

CITY OF AGENCY, IOWA

2021

Municipal Codebook of Ordinances

Prepared by:
Area 15 Regional Planning Commission
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Adopted, December 9th, 2021

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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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1-1-1 DEFINITIONS

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

1. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of *Agency*, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. "Clerk" means Clerk-Treasurer.
4. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. "County" means the County of *Wapello*, Iowa;
7. "Fiscal Year" means July 1 to June 30.
8. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
9. "May" confers a power;

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

25. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
26. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;
27. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
28. "Year" means a calendar year;
29. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;
30. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION

The following grammatical rules shall apply in the Ordinances of the City;

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

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING

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

1-1-4 CONSTRUCTION

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

1-1-5 AMENDMENT

All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the *Agency* Municipal Code of 2019 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY

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

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right Of Entry

1-2-1 RIGHT OF ENTRY

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

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1 General Penalty

1-3-3 Scheduled Fines

1-3-2 Civil Penalty - Municipal
Infraction

1-3-1 GENERAL PENALTY

The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a).

(Code of Iowa, Sec. 903.1(1)(a))

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION

(Code of Iowa, Sec. 364.22)

1. Definitions.

- a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of *Agency*, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of *Agency*, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.
- b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of *Agency*.
- c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.

2. Violations, Penalties, and Alternative Relief.

- a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense--Not more than one hundred dollars (\$100.00).

Second Offense--Not more than two hundred dollars (\$200.00).

All other repeat offenses--Not more than two hundred dollars (\$200.00).

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations.

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
- c. The original of the citation shall be sent to the Clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the county treasurer. {(364.22(4A(b)) (SF 434)}
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1) The name and address of the defendant.
 - (2) The name or description of the infraction attested to by the officer issuing the citation.
 - (3) The location and time of the infraction.
 - (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5) The manner, location, and time in which the penalty may be paid.
 - (6) The time and place of court appearance.
 - (7) The penalty for failure to appear in court.
 - (8) The legal description of the affected property, if applicable.

4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.
5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of \$100.00 or by imprisonment in the county jail for a term not to exceed 30 days.

1-3-3 SCHEDULED FINES

The scheduled fine for a violation of any provision of the City Code shall be in accordance with State Code Chapter 805 unless another scheduled amount is provided in the City Code or Iowa Code.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

<p>1-4-1 Purpose and Intent</p> <p>1-4-2 General</p> <p>1-4-3 Form of Notice of Hearing</p>	<p>1-4-4 Subpoenas</p> <p>1-4-5 Conduct of Hearing</p> <p>1-4-6 Method and Form of Decision</p>
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1-4-1 PURPOSE AND INTENT

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

1-4-2 GENERAL

1. **Record.** A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.
2. **Reporting.** The proceedings at the hearing may also be reported by a court reporter at the expense of any party.
3. **Continuances.** The City Council may grant continuances for good cause shown.
4. **Oaths, certification.** The City Council or any member thereof has the power to administer oaths and affirmations.
5. **Reasonable dispatch.** The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

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

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

1-4-4 SUBPOENAS

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

1-4-5 CONDUCT OF HEARING

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

- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;
- e. To rebut the evidence against the party; and
- f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

- a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.
- b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
- c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

8. Inspection of the premises. The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

- a. Notice of such inspection shall be given to the parties before the inspection is made;
- b. The parties are given an opportunity to be present during the inspection; and
- c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION

1. **Hearings before the city council.** Where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.
2. **Form of decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.
3. **Effective date of decision.** The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

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

2-1-1 CHARTER

This Chapter may be cited as the Charter of the City of Agency, Iowa.

2-1-2 FORM OF GOVERNMENT

The form of government of the City of Agency, Iowa, is the Mayor-Council form of government.
(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES

The City Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by state law and by the Ordinances, resolutions, rules and regulations of the City of Agency, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL

The City Council consists of five City Council members elected at large, elected for staggered terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR

The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE

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

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-5	Bonds Required
2-2-2	Appointments of Officers	2-2-6	Surety
2-2-3	Terms of Appointive Officers	2-2-7	Blanket Position Bond
2-2-4	Vacancies in Offices	2-2-8	Bonds Filed
		2-2-9	Boards and Commissions

2-2-1 CREATION OF APPOINTIVE OFFICERS

There are hereby created the following appointive officers: City Clerk, Deputy City Clerk, Maintenance, Attorney, and Fire Chief.

2-2-2 APPOINTMENT OF OFFICERS

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

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

2-2-3 TERMS OF APPOINTIVE OFFICERS

The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-2-4 VACANCIES IN OFFICES

Vacancies in appointive office shall be filled in accordance with State law.

2-2-5 BONDS REQUIRED

Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

Each of the following appointive officers must give bond in favor of the City in the following amounts for the following positions:

- a. Mayor, one thousand dollars;
- b. Clerk/Treasurer, fifteen thousand dollars

2-2-6 SURETY

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

2-2-7 DESIGNATED BONDS

Each of the following appointive officers must give bond in favor of the City in the following amounts for the following positions:

- A. Mayor, one thousand dollars
- B. Clerk, fifteen thousand dollars

2-2-8 BONDS FILED

All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS

1. Membership and Selections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.
2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.
3. Removal of Members of Boards and Commission: The City Council may remove any member of any board or commission, which it has established.
4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A (Iowa Code).

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

<p>2-3-1 General Duties</p> <p>2-3-2 Books and Records</p> <p>2-3-3 Deposits of Municipal Funds</p> <p>2-3-4 Transfer of Records and Property To Successor</p> <p>2-3-5 Powers and Duties of the Mayor</p>	<p>2-3-6 Powers and Duties of the Clerk</p> <p>2-3-7 Powers and Duties of the City Attorney</p> <p>2-3-8 Powers and Duties of City Maintenance</p>
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2-3-1 GENERAL DUTIES

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

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

2-3-2 BOOKS AND RECORDS

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

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS

Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR

Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-5 POWERS AND DUTIES OF THE MAYOR

The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

(Code of Iowa, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.
(Code of Iowa, Sec. 372.14(1) and (3))

3. The Mayor may veto an ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the Ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

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

(Code of Iowa, Sec. 380.6)

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.
5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the

Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.
10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.
11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.
12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Sheriff.

2-3-6 POWERS AND DUTIES OF THE CLERK

The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.
(Code of Iowa, Sec. 372.13(4) and (6))
2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.
(Code of Iowa, Sec. 380.7(1))
3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and

understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

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

(Code of Iowa, Sec. 380.7(1) and (2))

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

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

5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

7. The Clerk shall be the chief accounting officer of the City.

8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.

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

10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

11. The Clerk shall balance all funds with the bank statement at the end of each month.

12. The Clerk shall prepare the annual public report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, Sec. 384.22)

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

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

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

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

15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall 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 the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

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

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.
(Code of Iowa, Sec. 372.13(4))
19. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.
(Code of Iowa, Sec. 372.13(4))
20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.
(Code of Iowa, Sec. 372.13(4))
21. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.
(Code of Iowa, Sec. 376.4)
22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.
(Code of Iowa, Sec. 372.13(4))
23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.
(Code of Iowa, Sec. 372.13(4))
24. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.
(Code of Iowa, Sec. 372.13(4))
25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.
(Code of Iowa, Sec. 372.13(4))
26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.
(Code of Iowa, Sec. 384.16)

27. The Clerk shall keep the record of each fund separate.
(Code of Iowa, Sec. 372.13(4) and 384.85)
28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.
(Code of Iowa, Sec. 372.13(4))
29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.
(Code of Iowa, Sec. 372.13(4))
30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.
(Code of Iowa, Sec. 372.13(4))
31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.
(Code of Iowa, Sec. 372.13(4))

2-3-7 POWERS AND DUTIES OF THE CITY ATTORNEY

The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.
6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.
7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.
8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.
9. When directed or requested, the City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.
10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-3-8 POWERS AND DUTIES OF THE CITY MAINTENANCE

The duties of the City Maintenance shall be as follows:

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

1. The City Maintenance shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.
2. The City Maintenance shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property, and is charged with the duty of correcting unsafe defects.

3. The City Maintenance shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.
4. The City Maintenance shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities completed by the street department.
5. The City Maintenance shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member

2-4-3 Mayor Pro Tem

2-4-2 Mayor

2-4-4 Other Officers

2-4-1 COUNCIL MEMBER

The compensation of each City Council Member of the City of Agency is fixed at Fifty Dollars (\$50.00) per Regular or Special Meeting attended in the City of Agency plus Twenty-Five (\$25.00) for each meeting attended pertaining to City Business in town or out of town. This compensation will be paid quarterly effective January 1, 2020.

2-4-2 MAYOR

The compensation payable to the Mayor of the City of Agency is fixed at One Hundred Dollars (\$100.00) per Regular or Special Meeting attended in the City of Agency plus Twenty-Five (\$25.00) for each meeting attended pertaining to City Business in town or out of town. This compensation will be paid quarterly effective January 1, 2020.

2-4-3 MAYOR PRO TEM

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

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

2-4-4 OTHER OFFICERS

The compensation of all other officers and employees shall be set by resolution of City Council.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

<p>2-5-1 Budget Adoption</p> <p>2-5-2 Budget Amendment</p> <p>2-5-3 Reserved</p> <p>2-5-4 Accounts And Programs</p> <p>2-5-5 Annual Report</p> <p>2-5-6 Council Transfers</p> <p>2-5-7 Administrative Transfers</p>	<p>2-5-8 Budget Officer</p> <p>2-5-9 Expenditures</p> <p>2-5-10 Authorizations To Expend</p> <p>2-5-11 Accounting</p> <p>2-5-12 Budget Accounts</p> <p>2-5-13 Contingency Accounts</p>
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2-5-1 BUDGET ADOPTION

Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:
(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City Finance Committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:
 - a. Expenditures for each program.
 - b. Income from sources other than property taxation.
 - c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual or re-estimated expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City Finance Committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

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

3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided by Iowa law. Proof of publication shall be filed with the County Auditor.
4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.
5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-5-2 BUDGET AMENDMENT

The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in section 2-5-3 of this chapter, except that the City Finance Committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

2-5-3 RESERVED**2-5-4 ACCOUNTS AND PROGRAMS**

The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT

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

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS

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

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

2-5-7 ADMINISTRATIVE TRANSFERS

Removed

2-5-8 BUDGET OFFICER

The City Clerk shall be the City Budget Officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this ordinance.

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

2-5-9 EXPENDITURES

No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding five hundred dollars (\$500.00) (or an amount determined by City Council) may be made by the Mayor authorized by the City Council but only on issuance of a spot purchase order in writing signed by the authorized officer. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

2-5-10 AUTHORIZATIONS TO EXPEND

All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-11 ACCOUNTING

The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be pre-numbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk and Mayor or Mayor Pro-Tem.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS

The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-13 CONTINGENCY ACCOUNTS

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

All administrative transfers shall be reported in writing at the next regular meeting of the City Council after being made and the facts set out in the minutes for the information of the Mayor and City Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 CITY ELECTIONS

2-6-1 Purpose 2-6-2 Nominating Method to be Used 2-6-3 Nominations by Petition 2-6-4 Adding Name by Petition 2-6-5 Preparation of Petition	2-6-6 Filing, Presumption, Withdrawals, Objections 2-6-7 Persons Elected 2-6-8 Primary and Runoff Abolished
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2-6-1 PURPOSE

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

2-6-2 NOMINATING METHOD TO BE USED

All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec.376.3)

2-6-3 NOMINATIONS BY PETITION

Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

(Code of Iowa, Sec.45.1)

2-6-4 ADDING NAME BY PETITION

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

(Code of Iowa, Sec.45.2)

2-6-5 PREPARATION OF PETITION

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

1. **Name and Residence.** The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. **Name on Ballot.** A request that the name of the nominee be printed upon the official ballot for the election.
3. **Eligibility.** A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

4. **Organization Statement.** A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

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

(Code of Iowa, Sec.45.5)

2-6-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS

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

2-6-7 PERSONS ELECTED

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

2-6-8 PRIMARY AND RUNOFF ABOLISHED

Removed

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY COUNCIL

2-7-1 Powers and Duties

2-7-2 Exercise of Power

2-7-3 Meetings

2-7-1 POWER AND DUTIES

The powers and duties of the City Council include, but are not limited to the following:

1. **General.** All powers of the City are vested in the City Council except as otherwise provided by law or Ordinance.
(Code of Iowa, Sec. 364.2(l))
2. **Wards.** By ordinance, the City Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
(Code of Iowa, Sec. 372.13(7))
3. **Fiscal Authority.** The City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.
(Code of Iowa, Sec. 364.2(l), 384.16 & 384.38(l))
4. **Public Improvements.** The City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.
(Code of Iowa, Sec. 364.2(l))
5. **Contracts.** The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.
(Code of Iowa, Sec. 364.2(l))
(Code of Iowa, Sec. 384.95 through 384.102)
6. **Employees.** The City Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13(4))

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

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

2-7-2 EXERCISE OF POWER

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

(Code of Iowa, Sec. 364.3(l))

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

- b. If the Mayor vetoes a measure and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage,

and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure.

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

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

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

2-7-3 MEETINGS

1. **Regular Meetings.** The regular meetings of the City Council are on the second Thursday of each month at seven o'clock (7:00) p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.

2. **Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

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

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

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

4. **Rules of Procedure.** The City Council shall determine its own rules and maintain records of its proceedings.

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

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

(Code of Iowa, Sec. 21.4)

6. **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)

7. **Minutes.** Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.
(Code of Iowa, Sec. 21.3)
8. **Closed Session.** A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.5)
9. **Cameras and Recorders.** The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)
11. **Electronic Meetings.** A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.8)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10 CEMETERY

2-10-1	Definition	2-10-6	Budget and Accounting
2-10-2	Supervision & Management	2-10-7	Custodian
2-10-3	Fees & Charges	2-10-8	Sale of Internment Rights
2-10-4	Rules	2-10-9	Transfer of Internment Rights
2-10-5	City Clerk	2-10-10	Corrections

2-10-1 DEFINITION

The "1st Addition", "2nd Addition", "East Addition" and "Lynn Addition" are hereby designated as "Agency Municipal Cemetery" respectively and shall be operated as herein provided.

Pursuant to Section 5231.502 of the Code of Iowa, the City Council states its willingness and intention to act as the trustee for the Perpetual Maintenance of the Cemetery Property.

2-10-2 SUPERVISION & MANAGEMENT

The City Council shall supervise and manage the cemeteries. The City Council shall have and exercise in connection with the Agency Cemetery and any other Cemetery that may in the future be deeded to or come under the jurisdiction and control of the City, all of the powers and duties imposed by law upon Cities and Towns in connection with the management of Cemeteries, however the Mayor shall appoint a "Cemetery Committee" to assist the Council. Management shall be pursuant to this Chapter and Chapters 5231 of the Code of Iowa.

- 1) The City reserves the right for its workers and those other persons necessary for the performance of normal cemetery operations to enter or cross over any grave site in the cemetery.
- 2) The City assume no liability for damage to the grave site, markers or tributes in the performance of its operation: or for loss by vandalism or others acts beyond its reasonable control.
- 3) The City Council may accept gifts of real property, personal property and bequests, including trust funds; and to expend the funds received from such gifts or bequests.

