacity of City wells.
3. Addition of wells or elimination of existing wells.
4. Designation of new well fields.

C. Wellhead Protection Zones- The zones of protection indicated on the zone of protection maps are as follows:

1. PRIMARY PROTECTION ZONE - The area within the two (2) year time-related capture zone of any well supplying potable water to the Ringsted water system.
2. SECONDARY PROTECTION ZONE (S) - The area within the (5) year and/or ten (10) time-related capture zone, excluding the Primary Protection Zone, of any well supplying potable water to the Ringsted water system.

9.04 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

A. Permitted Uses:

The following uses are permitted uses within the Primary Protection Zone:

1. Playgrounds Parks
2. Wildlife Areas, open spaces
3. Lawns and Gardens
4. Non-motorized trails, such as biking, skiing, nature and fitness trails.

B. Additional restrictions are as follows:

1. No person shall discharge or cause or permit the discharge of a hazardous substance to soils, groundwater, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
2. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject to fines as specified in this ordinance.
3. No person shall discharge or cause or permit the discharge of fertilizers or pesticides in excess of labeled quantities to the soils, ground water, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.

9.05 RESTRICTION WITHIN THE SECONDARY PROTECTION ZONE(S).

- A. Permitted Uses - The following uses are permitted in the Secondary Protection Zone(s). Uses not listed are to be considered prohibited.
1. All uses listed as permitted in the Primary Protection Zone.
 2. Sewer - residential and commercial.
 3. Above ground storage tanks when in compliance with State Fire Marshall's regulations.
 4. Basement storage tanks.
 5. Livestock grazing and field cropping activities.
 6. All uses, handling and storage, when in compliance with, and allowed by, federal, state, and local laws and regulations.
- B. Additional restrictions are as follows:
1. No person shall discharge or cause or permit the discharge of a hazardous substance to the soils, groundwater, or surface water within the Secondary Protection Zone(s). Any person knowing or having evidence of a discharge shall report such information to Wellhead Protection Officer.
 2. Any person(s) responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject to fines as specified in this ordinance.
 3. Any person(s) who stores, handles, produces, or uses chemicals within the Secondary Protection Zone (s) shall make available the relevant MSDS sheets to the Wellhead Protection Officer regardless of their status under Section 128.07.D.

9.06 EXCEPTIONS

- A. The following activities or uses are exempt from the provisions of this ordinance:
1. The transportation of any hazardous substance through the well field protection zones, provided the transporting vehicle is in transit.
 2. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.
 3. Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facility.
 4. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers only in the Secondary Protection Zone and the Zone of Sensitivity.
 5. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

6. Consumer products located in the home which are used for personal, family, or household purposes.
 7. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.
 8. The use of water treatment chemicals connected with the operation of the well, or plant.
- B. The use of structures or facilities existing at the time of the adoption of the ordinance codified by this chapter may be continued even though such use may not conform with the regulations of the chapter. However, the storage and use of hazardous substances within the primary protection zone, must provide an enclosed secondary containment system. Such structure or facility may not be enlarged, extended, reconstructed, or substituted subsequent to adoption of said ordinance exemption is granted by the City Council.
- C. Any person who engages in nonresidential activities relating to the storage, handling, use and/or production of any toxic or hazardous substances who is exempt from this ordinance by law shall not be subject to the restrictions contained herein.
- D. All requests for permits or special exceptions in the Ringsted Wellhead Protection Zones must be made in writing to the City Council. All requests must include a list of all hazardous chemicals (MSDS sheets will be made available upon request) to be stored, handled, used, or produced under the permit or special exception. All requests may be required to include an environmental assessment report at the discretion of the City Council. Any exemption or permits granted will be made conditional and may include environmental monitoring and cleanup costs. The exemption or permit will be made void if environmental and/or safety monitoring indicate that the facility or activity is emitting any releases of harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs.

9.07 DETERMINATION OF LOCATIONS WITHIN ZONES.

- A. In determining the location of properties within the zones depicted on the Zone of Protection Maps, the following rules shall apply:
1. Properties located wholly within one (1) zone reflected on the applicable Zone of Protection Map shall be governed by the restrictions applicable to that zone.
 2. For properties having parts lying within more than one (1) zone as reflected on the applicable Zone of Protection Map, each part shall be governed by the restrictions applicable to the zone in which it is located.