2-10-3 FEES & CHARGES

The City Council upon the recommendation of the Cemetery Committee shall by Resolution set the fees and charges for the sale of Cemetery Plots and maintenance thereof.

- 1) The Council shall establish the price of a grave site and any other costs related to the grave site as deemed necessary. The price per grave site is \$350.00, with 20% of the price of each space sold being placed in the perpetual fund and 80% of the price of each space sold being placed in the operations and maintenance fund of the Cemetery. Others costs shall be set by the Council by motion and filed with the City Clerk. Grave sites may be

sold individually, but the City reserves the right to select the location of the site. The cost of marking a grave site will be \$75.00, which is to be paid to the City of Agency at the time of burial.

2-10-4 RULES

The City Council upon recommendation of the Cemetery Committee shall adopt Rules and Regulations for the placement, ornamentation and planting of flowers, plants and other remembrances in the cemeteries. Such rules shall be given to the owner when lots are purchased and posted at the facility in a manner to provide adequate notice to the using public.

- 1) No hedges, fences or enclosures of any kind will be permitted on or around grave sites. Wooden boxes, glass or ceramic containers, cans, toys or any other unsightly objects will NOT be permitted and when used will be removed by the Cemetery Personnel.
- 2) Grave mounds shall NOT be permitted. Mounds are difficult to maintain and detract from the beauty of the Cemetery.
- 3) All landscaping, care of lots, and any other work in the Cemetery will be done by Cemetery Personnel unless permitted by the City to be performed by private individuals, but said permission shall only be granted after consultation with the City and then shall be permitted to be performed in conformance with these Rules and Regulations.
- 4) The City may set hours for visitors and shall post the same. Except with the permission of the City, no persons shall enter or remain in the Cemetery between the hours of Sunset and Sunrise.
- 5) Picnics, parties and refreshments will NOT be permitted in the Cemetery.
- 6) Dogs will NOT be permitted in the Cemetery.
- 7) Firearms will be allowed in the Cemetery ONLY for Military Services.
- 8) Visitors are forbidden to pick flowers (either wild or cultivated) or to injure any shrub, tree or plant, or mar or deface any monument, stone or other structure in the Cemetery or in any other manner desecrate a grave site.
- 9) MINORS shall NOT be permitted in the Cemetery except as accompanied by an adult.
- 10) All interments in any grave site shall be restricted to the grave site owner or to a member of the family. Permission in writing from a grave site owner must accompany all requests to bury any person that is not the owner or not a member of the owner's family. A notarized authorization must be made.
- 11) All graves shall be opened by a Funeral Director or his or her designee. Interments may be made on all days of the week, but not without the permission of the City or its designee. The depth of the graves shall conform to the ruling of the Iowa State Board of Health. City assumes no cost for the grave opening.
- 12) The grave site owner or Funeral Director shall designate the location of the grave on the grave site to the City. Any interment directions received by telephone will make the person calling responsible. Any change of location made after the opening of the grave has begun shall be at the expense of the grave site owner. When definite information for

location of grave is not available, the City will exercise its best judgment in making the locations in order that the requested time of interment may be met. The City or its designee assumes no responsibility for any error in such location.

- 13) The City or its designee shall be given a 48 hour notice for marking of the grave site prior to interment.
- 14) All interments shall be made in permanent outer container (vault) of steel, concrete, fiberglass or other types of permanent material.
- 15) The interment of two (2) bodies in one grave will NOT be allowed EXCEPT in the case of Mother and Infant, or twin children, or two children buried at the same time or when cremated. In no event, even cremation, shall more than two (2) bodies be buried in the same grave. A double depth of grave is NOT allowed.
- 16) Only interment of a human being will be permitted.
- 17) Removal of bodies from graves must be done in the manner prescribed by law.
- 18) The bodies of persons who have died of a contagious disease shall be buried in strict accordance with the rules of the State Board of Health.
- 19) There shall be no interments in Crypts or Mausoleums.
- 20) No monument or grave marker may be erected on any grave site until the grave site is fully paid for and a Certificate is issued. The City reserves the right to refuse permission to erect any monument not in good keeping with the appearance of the Cemetery grounds. There shall be a \$75.00 marking fee before any monument may be placed in the cemetery. This is to be paid to the City of Agency.
- 21) Each monument or grave marker shall rest on a concrete foundation not smaller than 4" or larger than 6" of the monument base, constructed by monument personnel or by the lot owner. Foundations shall be 4 feet deep. Foundations shall be specifically approved by the City or its designee before construction and shall conform with these Rules and Regulations. Foundations must have a concrete base. There will be no fill allowed. Base for stones shall be as follows:

Single Stone	32 inches
Double Stone	42 inches
Oversize	48 inches

- 22) The setting of monuments, stones and markers shall be subject to the supervision of the City or its designee. Heavy trucking will not be permitted within the Cemetery when such work might cause injury to the driveways or the grave sites or other areas of the Cemetery. Any damage caused by heavy trucking shall be paid by the lot owner. Footstones shall not be placed without permission of the City or its designee and then only in the place designated and 6" above the ground level.
- 23) Stone work or monumental work once placed on the foundation shall not be removed except by permission of the City or its designee.

- 24) Temporary markers placed at the time of interment are not considered permanent. The temporary markers will be removed after a reasonable length of time or when they no longer present a neat appearance. Upkeep of these markers are the responsibility of the grave site owner.
- 25) All landscaping in the Cemetery will be done by the Cemetery personnel, but grave site owners are urged to feel free at any time to consult with the City or its designee regarding matters related to the general beautification, care and maintenance of the Cemetery or the grave sites therein.
- 26) Potted plants may be set on grave sites, so as not to disturb the sod. If they become unsightly, they will be removed.
- 27) No person will be permitted to trim, prune or remove branches from any tree or ornamental shrub in the Cemetery.
- 28) No flowers, plants, trees, shrubs or vines shall be planted on lots and the City reserves the right to remove any plant, tree, shrub or vine or any part thereof which may become unsightly, dangerous or not be in keeping with the landscape design of the Cemetery.
- 29) All floral tributes, pots, vases and decorations not permanently affixed to the top of the marker shall be removed by the City or its designee on October 1st and April 1st. Tributes may be placed after November 1st and May 1st. Memorial Day Tributes placed on the ground will be removed after 2 weeks. There shall be no digging in the grave site to place containers. No glass or ceramic is permitted due to safety considerations. Floral tributes placed in vases attached to the stone and saddles shall be permitted to remain until they become unsightly, faded, and/or wilted.
- 30) The City shall not be responsible for any damage to any floral tributes, posts, decorations or other forms of tribute placed on the grave site caused by mowing, trimming or chemicals used by the City to control weeds. Any floral tributes blown off the grave site shall then be removed by the City and not be replaced.
- 31) Grave site owners are encouraged to interest themselves in the present and future care of their grave sites. A neglected grave site mars the beauty of the entire Cemetery. Nothing herein shall be deemed to prohibit a grave site owner from caring for a loved one's site so long as the rules and regulations are followed.
- 32) Purchase of a Cemetery grave site before the need is wise and strongly urged. Perspective patrons may feel free to visit the Cemetery except as restricted hereinabove. Grave site owners are urged to feel free to Contact the City or its designee at any time if the meaning of the Rules and Regulations are not clear or if information is desired.
- 33) CREMATION
 - a) No cardboard containers allowed.
 - b) All containers are to be placed in a vault.
 - c) Burial depths for cremations will be 2 foot deep.
 - d) There shall be no scattering of remains.
- 34) Special cases may and occasionally do occur in which the literal enforcement of a Rule or Regulation may impose unnecessary hardship upon a grave site owner or in which a rule

may be temporarily suspended or partially enforced without detriment to the interest of the Cemetery or the grave site owner. The City reserves the right to temporarily suspend or modify these Rules and Regulations.

- 35) These Rules and Regulations shall apply to all grave sites used prior to the date of the Adoption of these Rules and Regulations except as where waived by the City.
- 36) Wherever these Rules and Regulations are deemed to conflict with the Law of the State of Iowa or Ordinances of Health in the City, the said Rules and Regulations shall defer thereto: but the deferments of any such Rules and Regulations shall not cause the remaining said Rules and Regulations to be invalid.
- 37) These Rules and Regulations may be amended by Resolution by the City.

2-10-5 CITY CLERK

The City Clerk shall be the custodian of the records and accounts of the Cemetery.

- 1) Records showing the name and last known address of each grave site owner or previous owner of the interment rights. The date of each purchase or transfer of interment rights and a unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the Cemetery. Interments and locations in the Cemetery shall be kept and recorded in the Office of the City Clerk who is also the Clerk of the Cemetery. The term "grave site owner" is intended to mean the owner of the burial privileges and right to use, of any burial grave site, purchased from the Cemetery for consideration, evidenced by a certificate or written contract for a certificate, or by proved and recognized descent or devise from the original holder of such certificate or contract. Said proof to be at Councils discretion.

2-10-6 BUDGET AND ACCOUNTING

The City Clerk will prepare an Annual Budget for the Cemeteries and provide accurate monthly financial accounting reports for the Council.

2-10-7 CUSTODIAN

The City Council upon recommendation of the Cemetery Committee may appoint a custodian for the Cemeteries at such compensation as the Council determines by Resolution.

- 1) The City shall provide for the general care and maintenance of the Cemetery as a whole and in so doing at such reasonable intervals as at its discretion determines mowing, pruning shrubs and trees planted by the Cemetery in as good and neat condition as reasonably possible and as practical and financially feasible with the funds as are available for the same. Regarding said maintenance, the cutting of the grass, raking and cleaning, it shall include the performance of such services on the grave sites themselves. Further, the Cemetery does not bind itself to maintain repair or replace any grave marker

or monument erected upon any grave site, nor to plant flowers or ornamental plants or to do any special or unusual work.

- 2) Grave site owners or other persons may wish to personally provide care for the monuments or markers, but any such action shall be pursuant to these Rules and Regulations.
- 3) All lots (being 5 grave sites) as can be identified shall be marked with corner makers by the City and each said lot shall be numbered. However, as to the older portion of said Cemetery such duties shall only be as far as practical, financially feasible and as permitted with such information as is reasonably available to the City. Each a lot shall consist of 5 graves sites.

2-10-8 SALE OF INTERMENT RIGHTS

The Sale of Interment Rights in the Cemetery shall be evidenced by a Certificate of Ownership or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 5231 of the Code of Iowa. The payment of all fees and charges shall be made at the office of the City Clerk where receipts will be issued for all amounts paid.

2-10-9 TRANSFER OF INTERMENT RIGHTS

The transfer of ownership of exclusive interment rights in the Cemetery shall be conducted by the City Clerk's Office. Proof of ownership, and a notarized statement from owner(s) authorizing transfer will be provided prior to transfer being conducted. Applicable fees and charges shall be based upon the charges as established by the City Council.

2-10-10 CORRECTIONS

The City reserves and shall have the right to correct any errors that may be made in making either interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City or in the sole discretion of the City, by refunding the amount of money paid on account of the purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves the right to remove and transfer such remains to such other property of equal value and similar location as far as reasonable possible may be substituted and conveyed in lieu thereof.

This Ordinance shall be effective upon its passage and publication as required by law.

Passed and Approved on the First Reading by the City Council of the City of Agency, Iowa this 12th day of March, 2015.

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

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

3-1-1 VIOLATIONS OF CHAPTER

Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE

It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, 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. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.
(Code of Iowa, Sec. 723.4(2))
3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.
(Code of Iowa, Sec. 723.4(2))
4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
(Code of Iowa, Sec. 723.4(3))
5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
(Code of Iowa, Sec. 723.4(4))
6. Without authority, obstruct any street, sidewalk, highway or other public way.
(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.
(Code of Iowa, Sec. 364.12(2)(a))
8. For any person to use mechanical apparatus operated by fuel or electric power for dwellings or construction operations between the hours of 9 pm thru 7 am on Sunday through Saturday, except for work on public improvements and work of public service utilities, within six hundred feet of any building used for residential or hospital purposes.

Any person violating any of the provisions in this section shall, upon conviction, be deemed guilty of a simple misdemeanor. The provisions of this section shall not apply to emergency public safety, city or utility motor vehicles; for sound emitted unavoidably during job related operations.

3-1-3 PUBLIC MORALS

It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.

3-1-4 STREETS

1. **Removal of safeguards or danger signals.** No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.
(Code of Iowa, Sec. 716.5)
2. **Obstructing or defacing streets.** No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.
(Code of Iowa, Sec. 716.1)
3. **Allowing water, snow, ice and accumulations on sidewalk.** No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.
(Code of Iowa, Sec. 364.12(2)(b and e))

4. **Removal of hydrant caps, sewer caps or manhole covers.** No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH

1. **Expectorating.** No person shall expectorate on the ground or in any structure within the City limits.

(Code of Iowa, Sec. 364.1)

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

(Code of Iowa, Sec. 321.369)

3. **False alarms.** No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.

4. **Stench bombs.** No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

5. **Discharging firearms and fireworks.**

(Code of Iowa, Sec. 727.2)

- a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms 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.

- b. 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.
- c. In the interest of public health and safety and at such times as approved by the **Chief of Police, 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.
- d. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theater, 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.

6. **Possession of fireworks.**

- a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.
- b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this subsection.

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

container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

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

(Code of Iowa, Sec. 718.2)

9. **Harassment of city employees.**

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

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

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

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

(Code of Iowa, Sec. 364.1)

12. **Playing in streets.** No person shall coast, sled or play games on streets or highways except in areas blocked off by the *Chief of Police or* Law Enforcement Officer for such purposes.

(Code of Iowa, Sec. 364.12)

13. **Wood and Other Combustible Outdoor Stoves.** No person shall install or use an outdoor wood or other combustible burning stove or heating unit unless a chimney is part of the burning unit that extends at least two (2) feet above the height of the nearest structure.

14. **Littering Prohibited.**

- a. As used in this Code, "**discard**" means to place, cause to be placed, throw, deposit

or drop, and “**litter**” means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Agency, except as provided and approved by the City of Agency, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one’s ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste is kept in place in the manner prescribed in this Code.

3-1-6 PUBLIC PROPERTY

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

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

2. **Injuring new pavement.** No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.

(Code of Iowa, 364.12(2))

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

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

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

5. **Defacing or destroying proclamations or notices.** No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract

from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

6. **Injury to gravestones or property in cemetery.** No person shall willfully or recklessly destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and recklessly destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

7. **Injury to fire apparatus.** No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

8. **Injury to city ambulance or paramedic apparatus.** No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.

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

(Code of Iowa, Sec. 716.1)

10. **Injury to roads, railways, and other utilities.** No person shall injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or 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 willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

11. **Tapping into utility transmission cables.** No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.
(Code of Iowa, Sec. 727.8)
12. **Obstructing ditches and breaking levees.** No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.
(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

<p>3-2-1 Definitions</p> <p>3-2-2 Nuisances Prohibited</p> <p>3-2-3 Other Conditions Regulated</p> <p>3-2-4 Notice to Abate Nuisance or Condition</p> <p>3-2-5 Contents of Notice to Abate</p> <p>3-2-6 Method of Service</p> <p>3-2-7 Request for Hearing and Appeal</p>	<p>3-2-8 Abatement in Emergency</p> <p>3-2-9 Abatement by Municipality</p> <p>3-2-10 Collection of Cost of Abatement</p> <p>3-2-11 Installment Payment of Cost of Abatement</p> <p>3-2-12 Condemnation of Nuisance</p> <p>3-2-13 Recurring Nuisances</p>
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3-2-1 DEFINITIONS

For use in this ordinance, the following terms are defined:

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

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

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

- d. The polluting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

(This is not an exclusive or exhaustive list of possible nuisances.)

- e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
(Code of Iowa, Sec. 657.2(5))
- f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
(Code of Iowa, Sec. 657.2(6))
- g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets.
(Code of Iowa, Sec. 657.2(7))
- h. Removed
- i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.
(Code of Iowa, Sec. 657.2(8))
- j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction.
(Code of Iowa, Sec. 657.2(9))
- k. The emission of dense smoke, noxious fumes, or fly ash.
(Code of Iowa, Sec. 657.2(10))
- l. Weeds. Any condition relating to weeds which is described as a nuisance in the Agency Municipal Code of Ordinances or under state law. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way. Any condition related to

weeds described or defined as a nuisance under the Code of Iowa or the City Municipal Code.

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

- m. Trees infected with Dutch elm disease.

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

- n. Effluent from septic tank or drain field running or ponding on the ground in the open.

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 657.2)

- q. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water; except for compost piles established and maintained with written permission from the Wapello County Public Health Department and junk or salvage materials property stored in accordance with the Agency Municipal Code;

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

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

- u. Stagnant water standing on any property, any property, container or material

kept in such condition that water can accumulate and stagnate.

- v. Conditions which are conducive to the harborage or breeding of vermin.
- w. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.
- x. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Wapello County Department of Health regulation.
- y. Unoccupied buildings or unoccupied portions of buildings which are unsecured.
- z. Dangerous buildings or structures.
- aa. Abandoned buildings.
- bb. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.
- cc. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard.
- dd. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Agency Municipal Code of Ordinances.
- ee. The open burning of trash, refuse, garbage, junk or salvage materials, shall be prohibited within the City limits. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than two feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City

Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

ff. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Agency Municipal Code of Ordinances.

gg. The parking of motor vehicles on private property without the consent of the property owner or responsible party.

hh. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

ii. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

jj. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

kk. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

ll. The erection, excavation, demolition, alteration, repair or construction of any building or other property between the hours of 7:00 a.m. and 9:00 p.m., except in the case of an emergency of a public health and safety nature, with the approval of the City.

mm. No person shall obstruct, deface, destroy or injure any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

nn. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may injure or damage any person, animal

or vehicle or which may annoy, injure or become dangerous to the health, comfort or property of individuals or the public.

oo. No person shall allow any plants to grow uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of 8 inches or more, nor shall any person allow their grass to grow unattended with a consistent height above 8 inches.

pp. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place that prejudices others.

qq. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, alley, avenue, sidewalk, park, public square, public enclosure, lot, vacant or occupied.

rr. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

ss. Pools and ponds containing stagnant water.

tt. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

uu. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.

vv. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

- ww. No person shall place or cause to be placed any tree or shrub along any of the right-of-way of the City of Agency unless the same are placed according to proper location, alignment and proper species selection as directed by written permission of the Agency City Council.
 - xx. No property owner shall allow a cargo container, storage container, dumpster, or other large container designed to be shipped or transported to be present on their property for more than thirty (30) consecutive days, unless the property owner has received permission from the City Council to exceed this thirty (30) day limitation. In deciding whether to grant permission to a property owner to keep a container on their property continually for more than thirty (30) consecutive days, the City Council shall consider whether good cause exists for exceeding the thirty (30) day deadline. If the City Council grants this permission, the City Council shall specify how many days the property owner may keep the container of their property in excess of the thirty (30) day limitation, but in no event shall grant more than a sixty (60) day extension to the property owner.
2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.
(Code of Iowa, Sec. 364.12)

3-2-2 NUISANCES PROHIBITED

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.
(Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED

The following actions are required and may also be abated in the manner provided in this ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.
(Code of Iowa, Sec. 364.12(3)(b))
2. The removal, repair, or dismantling of dangerous buildings or structures.
(Code of Iowa, Sec. 364.12(3)(c))
3. The numbering of buildings.
(Code of Iowa, Sec. 364.12(3)(d))

4. The connection to public drainage systems from abutting property when necessary for public health or safety.
(Code of Iowa, Sec. 364.12(3)(e))
5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.
(Code of Iowa, Sec. 364.12(3)(f))
6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.
(Code of Iowa, Sec. 364.12(3)(g))
7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in section 3-2-3(1).

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION

Whenever the Mayor or such other officers as provided by law, finds that a nuisance exists, they shall cause to be served upon the owner, agent, or occupant of the property on which the nuisance is located or upon the person causing or maintaining the nuisance, a written notice to abate and/or request a hearing as provided in 3-2-7. "Person" includes, for the purposes of this Chapter, any individual, firm, corporation, trust or any other organized group of any government.

No notice is required to be served on a person for Recurring Nuisance, and if a Recurring Nuisance occurs on a piece of property, the Mayor initiating the notice may immediately contact the Wapello County Sheriff's Department to have the nuisance abated, in conformity with this Chapter.

3-2-5 CONTENTS OF NOTICE TO ABATE

The notice to abate shall contain:

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

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

3-2-6 METHOD OF SERVICE

The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

3-2-7 REQUEST FOR HEARING AND APPEAL

Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

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

3-2-8 ABATEMENT IN EMERGENCY

If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY

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

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

3-2-10 COLLECTION OF COST OF ABATEMENT

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

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT

If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE

The City may condemn a residential building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

3-2-13 RECURRING NUISANCES

A nuisance that occurs once on a piece of property within three-hundred sixty-five (365) days from the date that the Mayor or such other officer as provided by law, including the marshal, has served notice in accordance with this chapter, describing a substantially similar nuisance on the same property. However, if, after the property owner receives notice of the nuisance, the property owner requests a hearing pursuant to this chapter, and the hearing officer, or city council if on appeal, finds that no nuisance exists, a substantially similar nuisance occurring within three-hundred sixty-five (365) days of the notice shall not be a Recurring Nuisance.

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

- 3-3-1 Short Title
- 3-3-2 Definitions
- 3-3-3 Traffic Accident Reports
- 3-3-4 Removed

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3-3-1 SHORT TITLE

This chapter may be known and cited as the "Traffic Code".

3-3-2 DEFINITIONS

Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop", when required means complete cessation of movement.
4. "Stop or stopping", when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
6. "Residential districts" means all areas of the City not included in business districts.
(Code of Iowa, Sec. 321.1)

3-3-3 TRAFFIC ACCIDENT REPORTS

The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.
(Code of Iowa, Sec. 321.266)

3-3-4 REMOVED

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the Sheriff's department. The officers of the Sheriff's department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the Sheriff's department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW

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

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

31. 321.303 Unsafe passing.
32. 321.304 Unlawful passing.
33. 321.305 Violating one-way traffic designation.
34. 321.306 Improper use of lanes.
35. 321.307 Following too closely.
36. 321.308 Following too closely (trucks and towing vehicles).
37. 321.309 Failure to use approved drawbar.
38. 321.310 Unlawful towing of four-wheeled trailer.
39. 321.311 Turning from improper lane.
40. 321.312 Making U-turn on curve or hill.
41. 321.313 Unsafe starting of a stopped vehicle.
42. 321.314 Unsafe turn or failure to give signal.
43. 321.315 Failure to give continuous turn signal.
44. 321.316 Failure to signal stop or rapid deceleration.
45. 321.317 Signal light requirements; see equipment violation.
46. 321.318 Incorrect hand signal.
47. 321.319 Failure to yield to vehicle on right.
48. 321.320 Failure to yield upon left turn.
49. 321.321 Failure to yield upon entering through highway.
50. 321.322 Failure to obey stop or yield sign.
51. 321.323 Unsafe backing on highway.
52. 321.324 Failure to yield to emergency vehicle.
53. 321.325 Pedestrian disobeying traffic control signal.
54. 321.326 Pedestrian walking on wrong side of highway.
55. 321.327 Pedestrian right-of-way.
56. 321.328 Pedestrian failing to use crosswalk.
57. 321.329 Vehicle failing to yield to pedestrian.
58. 321.331 Soliciting ride from within roadway.
59. 321.332 Unlawful use of white cane.
60. 321.333 Failure to yield to blind person.
61. 321.340 Driving in or through safety zone.
62. 321.341 Failure to properly stop at railroad crossing.
63. 321.342 Failure to obey stop sign at railroad crossing.
64. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
65. 321.344 Unlawful movement of construction equipment across railroad track.
66. 321.353 Unsafe entry into sidewalk or roadway.
67. 321.354 Stopping on traveled part of highway.
68. 321.358 Stopping, standing, or parking where prohibited.
69. 321.360 Prohibited parking in front of certain buildings.

- 70. 321.361 Parking too far from curb/angular parking.
- 71. 321.362 Parking without stopping engine and setting brake.
- 72. 321.363 Driving with obstructed view or control.
- 73. 321.365 Coasting upon downgrade.
- 74. 321.366 Improper use of median, curb, or controlled access facility.
- 75. 321.367 Failure to maintain distance fire-fighting vehicle.
- 76. 321.368 Crossing unprotected fire hose.
- 77. 321.369 Putting debris on highway/roadway.
- 78. 321.370 Removing injurious material.
- 79. 321.371 Clearing up wrecks.
- 80. 321.372 School bus provisions.
- 81. 321.377 Excessive speed of school bus.
- 82. 321.381 Driving or towing unsafe vehicle.
- 83. 321.382 Operating underpowered vehicle.
- 84. 321.383 Failure to display reflective device on slow-moving vehicles.
- 85. 321.384 Failure to use headlamps when required.
- 86. 321.385 Insufficient number of headlamps.
- 87. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
- 88. 321.387 Improper rear lamp.
- 89. 321.388 Improper registration plate lamp.
- 90. 321.389 Improper rear reflector.
- 91. 321.390 Reflector requirements.
- 92. 321.391 Improper type of reflector.
- 93. 321.392 Improper clearance lighting on truck or trailer.
- 94. 321.393 Lighting device color and mounting.
- 95. 321.394 No lamp or flag on rear-projecting load.
- 96. 321.395 Parking on certain roadways without parking lights.
- 97. 321.397 Improper light on bicycle.
- 98. 321.398 Improper light on other vehicle.
- 99. 321.402 Improper use of spotlight.
- 100. 321.403 Improper use of auxiliary driving lights.
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- 102. 321.408 Back-up lamps.
- 103. 321.409 Improperly adjusted headlamps.
- 104. 321.415 Failure to dim.
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- 106. 321.420 Excessive number of driving lights.
- 107. 321.422 Lights of improper color-front or rear.
- 108. 321.423 Special light/signal provision.
- 109. 321.430 Defective braking equipment.

- 110. 321.431 Brake performance ability.
- 111. 321.432 Defective audible warning device.
- 112. 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
- 113. 321.434 Use of siren or whistle on bicycle.
- 114. 321.436 Defective or unauthorized muffler system.
- 115. 321.437 Mirrors.
- 116. 321.438 Windshields.
- 117. 321.439 Defective windshield wiper.
- 118. 321.440 Defective tires.
- 119. 321.441 Unauthorized use of metal tire or track.
- 120. 321.442 Unauthorized use of metal projection on wheels.
- 121. 321.444 Failure to use safety glass.
- 122. 321.445 Failure to maintain or use safety belts.
- 123. 321.446 Failure to secure child.
- 124. 321.449 Special regulations.
- 125. 321.450 Hazardous materials.
- 126. 321.454 Width and length violations.
- 127. 321.455 Excessive side projection of load – passenger vehicle.
- 128. 321.456 Excessive height.
- 129. 321.457 Excessive length.
- 130. 321.458 Excessive projection from front of vehicle.
- 131. 321.459 Excessive weight – dual axels (each over 2000 lb. over).
- 132. 321.460 Spilling loads on highways.
- 133. 321.461 Excessive tow-bar length.
- 134. 321.462 Failure to use required towing equipment.
- 135. 321.463 Maximum gross weight.
- 136. 321.466 Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

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

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

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

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 WAPELLO COUNTY SHERIFF TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES

The Sheriff is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.
2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-9 PLAY STREETS

The City Council has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

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

SPEED REGULATIONS

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit:
2. Lower speed limit:

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS.

The City Council may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The Sheriff is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-13 OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-14 "U" TURNS

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

ONE-WAY STREETS AND ALLEYS

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS

Whenever any traffic Code of this City designates any one-way street or alley the Sheriff shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It

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

3-3-16 ONE-WAY STREETS AND ALLEYS

Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

The Sheriff is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Sheriff may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

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

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

SPECIAL STOPS REQUIRED

3-3-18 THROUGH HIGHWAYS

Streets or portions of streets described below are declared to be through highways:
(Code of Iowa, Sec. 321.345 and 321.350)

3-3-19 AUTHORITY TO ERECT STOP SIGNS

Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Sheriff to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-20 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS

At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Sheriff is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and,

upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-21 STOP WHEN TRAFFIC IS OBSTRUCTED

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

3-3-22 SCHOOL STOPS

When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-23 PROHIBITED CROSSING

Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-24 PEDESTRIANS ON LEFT

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

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-25 STANDING OR PARKING CLOSE TO CURB

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

(Code of Iowa, Sec. 321.361)

3-3-26 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS

No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING

The Sheriff, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-28 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS

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

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-29 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a Sheriff's officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. 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.
8. 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 signposted.

9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.

3-3-30 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING

When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Sheriff may cause curbing to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Sheriff, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

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

3-3-31 AUTHORITY TO IMPOUND VEHICLES

Members of the Sheriff's department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police 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 incapacitated to such an extent as to be unable to provide for its custody or removal.
2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

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

STOPPING, STANDING OR PARKING

3-3-32 PARKING SIGNS REQUIRED

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

(Code of Iowa, Sec. 321.236)

3-3-33 PARKING DURING SNOW EMERGENCY

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

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

(Code of Iowa, Sec. 321.236)

3-3-34 ALL-NIGHT PARKING PROHIBITED

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof, for a period of time longer than thirty minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-35 TRUCK PARKING LIMITED

Trucks licensed for five tons or more shall only be parked on Main Street.

MISCELLANEOUS DRIVING RULES**3-3-36 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS**

The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-37 CLINGING TO VEHICLES

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

3-3-38 PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon the roadway for the principal purpose of:

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

3-3-39 DRIVING THROUGH FUNERAL OR OTHER PROCESSION

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

3-3-40 DRIVERS IN A PROCESSION

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

3-3-41 FUNERAL PROCESSIONS TO BE IDENTIFIED

A funeral 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 department.