9.08 ENFORCEMENT AND PENALTIES

- A. The Water Superintendent is designated as the Wellhead Protection Officer unless another person is specifically designated by the City Council to supervise the implementation and enforcement of this ordinance.
- B. The Wellhead Protection Inspector(s) shall be the Water Superintendent.
- C. No building permit shall be issued which is a violation of the Iowa DNR "SEPARATION DISTANCE FROM WELLS," a violation of this ordinance or a source of contamination for a city well.
- D. No new underground tank(s) will be allowed for auxiliary fuel storage in the Primary or Secondary zones.
- E. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall be subject to the provisions and penalties provided therein.

9.09 INSPECTIONS:

- A. The Wellhead Protection Inspector(s) shall have the power and authority to enter and inspect all buildings, structures, and land within all wellhead protection zones for the purpose of making an inspection. Failure of a person having authority over a property to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue a search warrant to the Protection Officer or Inspector to inspect such premises.
- B. In the event a building or structure appears to be vacant or abandoned, and the owner cannot be readily contacted in order to obtain consent for an inspection, the officer or inspector may enter into or upon any open unsecured portion of the premises in order to conduct an inspection thereof.
- C. The Wellhead Protection Officer or Inspector shall inspect each city well annually and shall , maintain an inventory, if applicable, of all hazardous substances which exist within the Primary and Secondary Protection Zones. One format that may be used is Iowa DNR Form, OMB No. 2050-0072. MSDS sheets on these chemicals will be made available to the Inspector as under 128.06.B.2.

9.10 NOTICE OF VIOLATION AND HEARING

- A. Whenever an officer or an inspector determines that there is a violation of this ordinance, he shall give notice thereof in the manner hereinafter provided.
 - 1. A notice of violation shall:
 - (a) Be in writing:

- (b) Be dated and signed by the officer or inspector: (c) Specify the violation or violations; and
- (d) State that said violation(s) shall be corrected with ten(10) days of the date on which the inspector issued the notice of violation.

2. Failure of the responsible person(s) to correct the violation within ten (10) days of the date of issue of the notice of violation shall result in the following fines:

- (a) First notice of violation: \$ 1,000.00
- (b) Second notice of violation \$ 5,000.00
- (c) Third notice of violation: \$ 10,000.00

9.10 INJUNCTIVE RELIEF

- A. If any person who engages in nonresidential activities stores, handles, uses, and/or produces toxic substances within the wellhead protection zones, as indicated on the Zone of Protection Maps, continues to operate in violation of the provisions of this ordinance, then, the City may file an action for injunctive relief in the court of jurisdiction.

TITLE VII - COMMUNITY DEVELOPMENT

CHAPTER 1: URBAN RENEWAL

Ordinance 644, approved by the City on September 14, 2015, repealed and terminated all Urban Renewal Ordinances that had been established.

APPENDIX A - FRANCHISES

CHAPTER 1: FRANCHISES

ARTICLE 1 – ELECTRIC FRANCHISE

ORDINANCE 647

AN ORDINANCE REPEALING ORDINANCE NO. 550, AND GRANTING TO INTERSTATE POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE TWENTY-FIVE YEAR FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE AN ELECTRIC SYSTEM IN THE CITY OF RINGSTED, IOWA AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AN REQUIRING SAID COMPANY TO PAY A FRANCHISE FEE TO THE CITY.

Passed and adopted by Ringsted City Council on the 8th day of May 2017.

A copy of entire Ordinance 647 is on file in the Ringsted City Clerk's Office.

CHAPTER 1: FRANCHISES

ARTICLE 2 – GAS FRANCHISE

ORDINANCE NO. 645

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF RINGSTED, IOWA, A NATURAL **GAS SYSTEM** AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Ringsted, Iowa:

PASSED AND APPROVED this 12th Day of April 2016.

A copy of entire Ordinance 645 is on file in the Ringsted City Clerk's Office.

CHAPTER 1: FRANCHISES

ARTICLE 3 – VIDEO FRANCHISE

ORDINANCE NO. 635

VIDEO FRANCHISE ORDINANCE

ORDINANCE NO. 635

THIS ORDINANCE grants RINGSTED TELEPHONE COMPANY, its successors and assigns (the "**Company**"), the right, license and authority for a period of twenty-five (25) years, to locate and operate a video system within the public rights of way and compatible easements of the City of Ringsted, Iowa (the "**City**").

PASSED and APPROVED on September 10, 2007.

A copy of entire Ordinance 635 is on file in the Ringsted City Clerk's Office.

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