3-3-42 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS

When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-3-43 TRUCK ROUTES

1. Every motor vehicle licensed for five tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other: Main Street.
2. Any motor vehicle licensed for five tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.
3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

3-3-44 VEHICULAR NOISE

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

3-3-45 ENGINE AND COMPRESSION BRAKES

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device

designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

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

BICYCLE REGULATIONS

3-3-46 DEFINITIONS

For the purpose of this chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

b. A device having two or more wheels with fully operable peddles and an electric motor-less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

3-3-47 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-48 RIDING ON BICYCLES

A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-49 RIDING ON ROADWAYS AND BICYCLE PATHS

Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-3-50 SPEED

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

3-3-51 EMERGING FROM ALLEY OR DRIVEWAY

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

3-3-52 CARRYING ARTICLES

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-53 PARKING

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

3-3-54 RIDING ON SIDEWALKS

No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-55 LAMPS AND OTHER EQUIPMENT ON BICYCLES

Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SNOWMOBILES

3-3-56 SNOWMOBILE DEFINITIONS

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-57 PERMITTED AREAS OF OPERATION

Snowmobiles will be allowed to operate in the City as follows:

The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

3-3-58 REGULATIONS

It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.
7. No person shall operate a snowmobile in the City from Nine (9:00) p.m. to Seven (7:00) a.m, except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-59 EQUIPMENT REQUIRED

All snowmobiles operated within the City shall have the following equipment:

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

3-3-60 UNATTENDED VEHICLES

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

3-3-61 RESTRICTION OF OPERATION

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

3-3-62 TRAFFIC REGULATION

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

OFF-ROAD VEHICLES

3-3-63 DEFINITIONS

For use in this chapter the following terms are defined:

1. “All-terrain vehicle” (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. “All-terrain” vehicle includes off-road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(Code of Iowa, Sec 321.1)

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.
3. “Off-road utility vehicle” (UTV) means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

(Code of Iowa, Sec. 321I.1(1))

3-3-64 OPERATION OF OFF ROAD UTILITY VEHICLE (UTV) PERMITTED

An UTV may be operated upon the streets of the City by persons possessing a valid Iowa operator’s license and at least sixteen (16) years of age, except as prohibited in this chapter.

Operation of a UTV is only permitted on the roadway, not in the ditch.

Operation of a UTV upon the streets of Agency is only permitted from sunrise to sunset.

The operator of a UTV must obey all applicable provisions related to motor vehicle traffic and parking regulations.

All UTV's shall yield the right of way to all other motor vehicle traffic.

All UTV's must exhibit a flag and/or slow moving vehicle sign on the rear of the vehicle.

3-3-65 RESTRICTIONS

1. A person shall not drive or operate a UTV:
 - a. At a rate of speed greater than 25 miles per hour.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight, taillight and brake light.
 - e. Without adequate brakes.
 - f. Upon an operating railroad right-of-way; a UTV may be driven directly across a railroad right-of-way only at an established road 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 of a utility with authority enter upon the railroad right-of-way in the lawful performance of the employee's duties.
2. A person shall not operate or ride a UTV with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case with only one noted exception: a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding a UTV as defined in Iowa Code 2019 section 3211.14.2. Non-ambulatory person must show proof of that status when carrying firearms.
3. A person shall not operate a UTV with more persons on the vehicle than it was designed to carry. This does not apply to a person who operates a UTV as part of a farm operation as defined in the Code of Iowa.
4. A person shall not operate a UTV unless the operator has a valid driver's license, is at least 16 years of age, the vehicle is duly registered with the Iowa Department of Natural Resources (IDNR), the vehicle is duly registered with Wapello County, and the operator has proof of insurance.
5. A person 18 years of age and younger, shall be required to take and pass an Iowa DNR approved UTV Education Course and show proof of passing the course.
6. No person shall cause damage to the road surface; displace surface material; distribute foreign or earthen material onto the roadway.

3-3-66 NEGLIGENCE

The owner and operator of a UTV are liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of a UTV shall be liable for any such injury or damage only if the owner was the operator of the UTV at the time of the injury or damage

occurred or if the operator had the owner's consent to operate the UTV at the time of the injury or damage occurred.

3-3-67 ACCIDENT REPORTS

If a UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five-hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the County Sheriff or other law enforcement agency in the state. If the accident occurred on public land, public ice, or a designated riding trail under the jurisdiction of the Commission, the operator shall file with the Commission a report of the accident, within seventy-two hours, containing information the Commission may require. All other accidents shall be reported as required under Iowa Code.

3-3-68 PERMITS

1. UTV owners may apply for a permit on the forms provided by the City Clerk of Agency.
2. The City Clerk of Agency shall not issue a permit until the owner has provided the following:
 - a. Evidence that the owner is at least 16 years of age, possesses a valid driver's license and proof of passing an Iowa DNR approved UTV Education Course.
 - b. Proof that the UTV is registered with Iowa DNR.
 - c. Proof that the owner has liability insurance covering operation of UTV in the amount of a minimum \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage.
 - d. Owners age 16 and 17 must provide proof that they have passed Iowa DNR approved UTV Education Course.
3. Owners will be issued a numbered sticker to affix to the left front fender or similar component.
4. The fee for such permits shall be set by the Agency City Council by resolution.
5. Permits will be granted for one (1) year valid from January 1st through December 31st. Permits may be purchased at any time during the year and will not be prorated in price. First time permits purchased in the last quarter of the following calendar year for an additional \$5 fee.
6. The permit may be suspended or revoked, by the Sheriff, upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should a permit be suspended or revoked, the owner must receive approval of the Wapello County Sheriff to allow reinstatement of an existing permit or issuance of a new permit. The Sheriff will notify the County Recorder of any suspensions or revocations.
7. The County Recorder will provide the Sheriff with a list of current permit holders.

3-3-69 VIOLATIONS

Each violation of the Chapter shall be a simple misdemeanor punishable by a fine of at least \$65.00 but not to exceed \$625.00 and the court may order imprisonment not to exceed 30 days in lieu of a fine or in additions to a fine. In addition, the City shall suspend the permit to operate the UTV on City streets for 30 days for the 1st offense; 60 days for the 2nd offense; and permanent revocation for the 3rd offense occurring within a calendar year for any violation of this chapter or any traffic laws of the City or the State of Iowa.

Iowa Code Section 903.1(a)

GOLF CARTS

3-3-68 DEFINITIONS

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

3-3-70 OPERATION OF GOLF CARTS

Golf carts may be operated on City streets by persons possessing a valid driver's license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit.

The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level. The golf cart shall be operated only on the streets from sunrise to sunset, unless equipped with headlights and working brake lights. No Golf Cart shall be operated on any City street at a speed in excess of 25 miles per hour. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa.

3-3-71 GOLF CART PERMITS

Golf Cart owners may apply for a permit from the Agency City Clerk on forms provided by the City. The Clerk shall NOT issue a permit until the owner/operator has provided the following:

- 1) Evidence that the operator is at least 16 years of age and possesses a Valid Iowa Driver's License.
- 2) Proof owner/operator has Liability Insurance covering the Operation of Golf Carts on City streets.

The Operator of a Golf Carts shall display the Agency Permit Sticker prominently on a rear fender or similar component on the Golf Cart. All Permits issued shall uniquely Identify the Name and Address of the owner/operator. The fee for such Permits shall be \$5.00 for each calendar year.

3-3-72 GOLF CART VIOLATIONS

Each violation shall be a simple misdemeanor punishable by a fine of at least \$65.00 but no to exceed \$625.00 and the Court may order imprisonment not exceed 30 days in lieu of a fine or in addition to a fine (Iowa Code Section 903.1(a)). In addition, the City shall suspend the

permit to operate a Golf Cart on City streets for 30 days for the 1st offense; 60 days for the 2nd offense; and permanent revocation for the 3rd offense occurring within a calendar year for any violation of this Chapter or any traffic laws of the City or the State of Iowa.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 RAILROAD REGULATION

3-4-1	Definitions	3-4-4	Street Crossing Obstructions
3-4-2	Warning Signals	3-4-5	Maintenance Of Crossings
3-4-3	Street Crossing Signs And Devices	3-4-6	Flying Switches

3-4-1 DEFINITIONS

For use in this chapter, the following terms are defined as follows:

1. The term "railroad train" shall mean an engine or locomotive with or without cars, coupled thereto, operated on rails.
(Code of Iowa, Sec. 321.1(58))
2. The term "operator" shall mean any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

3-4-2 WARNING SIGNALS

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

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

3-4-3 STREET CROSSING SIGNS AND DEVICES

Operators shall erect and maintain non-mechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits, except where some mechanical sign, signal, device, or gate or flagman is required by resolution of the Council. Such non-mechanical signs shall be of a height and size, and utilize such lettering as to give adequate warning of such crossing. Whenever the City Council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained, flagman stationed at any street or other public crossing, the City Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device, or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the City Council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected or flagman stationed. After the resolution has been

adopted, a copy shall be served the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

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

3-4-4 STREET CROSSING OBSTRUCTIONS

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

(Code of Iowa, Sec. 327G.32)

1. When necessary to comply with signals affecting the safety of the movement of trains.
2. When necessary to avoid striking an object or person on the track.
3. When the train is disabled.
4. When necessary to comply with governmental safety regulations including, but not limited to, speed Ordinances and speed regulations.

An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3-4-5 MAINTENANCE OF CROSSINGS

Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

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

3-4-6 FLYING SWITCHES

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

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE PROTECTION

3-5-1 Establishment and Purpose	3-5-12 Chief—Establishes Regulations and Rules
3-5-2 Board of Directors	
3-5-3 Duties of Board of Directors	3-5-13 Chief—Operation Drills
3-5-4 Equipment—Supply and Storage	3-5-14 Officers—Social—Duties
3-5-5 Members—Active and Other-- Number	3-5-15 Chief—Inspection Duty
3-5-6 Officers-Operation--Designated	3-5-16 Fire Hazard—Abatement
3-5-7 Chief-Appointment--Term	3-5-17 Member—Vehicles Granted Right- of-Way when responding to a fire
3-5-8 Officers-Accountability	3-5-18 Parking Restrictions
3-5-9 Officers—Operation—Appointment	3-5-19 False Alarm—Prohibited
3-5-10 Members—Active—Qualifications and Appointment	3-5-20 Violation—Penalty
3-5-11 Member—Suspension—Authority	3-5-21 Peace Officer—Special Duties in Time of Fire Alarm

3-5-1 ESTABLISHMENT AND PURPOSE

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

(Code of Iowa, Sec. 364.16)

3-5-2 BOARD OF DIRECTORS

There is hereby created, the Board of Directors, Agency Fire Department, consisting of six members. Three of the members shall be the Agency Township Trustees, two of the members shall be members of the Agency City Council, appointed by the City Council of the City of Agency. All members shall serve for a term of one year beginning on January 1 of each year. No compensation shall be paid to members of the Board of Directors for the performance of their duties.

3-5-3 DUTIES OF THE BOARD OF DIRECTORS

The duties of the Board of Directors of the fire department shall be as follows:

- A. To oversee the Agency Fire Department.
- B. To approve or disapprove Bylaws and Amendments thereto adopted from time to time by the fire department.
- C. To approve the Fire Chief elected by the members of the department and recommend approval or disapproval of the Fire Chief to the City Council for the final approval.

- D. To establish policy for the department which such policy shall be carried out by the Chief.
- E. To oversee and direct the Chief of the fire department who is accountable to the Board.
- F. To keep a record of its proceedings, and elect officers annually.
- G. To conduct hearings as may be required by this Chapter.

3-5-4 EQUIPMENT SUPPLIES AND STORAGE

The department shall be equipped with such apparatus and accessories as may be required from time to time to maintain its efficiency. All of the equipment of the department shall be safely and conveniently stored in the fire station as may be designated by the City Council.

3-5-5 MEMBERS—ACTIVE AND OTHER--NUMBER

The department shall be composed of not less than twelve active members and as many in excess of twelve as may be necessary for the adequate protection of the community.

3-5-6 OFFICERS-OPERATION--DESIGNATED

The operation officers of the department shall be a Chief, Assistant Chief and such other company officers as the Chief deems necessary for the effective operation of the department. The department shall adopt Bylaws which shall be approved by the Board of Directors.

3-5-7 CHIEF-APPOINTMENT--TERM

The Chief shall be elected by the members of the fire department and thereafter approved by the Board of Directors and the City Council. Their tenure of office shall be for one year starting January 1st of each year. They may be removed only for just cause and after a fair and impartial hearing before the Board of Directors and City Council.

3-5-8 OFFICERS-ACCOUNTABILITY

The Chief of the department shall be accountable to the Board of Directors and the City Council. All other departments and company officers shall be held accountable to the Chief of the department only. The Chief of the departments shall, before January 31 each year, file a written report with the City Clerk and the Board of Directors setting forth the status of the department, the condition of all equipment and a report of all funds received, expended and on hand during the previous calendar year.

3-5-9 OFFICERS—OPERATION--APPOINTMENT

The Assistant Chief and all other operation officers shall be appointment by the Chief, accountable only to the Chief, and subject to removal at their discretion.

3-5-10 MEMBERS—ACTIVE—QUALIFICATIONS AND APPOINTMENT

The active membership of the department shall consist of such persons as are approved by members of the department and shall be able-bodied citizens of sound mind and body residing within the City or surrounding community, who are of good moral character, preferable property owners whose business activities are chiefly within the confines of the city or the surrounding community and who have telephones in their homes.

3-5-11 MEMBER—SUSPENSION--AUTHORITY

Any member of the department may be suspended or discharged from the department by the Chief at any time they deem such action necessary for the good of the department.

3-5-12 CHIEF—ESTABLISHES REGULATIONS AND RULES

The Chief shall formulate a set of rules and regulations to govern the department and shall be responsible to the Board of Directors for the personnel, morale and general efficiency of the department.

3-5-13 CHIEF--OPERATION DRILLS

The Chief shall also call the entire department together at least twice each month for the purpose of conducting suitable drills in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city and all other matters generally accepted as having a bearing upon good firemanship.

3-5-14 OFFICERS—SOCIAL--DUTIES

The department, if it so desires, may elect a president, vice-president, secretary and treasurer. The Board of Directors shall adopt operating rules for the department which shall govern the department operations.

3-5-15 CHIEF—INSPECTION DUTY

The Chief of the fire department is required to cause inspections to be made of all building within the city, with the exception of those used exclusively for residential purposes, not less than twice each year and to serve written notice upon the owner to abate within a specified time any and all fire hazards that may be found therein.

3-5-16 FIRE HAZARD--ABATEMENT

Any citizen served with an order to abate any fire hazard or hazards shall comply with the order and promptly notify the Chief.

3-5-17 MEMBER—VEHICLES GRANTED RIGHT-OF-WAY WHEN RESPONDING TO A FIRE

All personal cars of the fire department members shall have right-of-way over all other traffic when responding to a fire alarm. A fireman's car is to be designated as such if necessary.

3-5-18 PARKING RESTRICTIONS

No person shall park any vehicle of any description or place any material or obstruction within 20 feet of the entrances to any fire station or within five (5) feet of any fire hydrant or fire cistern, nor park any vehicle within three hundred feet of a fire.

3-5-19 FALSE ALARM--PROHIBITED

No person shall maliciously sound a false fire alarm.

3-5-20 VIOLATION--PENALTY

Any person violating the provisions of this chapter shall upon conviction be subject to the penalties specified in 1-3.

3-5-21 PEACE OFFICER—SPECIAL DUTIES IN TIME OF FIRE ALARM

It is the special duty of the chief of police, policemen and such other peace officers as are on duty at the time to respond to all fire alarms and to assist the fire department in the protection of life, the property of citizens and the property of the fire department, and in controlling and regulating traffic and maintaining order, particularly in reference to violations of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

3-6-1 Preamble

3-6-2 Findings and Purpose

3-6-3 Definitions

3-6-4 Offenses

3-6-5 Defenses

3-6-6 Enforcement

3-6-1 PREAMBLE

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

(Code of Iowa, Sec. 364.1)

3-6-2 FINDINGS AND PURPOSE

The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Agency; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

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

3-6-3 DEFINITIONS

In this chapter:

1. Curfew hours means *11:00 p.m. until 6:00 a.m.*
2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural

disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

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

3-6-4 OFFENSES

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

3-6-5 DEFENSES

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Sheriff's department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Agency, a civic organization, or another similar entity that takes responsibility for the minor;

- h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the Sheriff's department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-6-5 is present.
2. A minor who is in violation of this ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Agency.

"Editor's Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See *Maquoketa v. Russell*, 484 NW2d, 179 (Iowa 1992) and *Quit v. Strauss*, 8 F2d 260 (1993)."

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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

3-7-1 DEFINITIONS

For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.
2. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-7-2 EXEMPTIONS

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

3-7-3 PERMITS

Before any person or organization engages in any of the practices defined herein, they must comply with all applicable ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty (60) days. A fee of \$5.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

(Code of Iowa, Sec. 9C.2)

3-7-4 REQUIREMENTS

Any applicant engaged in any activity described in 3-7-1 of this chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-7-5 HOURS OF SOLICITATION

No person may conduct those activities described in section 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW

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

3-7-7 BOND REQUIRED

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

3-7-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC

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

3-7-9 DISPLAY OF PERMIT

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

3-7-10 PERMIT NOT TRANSFERABLE

Permits issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-7-11 REVOCATION OF PERMIT

The City Council after notice and hearing may revoke any permit issued under this ordinance where the permittee in the application for the permit or in the course of conducting his or her

business has made fraudulent or incorrect statements or has violated this ordinance or has otherwise conducted business in an unlawful manner.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 SEX OFFENDERS

3-8-1 Purpose	3-8-5 Exceptions
3-8-2 Definitions	3-8-6 Repealer Clause
3-8-3 Residency Restrictions	3-8-7 Severability
3-8-4 Municipal Infraction	

3-8-1 PURPOSE

The purpose of this Ordinance is to provide for the safety and wellbeing of all citizens of Agency.

3-8-2 DEFINITIONS

For the purpose of this Ordinance, the following shall be defined as shown herein:

- A. "Sex Offender" – A person who has been convicted of a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor as set out in Chapter 692A of the Code of Iowa.
- B. "Public Library" – A room or building owned by the City of Agency where a collection of books, periodicals, musical scores and similar materials are kept for reading or reference.
- C. "Public Park" – Any area of land owned by the City of Agency, Wapello County, the State of Iowa or any governmental entity set apart for the recreation of the public.
- D. "Public Playground" – Any area of land owned by the City of Agency, Wapello County, the State of Iowa, or any other governmental entity used for outdoor games and recreation.

3-8-3 RESIDENCY RESTRICTIONS

A sex offender shall not reside within two thousand (2,000) feet of the real property comprising a Public Park, Public Playground, or a Public Library.

3-8-4 MUNICIPAL INFRACTION

A Sex Offender who resides within two thousand (2,000) feet of the real property comprising a Public Park, Public Playground, or a Public Library commits a Municipal Infraction, subject to penalty as set out in 1-3 of the Agency Municipal Code of Ordinances.

3-8-5 EXCEPTION

A Sex Offender residing within two thousand (2,000) feet of the real property comprising a Public Park, Public Playground, or Public Library does not commit a violation of this Ordinance if any of the following apply:

- A. The Sex Offender is required to serve at a jail, prison, juvenile facility, or other correctional institution of facility.
- B. The Sex Offender is subject to an order of commitment under Chapter 229A of the Code of Iowa.
- C. The Sex Offender has established a residence prior to July, 2002.
- D. The Sex Offender is a minor or ward under guardianship.

3-8-6 REPEALER CLAUSE

Any Ordinance, provision of part thereof, which differs or is inconsistent with this Ordinance is hereby repealed, to the extent of said difference or inconsistency.

3-8-7 SEVERABILITY

If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not effect the validity of the Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

3-9-1 Purpose

3-9-3 Action by Council

**3-9-2 Required Obedience to Provisions
of this chapter and State Law**

3-9-4 Transfers

3-9-1 PURPOSE

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

(Code of Iowa, Sec. 364.1)

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW

The following sections of the Iowa Code are hereby adopted by reference:

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

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

3-9-3 ACTION BY COUNCIL

The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

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

3-9-4 TRANSFERS

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

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK AND ABANDONED VEHICLES

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

3-10-1 PURPOSE

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

(Code of Iowa, Sec. 364.1)

3-10-2 DEFINITIONS

For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the Sheriff and has not been reclaimed for a period of ten (10) days; or

- e. Any vehicle parked on the street determined by the Sheriff to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(a))

- 2. "Private property" means any real property within the City which is not public property as defined in this section.
- 3. "Public property" means any public right-of-way open for the purposes of vehicular travel.
- 4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:
 - a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.
 - b. Any vehicle with a broken, loose, or missing parts including loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.
 - c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
 - d. Inoperable—any motor vehicle which lacks an engine and/or one (1) or more wheels, or other structural parts, placed and/or on jacks. Rendering said motor vehicle totally inoperable, or which cannot be moved forwards and backwards under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.
 - e. Any vehicle parked on any portion of a private property that is not a driveway, with or without the consent of the owner of the personal property for any period of time.
 - f. Exterior storage of a partially dismantled, wrecked, junked, discharge or otherwise non-operating motor vehicles, or any other vehicles, machinery, implements and/or equipment and the personal property of any kind which is no longer safely usable or being used for the purpose for which it was manufactures, for a period of longer than ten (10) days, except this subsection does not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. (Ord 204 §2, 2010)
 - e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

5. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.
6. "Active Repair" shall constitute a 30 day deadline.
7. "Driveway" shall mean an established hard surface or crushed rock portion of a residential lot leading from the public street to an existing garage or to the side of the dwelling if there is no garage and does not include any area of grassed yard.
8. "Enclosed Building" means any structure built for the enclosure of property, containing a roof and completely enclosed by walls and/or doors.
9. "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

3-10-3 REMOVAL OF ABANDONED VEHICLES

1. The Sheriff or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Sheriff or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.
3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Sheriff or Mayor if the Sheriff is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Code of Iowa, Sec. 321.89(2))

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-10-4 NOTIFICATION OF OWNERS AND LIEN HOLDERS

The City Mayor or their designee shall notify the property owner, by general mail delivery notice or notice served by the Sheriff Department within twenty (20) days of having taken possession of the abandoned/junk motor vehicle, the last known registered owner of the motor vehicle and all lienholders of record, addressed to their last known address of record, that the abandoned/junk motor vehicle has been taken into custody.

Notice is deemed given when mailed or served. Notice shall describe the year, make, model, and serial number of the motor vehicles, set for the location of the facility where it is being held and inform the owner and any lienholders of their right to reclaim the motor vehicle within 21 days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from the placing other motor vehicle or machinery in custody.

The notice shall also state that the failure of the owner or lienholder to exercise their right to reclaim the motor vehicle or machinery within the time provided shall be deemed a waiver by the owner and all lienholders of all rights, title, claim and interest in the motor vehicle or machinery and that such failure to reclaim is deemed consent to the sale of the motor vehicle or machinery at a public auction or disposal of the motor vehicle or machinery to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle or machinery, as provided by law.

- A. If the identity of the last registered owner of an abandoned/junk vehicle or machinery but operable vehicle 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 address of all lienholders, notice by once publication in one newspaper of general circulation in this city shall be made by the mayor and multiple listings may be included in said notice if they are subject to the same time limits. The same information as prescribed for in the general delivery mail notice or served notice shall be included.
- B. The owner or any lienholder may, by written request deliver to the Mayor prior to the expiration of the 21 day reclaiming period, obtain an additional 21 days within which the motor vehicle may be reclaimed. (Ord. 125, 1975)

3-10-5 IMPOUNDMENT FEES AND BONDS

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

- d. storage charges
- e. notice charges

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

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:
 - a. the fees required by Section 3-10-5 (1)
 - b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES

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

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

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES

The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-10-8 JUNK VEHICLES DECLARED A NUISANCE

Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Agency, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 NOTICE TO ABATE

Any junk motor vehicle or junk machinery stored upon private property within the limits of this city is in violation of this Chapter, the Mayor within ten (10) days shall notify the property owner with notice served by general mail delivery or notice served by the Sheriff Department of said motor vehicle or machinery owner that:

- A. The motor vehicle or machinery constitutes a nuisance under the provisions of this chapter;
- B. That the owner must remove or repair the motor vehicle or machinery in accordance with the terms of this Chapter;
- C. That failure to remove or repair the motor vehicle or machinery will be sufficient cause for its removal by the city at the owner's cost.

3-10-10 ABATEMENT BY MUNICIPALITY

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

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

3-10-11 COLLECTION OF COST OF ABATEMENT

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

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

3-10-12 EXCEPTIONS

The provisions of this chapter shall not apply to "junk" or "abandoned" vehicles or machinery stored within:

1. Structure: A garage or other enclosed structure; or
2. Salvage Yard: An auto salvage or junk yard lawfully operated within the city
3. A junk motor vehicle under active repair may be parked upon the driveway of a residentially zoned property not have a garage, provided the repairs are completed within 30 days.

3-10-13 INTERFERENCE WITH ENFORCEMENT

No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION***CHAPTER 11 DRUG PARAPHERNALIA*****3-11-1 Definitions****3-11-3 Prohibition****3-11-2 Exemption****3-11-1 DEFINITIONS**

As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

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

(Code of Iowa, Sec. 124.414)

3-11-2 EXEMPTION

"Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa. Sec. 124.414)

3-11-3 PROHIBITION

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

TITLE III COMMUNITY PROTECTION

CHAPTER 12 VENDING MACHINES

3-12-1 Permit for placement of vending machines

3-12-1 PERMIT FOR PLACEMENT OF VENDING MACHINES

The placement of vending machines on city property shall be by permit only issued by the City in order to protect public safety on City property. This applies retroactively to vending machines located on all City property. (Ord. 186, 2002)

TITLE III COMMUNITY PROTECTION

CHAPTER 13 BUSINESS LICENSE

3-13-1 Required for certain vocations

3-13-2 Required for certain vocations

**3-13-3 Licenses--Expiration--
Nontransferable**

3-13-4 Solicitation license

3-13-5 Expiration

3-13-6 Violation--Penalty

3-13-1 REQUIRED FOR CERTAIN VOCATIONS

Every person engaged in the sale of goods, wares or services door to door or any peddler must procure from the City Clerk a license and pay an annual fee of \$20.00. The clerk shall be advised the salesperson's name, address and company represented.

3-13-2 LICENSES--EXPIRATION--NONTRANSFERABLE

All yearly licenses shall expire on the first day of May each year, and all others at the time fixed in the license. No yearly license shall be issued for the unexpired portion of the year for less than half the amount for a full year's license, and none others for less than the full amount paid for a full term. No license shall be transferable. (Ord. 6 §10, 1871).

3-13-3 SOLICITATION LICENSE

Every person, firm, organization or entity who solicits or collects solicitations by personal contact with residents of the City or canvases door-to-door shall obtain a solicitation license.

3-13-4 EXPIRATION

All licenses for solicitation shall be issued for a year and expire on May 1 of each year. The cost of a license shall be \$5.00 and shall include the name of the organization, address, and purpose of solicitation, and shall include the name and address of all solicitors.

3-13-4 VIOLATION—PENALTY

Any person required by this ordinance to procure a license and failing to do so is subject to the penalty in Section 1-3-2.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1 Definitions	4-1-10 Biting--Impoundment—Destruction
4-1-2 Reserved	4-1-11 Fowl--Confinement Required
4-1-3 Immunization	4-1-12 Fowl--Running at Large Prohibited
4-1-4 At Large Prohibited	4-1-13 Cattle—Restrictions
4-1-5 Animal Nuisances	4-1-14 Keeping Specified Animals Within City Limits Unlawful
4-1-6 Impounding	4-1-15 Keeping Enclosures for Prohibited Animal Unlawful
4-1-7 Dangerous Animals	4-1-16 Violation--Penalty
4-1-8 Keeping A Vicious Animal	
4-1-9 Number of Animals Restricted	

4-1-1 DEFINITIONS

For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

4-1-2 RESERVED

4-1-3 IMMUNIZATION

All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-4 AT LARGE PROHIBITED

No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-5 ANIMAL NUISANCES

It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by excessive barking or other noise making or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

Keeping or harboring any dog which disturbs the peace by barking, howling, or other obnoxious noises. In the event that three (3) disturbances are filed with the City of Agency and the Wapello County Sheriff Department, the owner of said animal or animals may be required to install a barking device on the animal in violation or the animal in violation will be required to be removed from the residence in question.

It is unlawful and constitutes a nuisance for any person, persons, firm or corporation to collect keep, feed or maintain within the city limits any horse, jack, mule, donkey, burro, pony, cow, bull, calf, steer, goat, sheep, swine, wild or exotic animals, snakes, or Staffordshire Terrier, American pit bull terrier or American Staffordshire terrier breed of dog within any pen, building, yard, shed or enclosure within the City. Furthermore, if said prohibited conditions are declared a nuisance by a court, they shall cease to exist and be removed.

4-1-6 IMPOUNDING

1. Any dog found at large or in violation of Section 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Impounded dogs may be recovered by the owner, upon proper identification, by payment of the, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs are not claimed within five (5) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.

(Code of Iowa, Sec. 351.39)

4. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec. 351.39)

4-1-7 DANGEROUS ANIMALS

1. **Dangerous Animals Prohibited.** No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.
2. **Definitions.** A dangerous animal is:
 - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
 - b. The following are animals which shall be deemed to be dangerous animals per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
 - (2) Wolves, coyotes, and foxes;
 - (3) Badgers, wolverines, weasels, skunks, and mink;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys, chimpanzees, and apes;
 - (7) Alligators and crocodiles;
 - (8) Scorpions and gila monsters;
 - (9) Snakes that are venomous or constrictors;
 - (10) Pit bulls meaning any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
 - (11) Any cross breed of such animals which have similar characteristics of the animals specified above.
 - c. Any animals declared to be dangerous by the City Council.

4-1-8 KEEPING A VICIOUS ANIMAL

It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

4-1-9 NUMBER OF ANIMALS RESTRICTED

No person shall keep dogs or other animals in such a number to exceed three (3) or in such a manner that their presence shall disturb the peace and comfort of any neighbor or neighborhood or cause a menace or detriment to public health. (Ord. 209, 2013)

4-1-10 BITING--IMPOUNDMENT--DESTRUCTION

If any dog attacks or bites or attempts to attack or bite any person, or if the Mayor or Sheriff, or any person ordered by the Mayor or Sheriff, or any health officer of the City has reasonable grounds to believe that nay dog is affected with rabies, it shall then become the duty of the Mayor or Sheriff, or any person ordered by the Mayor or Sheriff to take up and restrain such dog for a period of 5 days. Any owner shall, when notified by the Mayor or Sheriff, or any person ordered by the Mayor or Sheriff, or any health officer of the City, deliver the dog to the Mayor or Sheriff, or any person ordered by the Mayor or Sheriff, for impounding for observation for a period of ten days. If during the five-day period, a duly licensed veterinarian determines that the dog is affected with rabies, the Mayor or Sheriff, or any person ordered by the Mayor or Sheriff, shall destroy the dog. (Ord. 195 §2, 2005).

4-1-11 FOWL--CONFINEMENT REQUIRED

It is unlawful for any person within the city limits who keeps or harbors chickens, ducks, geese, turkeys or other fowl of any kind whatsoever to fail to confine or keep confined such chickens, ducks, geese, turkeys or other fowl upon his premises. (Ord. 71, §2, 1943).

4-1-12 FOWL--RUNNING AT LARGE PROHIBITED

It is unlawful for any person within the city limits to allow or permit any chickens, ducks, geese, turkeys or other fowl of any kind whatsoever owned by him and kept upon his premises to pass from his premises upon or onto the premises of any other person or upon the public streets or public places of the city. (Ord. 71, §2, 1943).

4-1-13 CATTLE--RESTRICTIONS

It is unlawful and constitutes a nuisance for any person, persons, firm or corporation to bring, collect upon, keep, maintain or feed cattle on less than 5 acres of pasture ground within the city limits owned, leased or occupied by said person, persons, firm or corporation. (Ord. 71, §5, 1943).

4-1-14 KEEPING SPECIFIED ANIMALS WITHIN CITY LIMITS UNLAWFUL

- g. It is unlawful and constitutes a nuisance for any person, persons, firm or corporation to collect, keep, feed or maintain within the city limits any horse, jack, mule, donkey, burro, pony, cow, bull, calf, steer, goat, sheep, swine, wild or exotic animals, snakes, or Staffordshire Terrier, American Pit Bull Terrier, or Staffordshire terrier breed of dog within any pen, building, yard, shed or enclosure within the City. (Ord. 208, 2013)
- h. Subsection (a) shall not apply to property if said conditions contrary to subsection (a) existed and the City was aware on said property prior to the passage of said Ordinance Amendment, except that said prohibited conditions may not be expanded and when they cease to exist they shall not be renewed. Furthermore, if said prohibited conditions were declared a nuisance by a court, they shall cease to exist and be removed. (Ord. 208, 2013)

4-1-15 KEEPING ENCLOSURES FOR PROHIBITED ANIMALS UNLAWFUL

It is unlawful and constitutes a nuisance for any person, persons, firm or corporation to keep or maintaining within the city limits any pen, building, yard, shed or enclosure wherein any swine, sheep goats, wild or exotic animals, snakes or Staffordshire Terrier, American Pit Bull Terrier, or Staffordshire terrier breed of dog, are collected, kept, fed, harbored or maintained by the owner, lessee or occupant of any property therein. (Ord. 71, §4, 1943)

4-1-16 VIOLATION--PENALTY

Any owner found violating any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished according to the provision of Section 1-3-2. Any dog which has been impounded by the City of any reason, may be claimed by the owner within five (5) days of the impoundment by payment to the City Clerk the sum of one hundred (\$100.00) dollars, plus all city expenses for kennel care, veterinarian expenses or other fees or costs of care for said dog, along with the presentation to the City Clerk of a current rabies certification and county dog licenses for the dog. In addition, if a dog must be tested for rabies, the owner must pay the cost of such testing. After five (5) days of impoundment, the city shall cause the dog to be destroyed or may transfer ownership of the dog to an animal shelter or a veterinarian at the exclusive right of the City, to be disposed of by the animal shelter or the veterinarian. (Ord. 184, §2, 2001).

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 EQUINE, BOVINE AND OTHER ANIMALS RUNNING AT LARGE

- | | |
|---|---|
| <p>4-2-1 Specified animals running at large--
Prohibited</p> <p>4-2-2 Impoundment--Redemption--Sale</p> <p>4-2-3 Sale--Procedure--Proceeds to cover
costs</p> <p>4-2-4 Disposition of remaining proceeds--
Claim by owner</p> | <p>4-2-5 Sale--Statement of cost and
proceeds--Report to city council</p> <p>4-2-6 Sale--Grants absolute title to
purchaser</p> <p>4-2-7 Impoundment--Release prohibited
without payment of fee</p> |
|---|---|

4-2-1 SPECIFIED ANIMALS RUNNING AT LARGE--PROHIBITED

No horse, mule, jack, jenny, cattle, swine, sheep, or goat is allowed to run at large within the city limits. (Ord. 31, §1, 1890).

4-2-2 IMPOUNDMENT--REDEMPTION--SALE

It shall be the duty of the mayor to impound any animal found running at large contrary to Section 6.12.010. Any person or persons claiming any animal so impounded shall pay to the mayor the sum of ten dollars and the further sum of five dollars for each day's keeping of the animal. After three days of restraint of any animal, the mayor shall proceed to advertise the same for sale, giving ten days notice of the sale by posting notice in three public places within the city limits; one notice to be placed at the door of the city hall. (Ord. 31 §2, 1890).

4-2-3 SALE--PROCEDURE--PROCEEDS TO COVER COSTS

If, after the advertising, no claimant appears for the animal or animals advertised, the mayor shall proceed to sell the same to the highest and best bidder for cash.

4-2-4 DISPOSITION OF REMAINING PROCEEDS--CLAIM BY OWNER

Any money remaining in the hands of the mayor after such sale and after all costs and expenses are paid shall be paid over to the city treasurer.

4-2-5 SALE--STATEMENT OF COST AND PROCEEDS--REPORT TO CITY COUNCIL

Immediately after the sale of any animal or animals, the mayor shall make out a correct statement of all expenses incurred by the impounding of such animal or animals and the money received from the sale of such property and report the same in writing to the city council at the first meeting thereafter. (Ord. 31, §5, 1890).

4-2-6 SALE--GRANTS ABSOLUTE TITLE TO PURCHASER

The purchaser of any stock sold at any public sale in accordance with 4-2-3 through 4-2-5, shall have an absolute title to the same against all persons.

4-2-7 IMPOUNDMENT--RELEASE PROHIBITED WITHOUT PAYMENT OF FEE

Any person or persons who release or attempt to release any animal restrained under these provisions without first paying the costs of such restraint shall be subject to the provisions of Section 1-3-2.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

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

5-1-1 PUBLIC LIBRARY

There is hereby established a free public library for the City, to be known as the Agency Public Library.

5-1-2 LIBRARY TRUSTEES

The board of trustees of the Agency Public Library, hereinafter referred to as the board, consists of five (5) members, not less than three (3) of whom shall be residents of the City and who shall be appointed by the Board and approved by the City Council and not more than two (2) of whom shall be nonresidents of the City but reside outside of City limits and are actively involved in the Library, who shall be appointed by the Board and approved by the City Council.

5-1-3 QUALIFICATIONS OF TRUSTEES

All of the members of the Board shall be bona fide citizens and residents of the City, except the nonresident members who shall live outside of the city limits and are actively involved in the Library, and all shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD

1. **Terms of Office.** All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

2. **Vacancies.** The position of any trustee shall be declared vacant if said trustee moves permanently from the City or township or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by the City Council, or in the case of nonresident members, by the county board of supervisors, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

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

5-1-5 POWERS AND DUTIES

The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.
(Code of Iowa Sec. 336.8(1))
2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.
(Code of Iowa Sec. 336.8(2))
3. To direct and control all the affairs of the library.
4. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.
(Code of Iowa Sec. 336.8(3))
5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.
(Code of Iowa Sec. 336.8(4))
6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.
(Code of Iowa Sec. 336.8(5))
7. To authorize the use of the library by non-residents of the City and to fix charges therefor.
(Code of Iowa Sec. 336.8(6))

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.
(Code of Iowa Sec. 336. 8(7))
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.
(Code of Iowa Sec. 336. 8(8))
10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.
(Code of Iowa Sec. 336. 8(9))
11. To keep a record of its proceedings.
12. To have authority to make agreements with the local county historical associations, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes by the Council.
(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY

1. **Contracting.** The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.
(Code of Iowa, Sec. 336.18(1))
2. **Termination.** Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of electors who voted for governor

in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

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

5-1-7 NON-RESIDENT USE OF THE LIBRARY

The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing branch libraries for lending books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS

All money appropriated by the City Council from the general fund for the library wages shall be set aside in an account for the library. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT

The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1974. (See Section 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 2 CITY PARK REGULATIONS

5-2-1 Hours of Operation

5-2-2 Vehicles

5-2-3 Refuse

5-2-4 Penalties

5-2-1 HOURS OF OPERATION

The park shall be open to the public between the hours of 5:00 a.m. and 11:00 p.m. each day unless special permission is granted by the City Council for earlier opening or later closing hours on a specific occasion. In addition, the park shall be closed at any time it is deemed in the best interest of the health, safety, and welfare of the public by the City Council to so close the same; also the park or a portion thereof may be ordered open for shorter times each day if the City Council deems necessary but the closing of the park or shorter hours shall not take effect until posted in a conspicuous place in the park.

5-2-2 VEHICLES

- a. No person shall ride, drive or operate any vehicle in the park of the city, except on the established roads and ways, and then only at a moderate rate of speed and at no time at a rate of speed greater than 15 miles per hour except where otherwise posted.
- b. No person other than employees, agents or authorized invitees of the city shall drive any vehicle upon any portion of the city park not designated as a road or otherwise designated for use of vehicular traffic. Motor vehicles must not be parked in such a manner as to obstruct the roadways, and, unless otherwise designated by signs, must be parked parallel with the roadway and with not more than two wheels off the roadway.

5-2-3 REFUSE

- a. No person shall scatter about or litter the grounds of the park with any form of waste material. All litter, papers and refuse must be deposited in the receptacles provided therefor.
- b. No person shall disturb or interfere with any improvements made in or about the park or disturb or interfere with birds, animals, flowers or plants kept or found therein.

5-2-4 PENALTIES

In additions to all penalties and criminal charges available by law, violation of any of the above sections of this ordinance by an individual shall be grounds for removal of said person or persons from the city park and the failure of said person to so leave said park when so ordered by any peace officer shall be deemed a trespass and subject the person or persons to the penalties of a simple misdemeanor as provided for in Sections 716.7 and 716.8 of the Code of Iowa.

(Ord 182, 2000)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1 Definitions

6-1-1 DEFINITIONS

For use in this chapter the following terms are defined as follows:

1. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. "Factory-built structure" includes the terms "mobile home," "manufactured home", and "modular home."

(Code of Iowa, Sec. 103A.3(8))

2. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

3. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7))

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

<p>6-2-1 Definitions</p> <p>6-2-2 Use of Public Sewers Required</p> <p>6-2-3 Private Sewage Disposal</p> <p>6-2-4 Building Sewers and Connections</p>	<p>6-2-5 Use of the Public Sewers</p> <p>6-2-6 Protection From Damage</p> <p>6-2-7 Powers and Authority to Inspectors</p> <p>6-2-8 Penalties</p>
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6-2-1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
(IAC 567-69.3(1))

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
(IAC 567-69.3(1))

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Agency or the Superintendent's authorized deputy, agent, or representative.
20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-2-2 USE OF PUBLIC SEWERS REQUIRED

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

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

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

6-2-3 PRIVATE SEWAGE DISPOSAL

1. Where a public sanitary or combined sewer is not available under the provision of 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed

necessary by the Superintendent. A permit and inspection fee of \$50.00 dollars shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the 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, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-2-4 BUILDING SEWERS AND CONNECTIONS

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit fee of \$50.00 dollars for a residential building sewer permit, \$100.00 for a commercial building sewer permit and \$100.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed. Sewer inspection fees are \$400.00 dollars for a residential building, \$450.00 dollars for a commercial building, and \$550.00 dollars for an industrial building.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Agency and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City of Agency pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Agency and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public

sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.

6. The building sewer shall be constructed in accordance with applicable portions of the last published (State Plumbing Code of Iowa), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."
 - a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.
 - b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

- (1) Pipe and Fittings - ASTM C-700 "Standard Specification for Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."
- (2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

Extra Heavy Cast Iron Soil Pipe

- (1) Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."
- (2) Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

- (1) Pipe - ASTM D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - ASTM D-1869, ASTM D-1312, "Flexible Elastomeric Seals."

- c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.
 - d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.
 - e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid straight at uniform grade between connections or fittings.
 - f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. 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 or the Superintendent's representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.
14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-2-5 USE OF THE PUBLIC SEWERS

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior

foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be canceled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
 - b. Non-payment of bills.
 - c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.
2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage,

whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
 - b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).
 - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-5(4), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - a. Reject the wastes,
 - b. Require pre-treatment to an acceptable condition for discharge to the public sewers,
 - c. Require control over the quantities and rates of discharge, and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance

with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).
10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-2-6 PROTECTION FROM DAMAGE

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-2-7 POWERS AND AUTHORITY TO INSPECTORS

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 6-2-5(8).
3. 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.

6-2-8 PENALTIES

1. Any person found to be violating any provision of this ordinance except 6-2-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person violating any of the provisions of this ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

6-3-1	Enforcement/Purposes	6-3-15	Service Cut Off
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6-3-1 ENFORCEMENT/PURPOSES

a. The purposes of this ordinance are to prescribe the procedure to be followed in making private connections with the municipal water system, to establish regulations governing the connections thereto and prescribing rates for services therefrom.

b. The Superintendent of Public Utilities shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This Chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-3-2 DEFINITION OF TERMS

1. In this ordinance the words Water Works of City shall mean the City of Agency acting through its qualified officers or employees.

2. A water main shall be defined as any pipe laid by the City of Agency or agents thereof in streets, alleys or other grounds, which shall be a portion of the water distribution system of the City and which shall be intended to be tapped in the prescribed way for water service pipes to the consumer.

3. A service pipe shall be defined as that water pipe line laid from a water main into the premises to be served with water. The service pipe shall include the corporation cock, lead-in pipe, curb stop box, and shut off, and all valves and pipes inside the building through which water passes before it reaches the water meter. A service line includes any line or pipe that leaves the water main regardless of the number of structures or properties the service line may ultimately serve.

4. A consumer shall be any person using water furnished by the City of Agency, Iowa.

6-3-3 SERVICE CONNECTIONS

a. The laying of all service connections and pipes, installation of any water service, setting of water service fixtures in streets, public grounds and in premises to be served by the City water, shall be made by a plumber licensed by the State of Iowa.

b. A residential, commercial or industrial property located within the City on a street, alley or right-of-way must connect to the City water system, provided the water main is located within 300 feet of the property line.

c. When the consumer tears down any structure that was connected to City water service, the consumer is responsible to disconnect the water service at the water main.

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

e. The installation of any water service line or pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of this Code or the International Plumbing Code which is hereby adopted by this reference.

f. No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Public Works Director and provision is made so that each house, building or premises may be shut off independently of the other.

g. All costs and expenses incident to the installation, connection, disconnection or

maintenance of the water service line from the main to the building served shall be borne by the property owner.

6-3-4 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 supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-3-5 PERMIT

Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Superintendent. The application for the permit shall be filed with the Superintendent on blanks furnished by the Superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Superintendent. The Superintendent shall issue the permit, bearing the Superintendent's signature and stating the time of issuance, if the proposed work meets all the requirements of this ordinance and if all fees required under this ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Section 6-3-3 of this ordinance.

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

6-3-6 APPLICATION FOR WATER SERVICE CONNECTIONS

a. Taps or connections to the water mains shall be made by only authorized City employees of the City of Agency upon request for service by the property owner. An access fee of \$50.00 must accompany each application for single-family residential and \$50.00 for commercial and all other residential uses and \$50.00 for industrial uses.

b. The City reserves the right to render services in connection with furnishing water, such as installing and maintaining water service connection, repairing leaks, etc., at prices and terms to be determined, charges will be made at the actual cost of labor and material, plus ten percent (10%) for overhead expenses.

6-3-7 WATER SUPPLY CONTROL

The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a

heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

The plumber making said installation or connection shall be licensed by the city or state.

6-3-8 MAKING THE CONNECTION

Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

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

a. Service Pipe.

1. No water service pipe or tap for any building shall be less than three-quarter (3/4) inches in diameter. All pipe up to and including one and one-half (1½) inch inside diameter shall be "Type K." All pipe over one and one-half (1½) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

2. All water service pipes and their connections to the water system must be inspected and approved by the Public Works Director, before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

b. No Connection Between Different Services. When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

c. Depth of Service Pipe. Service pipe must be laid at least five and one-half (5 ½)

feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.

d. Maintenance of Service Pipes. All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains (except corporation cocks put in during the initial water installation period) shall be installed and maintained at the expense of the owners, and any leaks or other defects in the same shall be promptly repaired by the owner. If not promptly repaired, the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner, and must be paid before water shall be turned on again. If such repair is not made within three (3) days of written notification by the City, the property owner shall be charged the sum of Fifteen dollars (\$15.00) per day for each day after said three (3) day period of grace, during which the said water wastage shall continue.

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

6-3-9 EXCAVATIONS

- a. Excavations to do work under this ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.
- b. Before any permit to excavate in any street for making or repairing, a water connection is granted, the applicant including all plumbers shall have on file with the City Clerk an affidavit of their insurance approved by the Mayor and City Clerk conditioned upon the faithful observance of all ordinances of the municipality and that the municipality will be saved harmless from all suits and damages for negligence in maintaining barricades for the protection of persons lawfully using the streets.

6-3-10 INSPECTION AND APPROVAL

All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-3-11 COMPLETION BY THE CITY

Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-12 METER ACCURACY AND TEST

All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The City shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such member overruns to the extent of 15% percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than 3 months. If the meter is found to be accurate or slow less than 15% percent fast, the patron shall pay the reasonable costs of the tests.

6-3-13 SERVICE PIPES NOT TO BE LAID ACROSS PRIVATE PROPERTY

No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, but all service pipes shall be laid on streets, alleys, or public grounds to the premises to be served, and entered the building nearest the main.

6-3-14 SEPARATE CONNECTIONS

There shall be separate service pipes laid from the main to each dwelling or unit being served. Such service pipe shall be laid in a straight line at right angles to the water main, and

connections made within two lines drawn parallel to the sides of the building to be served and not more than ten feet outside of these sides. In all cases each building served must have an independent service shut off. Apartment buildings may have one (1) service line into the apartment building; however, the line must be split once in the building for each apartment. The owner of the apartment building must provide the City with access to the water line shutoff twenty-four (24) hours a day.

6-3-15 SERVICE CUT OFF

a. A curb stop and shut off for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or alleys the stop box shall be placed less than twelve (12) inches inside the sidewalk or sidewalk line on City property; and when made in alleys, it shall be placed within the area located twelve (12) inches outside of the lot lines. The cover of said stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of the stop box and shut off at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main.

b. Every service pipe must also have a stop and waste placed in the building within two (2) feet of the point where the pipe enters the building. Said stop must have a handle or wrench attached to turn the same, and be kept in working order at all times so that the water supply may be shut off by the occupant of the premises.

c. The outside shut off and stop box shall be under the sole control of the City and no one except an employee or person specially authorized by the City Council shall open the cover of such box, or turn on or off the water. Provided, however, that approved plumbers may turn off or on the water for testing plumbing or making repairs, but whenever so used to shut off must be left closed if found closed, and open if found open, by the plumber who uses it.

d. The stop box in every service must be kept flush with the surrounding ground or surface, and must be visible from the sidewalk. The curb box and shut off must be kept in good condition and ready for use at all times by the owner. Should the owner neglect to maintain such box and shut off in proper condition to be used, and if the stop box is found to be filled up, or the stop box or shut off found to be out of repair at any time, the City shall have the right to clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused, the payment thereof may be enforced in the same manner as that provided in the case of delinquent water bills.

e. There shall be installed a shut-off valve on every service pipe inside the building,

as close to the entrance of the pipe, within the building, as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each customer so that service may be shut off for one without interfering with service to the others. The interior valves shall be placed on the customer side of the meter within one (1) foot of the meter. This will be required for all new construction and plumbing service upgrades.

6-3-16 BREAKS IN SERVICE OF FIXTURES

The City shall not be held responsible by reason of the breaking of any service pipe or water coil, or for failure in the supply of water.

6-3-17 ABANDONED SERVICE PIPES

If a service pipe or connection, which is not being used, is found to be leaking, the City may without notice, repair or turn off the same, and charge the expense thereof to the owner of the property last served by this connection.

6-3-18 RIGHT TO SHUT OFF WATER

a. The City reserves the right to at any time, when necessary, without notice, to shut the water off its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the City by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying, or relaying mains, hydrants or other connections. The City may give notice of shutting off water if conditions are such that it is possible to do so.

b. When water is shut off for making repairs in premises having water heating coils in heaters, consumers should turn off the water at the basement shut off and open a faucet in the hot water pipe and leave it open until water is turned on, in order to protect piping and fixtures from excessive pressures from hot water or steam.

6-3-19 RESPONSIBILITY IN TURNING ON WATER

In turning on water the city shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or from any other cause.

6-3-20 DISCONTINUE USE OF WATER

Owners or consumers desiring to discontinue the use of water shall give notice thereof in writing to the City who shall then cause the water to be turned off and the meter removed. A service charge of Twenty-five Dollars (\$25.00) shall be made to shut off and reconnect the service. Water rents or charges for services shall be made until notice is given. When water service is discontinued, all water rentals for such service shall become due and payable. No service will be reconnected or turned back on until all past due fees and charges are paid in full.

If for any reason, a meter is removed from a house temporarily because of an owner's absence or danger of the meter freezing, a charge of Twenty-five Dollars (\$25.00) shall be made to cover the cost of removing and reconnecting the meter.

6-3-21 WATER METERS

a. The City shall provide one (1) water meter per service line. All water meters furnished to the customers shall be metered. All meters shall be set and installed by a plumber licensed through the State of Iowa, at the owner's expense, at a suitable location in the piping system for same. Meters shall be placed on service pipe not to exceed two (2) feet from the location in the wall or floor where such pipe enters the premises.

In the event a meter larger than that required for a single-family residence is needed, the full cost of such larger meter shall be paid by the customer requesting or needing such larger meter. The cost of the meter shall be paid to the City, by the property owner or customer, prior to the installation of the meter.

b. The piping system shall be so constructed and the meters placed so that all water supplied by the City to be used in or about the premises shall pass through the water meter, and the owner of the premises shall be responsible for compliance with this provision of this Ordinance, and he or she shall be liable for the payment for water used in violation of this Ordinance. The first offense for violating this provision will be a fine of up to Five Hundred Dollars (\$500.00). For each subsequent offense, a civil penalty of up to Seven Hundred Fifty Dollars (\$750.00) shall be imposed. The amount of such water used shall be determined by the City, but in every case where City water is used in violation hereof, the water bill shall be increased not less than one and a half (1½) times the average monthly usage.

c. There shall be a stop and waste between the meter and the wall, and a suitable place provided for the meter so as to keep it safe and clean and readily accessible at all times to the meter reader and inspectors of the City. All valves and fittings necessary to comply with these requirements and to provide connection to the meter, except a coupling or flange at each end of the meter, shall be provided by the owner of the premises to be served. In case that two or more meters are desired for measuring water to two different tenants in the same building from one service connection, they shall be so placed that neither of the meters shall measure water which has passed through another one.

d. All newly installed meters or meters replaced after the effective date of these Ordinances must be installed on the exterior of the building serviced, or be fitted with an outside reader, and be accessible for reading without entering the premises.

6-3-22 UNNECESSARY WASTE

The City reserves the right to prohibit the use of water for yard sprinklers or large consumers of water, when in the judgment of the City, the public welfare requires such action. The City shall adopt a resolution setting forth the basis for the moratorium and the length of time the moratorium will be in effect. Violation of the City prohibition will be a simple misdemeanor enforceable by municipal infraction or criminal citation.

6-3-23 OWNERS TO PROTECT METERS

a. The owners or occupants of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water and from other injury or interference from any person or persons. In case of any injury to the meter, or in case of its stoppage or imperfect working, he or she shall give immediate notice to the City. In all cases where water meters are broken or damaged by negligence of owners or occupants of the premises, or by freezing, hot water, or other injuries except ordinary wear the necessary repairs to the meter shall be made by the City and the cost of such repairs shall be paid for by such owner or occupant, and in case payment thereof is neglected or refused, the cost of such repairs shall be added to the consumer's water bill and payment thereof enforced as provided for delinquent water bills. Damaged meters may be repaired by the City without first giving notice thereof to the owners of the premises where such meter is located.

b. No one shall in any way interfere with the proper registration of water meters, and no one except as authorized by the City shall break a seal of a meter, provided, however, that the City may grant written permission to approved plumbers in cases of emergency to break a water meter seal. The owner of the property may be charged a civil penalty of up to Five Hundred Dollars (\$500.00) for the first offense and up to a Seven Hundred Fifty Dollar (\$750.00) civil penalty for each subsequent violation of this section.

c. Wherever a water meter is installed on a water service in the premises that are to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such meter, and free access to such meter shall be provided at least twenty-four hours after such notice is given so that the meter may be removed. The owner of the premises shall be held responsible for the meter until such written notice is given. If the meter is covered or lost, he or she shall be required to pay to the City a sum equal to the fair, reasonable market value thereof. The replacement cost thereof is presumed to be its fair reasonable market value.

6-3-24 OTHER SUPPLY THAN CITY WATER

On premises where water is supplied from two (2) sources, the City water being one of them, the piping system the City water must be entirely separated from that of the other source.

6-3-25 INSPECTION OF METERS, PIPES AND FIXTURES

The City shall be permitted at all reasonable hours to enter the premises or buildings of consumers for the purpose of reading meters and to examine the water pipes and fixtures and the manner in which water is used. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water service at such premises.

6-3-26 FIRE HYDRANTS NOT TO BE USED

No person, save and except members of the Fire Department of the City of Agency, Iowa, or employees of the City acting in regular performance of their duties, shall open any hydrant belonging to the City at any time without a permit in writing signed by an authorized City Official.

6-3-27 WATER WORKS PROPERTY

It shall be unlawful to break, injure, mar, or deface, interfere with or disturb any building, machinery apparatus, fixtures attachments or appurtenance of the water works, or any hydrant, stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the City Council or excepting cases herein otherwise provided by Ordinance.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

6-4-1	Definitions	6-4-5	Collections
6-4-2	Duty to Provide Cans	6-4-6	Necessity of Permits
6-4-3	Administration	6-4-7	Burning of Refuse
6-4-4	Storage	6-4-8	Refuse Other Than Garbage
		6-4-9	Sanitary Landfill
		6-4-10	Anti-Scavenging

6-4-1 DEFINITIONS

For use in this chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.
2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.
4. "Can". Means a container for the storage of garbage or rubbish which is:
 - a. Provided by contracted waste removal services. Additional cans put out must comply with 6-4-B-D.
 - b. Provided with a handle and tight fitting cover.
 - c. Made of noncorrosive material.
 - d. Water-tight.

6-4-2 DUTY TO PROVIDE CANS

Each person shall provide cans or approved containers for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

6-4-3 ADMINISTRATION

Administration of this chapter shall be by the Superintendent of Refuse, or such employee designated by the Superintendent.

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

6-4-4 STORAGE

All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

6-4-5 COLLECTIONS

All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

6-4-6 NECESSITY OF PERMIT

No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Superintendent of Refuse and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City and a permit issued by the Clerk.

6-4-7 BURNING OF REFUSE

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.
2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.
3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-8 REFUSE OTHER THAN GARBAGE

Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-9 SANITARY LANDFILL

The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

6-4-10 ANTI-SCAVENGING

It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

6-5-1	Utility Defined	6-5-7	Refuse Collection Rates
6-5-2	Districts	6-5-8	Rate of Sewer Rent And Manner of Payment
6-5-3	Disposition of Fees and Charges	6-5-9	Determination and Payment of Sewer Rent From Premises With Private Water Systems
6-5-4	Billing, Penalty		
6-5-5	Discontinuing Services, Fee		
6-5-6	Water Rates		

6-5-1 UTILITY DEFINED

For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 DISTRICTS

There shall be one sewer and water district which encompasses all of the City of Agency, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES

All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-5-4 BILLING, PENALTY

Utility bills shall be due on the first of the month following the period for which the service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the fifteenth of the month in which due, and bills paid after said day shall have added a penalty of ten percent (10%) of the amount of the bill for water service. When the fifteenth falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

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

6-5-5 DISCONTINUING SERVICES, FEES

1. If any account is not paid by the 21st of each month, the service to such owner or person so supplied with the utility shall be discontinued
2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$25.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same bill shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

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

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84(3))

1. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

6-5-6 WATER RATES

Water shall be furnished at the following monthly rates per property serviced within the City limits:

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

All over 1st	1,000 gal.	\$5.50	per	<u>1,000</u> gal.
Bulk water sales		\$0.25	per	55 gal.

The minimum charge shall be \$9.50 per household or business building per billing month.

6-5-7 REFUSE COLLECTION RATES

There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with alley or curb pickup, \$20.25 per month for one garbage or rubbish collection each week. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon.

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

6-5-8 RATE OF SEWER RENT AND MANNER OF PAYMENT

The rate of sewer rent for metered customers shall be \$11.93 for the first 1,000 gallons of water used per month and \$4.76 for each 1,000 after and \$15.75 for non-metered users. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$4.76 for each additional 1,000 gallons of water used.

For those contributors who contribute wastewater to the strength of which is greater than normal domestic waste water, as defined in section, an extra strength surcharge in addition to the normal user charge will be collected. The extra strength surcharge for the operation and maintenance, replacement, and debt retirement is:

\$1.93 per pound of BOD

\$1.82 per pound of TSS

Any user which discharges any toxic pollutants which cause an increase in the cost managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes indefinable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be determined by City Council.

The rent shall be paid with the water bill at the same time as payment of the water bill is due, and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this ordinance, or, if connection has not been made, after the connection to the sewer system is made.

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

6-5-9 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS

Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in section 6-5-8 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in section 6-5-10.

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

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1 Excavation Permit Required

6-6-2 Application for Permit

6-6-3 Permit Fees

6-6-4 Safety Measures

6-6-5 Backfilling and Restoration

6-6-6 Rules and Regulations

6-6-1 EXCAVATION PERMIT REQUIRED

Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-6-2 APPLICATION FOR PERMIT

No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this ordinance.

6-6-3 PERMIT FEES

The permit fee shall be set as determined by City Council.

6-6-4 SAFETY MEASURES

Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where

traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-5 BACKFILLING AND RESTORATION

Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the City is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-6 RULES AND REGULATIONS

The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

Those conducting excavations must provide the City with proof of insurance naming the City of Agency as an additional insured.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SIDEWALK REGULATIONS

6-7-1	Purpose	6-7-11	Failure to Obtain Permit; Remedies
6-7-2	Definitions	6-7-12	Inspection and Approval
6-7-3	Cleaning Snow, Ice, and Accumulations	6-7-13	Barricades and Warning Lights
6-7-4	Maintenance Responsibility	6-7-14	Interference with Sidewalk Improvements
6-7-5	Liability of Abutting Owner	6-7-15	Special Assessments for Construction and Repair
6-7-6	Ordering Sidewalk Improvements	6-7-16	Notice of Assessment for Repair or Cleaning Costs
6-7-7	Repairing Defective Sidewalks	6-7-17	Hearing and Assessment
6-7-8	Notice of Inability to Repair or Barricade	6-7-18	Billing and Certifying to County
6-7-9	Standard Sidewalk Specifications		
6-7-10	Permits for Construction or Removal		

6-7-1 PURPOSE

The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-7-2 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 (3/4) inch or more.
 - b. horizontal separations equal to three-fourths (3/4) inch or more.
 - c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.

- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - g. a sidewalk with any part thereof missing to the full depth.
 - h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
2. **Sidewalk Improvements.** The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
 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, or person in possession.

6-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS

It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in section 364.12 of the Code of Iowa.

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

6-7-4 MAINTENANCE RESPONSIBILITY

The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

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

6-7-5 LIABILITY OF ABUTTING OWNER

As provided in section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending,

a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

6-7-6 ORDERING SIDEWALK IMPROVEMENTS

The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-7-7 REPAIRING DEFECTIVE SIDEWALKS

It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an 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. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in section 364.12 of the Code of Iowa.

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

6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE

It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-7-9 STANDARD SIDEWALK SPECIFICATIONS

Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.
7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.
8. All sidewalks shall slope at least one-quarter ($1/4$) inch per foot toward the curb, but in no event more than one-half ($1/2$) inch per foot toward the curb.
9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.
10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at last thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where

necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL

No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-7-11 FAILURE TO OBTAIN PERMIT, REMEDIES

Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-7-12 INSPECTION AND APPROVAL

Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-7-13 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.

6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS

No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR

The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS

When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-7-17 HEARING AND ASSESSMENT

At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

6-7-18 BILLING AND CERTIFYING TO COUNTY

Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same

manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-7-19 ADAAG COMPLIANCE

All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 NUMBERING OF BUILDINGS

6-8-1 Buildings to be Numbered

6-8-2 Numbering System

6-8-3 Mandatory Numbering

6-8-4 Type of Numbers, Size

6-8-5 Enforcement

6-8-1 BUILDINGS TO BE NUMBERED

All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-8-2 NUMBERING SYSTEM

Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. North and South numbers shall commence at Main Street. East and West numbers shall commence at Hazel Street.

6-8-3 MANDATORY NUMBERING

The placing of numbers is mandatory effective 1995.

6-8-4 TYPE OF NUMBERS, SIZE

The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible, and the numerals shall be not less than 5 inches in height.

6-8-5 ENFORCEMENT

If numbers meeting the requirements of this ordinance have not been placed on each building, the City 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 shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 BUILDING PERMITS

6-9-1	Purpose	6-9-10	Rear Yard Requirements
6-9-2	Structure Defined	6-9-11	Special Requirements for Residences
6-9-3	Permit Required	6-9-12	Variances
6-9-4	Application	6-9-13	Curb Cuts
6-9-5	Fees	6-9-14	Authority
6-9-6	Plans Required	6-9-15	Permit Issued
6-9-7	Location of Structure	6-9-16	Limitations on Permit
6-9-8	Front Yard Requirements		
6-9-9	Side Yard Requirements		

6-9-1 PURPOSE

The purpose of this chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-9-2 STRUCTURE DEFINED

Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks and similar uses.

6-9-3 PERMIT REQUIRED

No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-9-4 APPLICATION

All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-9-5 FEES

There shall be a permit fee of \$25.00 for such permit.

6-9-6 PLANS REQUIRED

Building Permits are required for all new construction and when making changes to living space.

6-9-7 LOCATION OF STRUCTURE

A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-9-8 FRONT YARD REQUIREMENTS

There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or
2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.
3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.
4. Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from an orientation to both streets.

6-9-9 SIDE YARD REQUIREMENTS

No building shall be erected closer than four (4) feet to either side lot line, except in the business district where no side yard is required.

6-9-10 REAR YARD REQUIREMENTS

There shall be a rear yard provided for each structure of not less than twenty (20) feet, except in the business district where no rear yard is required.

6-9-11 SPECIAL REQUIREMENTS FOR RESIDENCES

Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.
2. All residences shall have a permanent perimeter foundation.

6-9-12 VARIANCES

The city council may grant a variance to section 6-9-8, 6-9-9, and 6-9-10 where the setback requirements would cause a hardship on the property owner.

6-9-13 CURB CUTS

No curb cut shall be constructed or permitted without first obtaining a building permit.

6-9-14 AUTHORITY

Building Permit application forms and attached site plans are submitted to and considered by the Mayor and Public Works Department for approval.

6-9-15 PERMIT ISSUED

Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the city records.

6-9-16 LIMITATIONS ON PERMIT

In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

Storage sheds 10'x10', or less, and on skids are exempt from having a building permit. (Resolution 21-88)

The City of Agency has adopted the Uniform Building Code and the Iowa State Plumbing Code.

Please check for any subdivision covenants that may also govern your property.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 DANGEROUS, UNSAFE, OR DILAPIDATED BUILDINGS

6-10-1 Enforcement

6-10-2 General Definitions

6-10-3 Notice to Owner

6-10-4 Conduct of Hearing

6-10-5 Right to Demolish

6-10-6 Costs

6-10-1 ENFORCEMENT

The City's Representatives have the responsibility for making the decisions regarding the enforcement of this chapter.

6-10-2 GENERAL DEFINITIONS

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

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to

constitute such building or portion thereof an attractive nuisance or hazard to the public.

(See as a reference: Code of Iowa, Sec. 657A.1 & 364.12[3a])

6-10-3 NOTICE TO OWNER

The City 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 city shall give notice to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from the 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.

(See as a reference: Code of Iowa, Sec. 364.12 [3h])

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12 [3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

6-10-4 CONDUCT OF HEARING

If requested, the Council shall conduct a hearing in accordance with the following:

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

6-10-5 RIGHT TO DEMOLISH

In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the buildings or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

(See as a reference: Code of Iowa, Sec. 364.12[3h])

6-10-6 COSTS

Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(See as a reference: Code of Iowa, Sec. 364.12[3h])

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 ACCESSORY BUILDINGS AND STRUCTURES

6-11-1 No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use.

6-11-2 A building permit must be issued prior to construction of any accessory building or structure.

6-11-3 Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-11-4 No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building or structure.

6-11-5 Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

6-11-6 Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.

6-11-7 Principal Structures. Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

6-12-1 SHORT TITLE

This chapter shall be known and may be cited as "The City of Agency, Iowa, Subdivision Control Ordinance."

6-12-2 PURPOSE

The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Agency, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-12-3 APPLICATION

Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (date of original Subdivision Ordinance) into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City or within two (2) miles of the corporate limits of the City shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Code of Iowa, Sec. 354.9)

6-12-4 RECORDING OF PLAT

No subdivision plat, resubdivision plat or street dedication within the City of Agency, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

Upon the approval of the final plat by the governing body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

6-12-5 TERMS DEFINED

For the purposes of this Ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

(Code of Iowa, Sec. 354.2(1))

2. "Aliquot Part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

(Code of Iowa, Sec. 354.2(2))

3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. "Auditor's Plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

(Code of Iowa, Sec. 354.2(3))

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "Building Lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.

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7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the governing body or other hiring authority.
8. "Comprehensive Plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the governing body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
9. "Conveyance" means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.
(Code of Iowa, Sec. 354.2(5))
10. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.
11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
(Code of Iowa, Sec. 354.2(6) and 355.1(2))
12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.
13. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.
14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

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15. "Forty-Acre Aliquot Part" means one-quarter of one-quarter of a section.
(Code of Iowa, Sec. 354.2(7))
16. "Governing Body" means the City Council of the City of Agency, Iowa.
(Code of Iowa, Sec. 354.2(8))
17. "Government Lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
(Code of Iowa, Sec. 354.2(9) and 355.1(3))
18. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.
19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
(Code of Iowa, Sec. 354.2(10))
20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.
21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.
22. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
(Code of Iowa, Sec. 354.2(11))
23. "Official Plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.
(Code of Iowa, Sec. 354.2(12))

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24. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before (date of original Subdivision Ordinance).
25. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
26. "Parcel" means a part of a tract of land.
(Code of Iowa, Sec. 354.2(13))
27. "Performance Bond" means a surety bond or cash deposit made out to the City of Agency, Iowa, in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this Ordinance.
28. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
(Code of Iowa, Sec. 354.2(14))
29. "Planning Commission" means the appointed commission designed by the governing body for the purpose of this Ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.
30. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.
31. "Plats Officer" means the individual assigned the duty to administer this Ordinance by the governing body or other appointing authority.

32. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
(Code of Iowa, Sec. 354.2(15) and 355.1(9))
33. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
(Code of Iowa, Sec. 354.2(16))
34. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.
35. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
36. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
37. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
38. "Street, Local" means a street primarily designed to provide access to abutting property.
39. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
40. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of (date of original Subdivision Ordinance) into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions,

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and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date (date of passage of this Subdivision Ordinance), shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

(Code of Iowa, Sec. 354.2(17) and 355.1(10))

41. "Subdivision Plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

(Code of Iowa, Sec. 354.2(18) and 355.1(11))

42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Code of Iowa, Sec. 354.2(19) and 355.1(12))

43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

(Code of Iowa, Sec. 354.2(20))

44. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

IMPROVEMENTS

6-12-6 IMPROVEMENTS REQUIRED

The subdivider shall, at said subdivider's expense, install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

6-12-7 INSPECTION

All improvements shall be inspected to insure compliance with the requirements of this Ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

6-12-8 MINIMUM IMPROVEMENTS

The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 364.1)

1. Streets and alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the governing body after receiving the report and recommendations of the City Engineer.
2. Roadways. All roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the governing body may require.
3. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).
4. Sidewalks. Sidewalks may be required. Sidewalks shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer, and comply with the Americans with Disabilities Guidelines (ADAAG).
5. Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards, procedures and supervision.

6. Sewers.

- a. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the governing body and the State Department of Health and the construction subject to the supervision of the Superintendent of public utilities.
- b. Where sanitary sewers are not available, other facilities, as approved by the governing body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.
- c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the governing body and to the supervision of the Superintendent of public utilities.

6-12-9 COMPLETION OF IMPROVEMENTS

Before the governing body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the governing body. Before passage of said resolution of acceptance, the Superintendent of public works shall report that said improvements meet all City specifications and Ordinances or other City requirements, and the agreements between subdivider and the City.

6-12-10 PERFORMANCE BOND

The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the governing body guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS.

6-12-11 MINIMUM STANDARDS

The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Relation to existing streets.
 - a. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - b. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the governing body to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
2. Acreage subdivisions.
 - a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
 - b. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
 - c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
3. Local streets.
 - a. Local streets shall be so planned as to discourage through traffic.

- b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.
- 4. Frontage streets.
 - a. Where a subdivision abuts or contains an existing or proposed arterial street, the governing body may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the governing body may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the governing body finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 6. Street Geometrics.
 - a. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

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- b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - c. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the governing body shall determine for special cases.
- 7. Intersections.
 - a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.
 - b. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
 - c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the governing body may deem it necessary. The governing body may permit comparable cutoffs or chords in place of rounded corners.
- 8. Street names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the governing body.
- 9. Street grades.
 - a. Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.
 - b. No street grade shall be less than one-half (1/2) of one (1) percent.
- 10. Alleys.
 - a. Alleys shall be provided in commercial and industrial districts, except that the governing body may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
 - b. The width of an alley shall be twenty (20) feet.

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- c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
 - d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the governing body.
- 11. Blocks.
 - a. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the governing body, extraordinary conditions unquestionably justify a departure from these limits.
 - b. In blocks over seven hundred (700) feet in length, the governing body may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.
- 12. Lots.
 - a. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - b. Minimum lot dimensions and sizes.
 - (1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.
 - (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.
 - c. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.

- d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
 - e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
13. Building lines. Building lines shall be shown on all lots within the platted area. The governing body may require building lines in accordance with the needs of each subdivision.
14. Easements.
- a. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
 - b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.
15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the governing body. The markers shall be of such material, size and length as may be approved by the governing body.

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

6-12-12 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

In obtaining final approval of a proposed subdivision by the governing body, the subdivider and owner shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

6-12-13 PRE-APPLICATION CONFERENCE

Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Clerk. The conference should be attended by the City Clerk and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

6-12-14 SKETCH PLAN REQUIRED

For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6-12-15 PRESENTATION TO PLANNING COMMISSION OR CITY COUNCIL

The subdivider may present the sketch plan to the governing body for review, prior to incurring significant costs preparing the preliminary or final plat.

6-12-16 SUBDIVISION CLASSIFIED

Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Means any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.
2. Major Subdivision. Any subdivision that, in the opinion of the governing body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

6-12-17 PLATS REQUIRED

In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

(Code of Iowa, Sec. 354.6)

6-12-18 REQUIREMENTS OF PRELIMINARY PLAT

The subdivider shall prepare and file with the City Clerk seven (7) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitation.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.

10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the City Council waives this requirement.

6-12-19 REFERRAL OF PRELIMINARY PLAT

The City Clerk shall forthwith refer two (2) copies of the preliminary plat to the City Engineer and five (5) copies to the governing body.

6-12-20 ACTION BY THE CITY ENGINEER

The City Engineer shall carefully examine said preliminary plat as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Agency, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City engineer's findings in duplicate to the governing body together with one (1) copy of the plat received.

(Code of Iowa, Sec. 354.8)

6-12-21 ACTION BY THE GOVERNING BODY

The governing body shall, upon receiving the report of the City Engineer, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the governing body does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an

additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the governing body or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. If approved, the governing body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.
3. The action of the governing body shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the governing body.
4. The "Conditional Approval" by the governing body shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

6-12-22 FINAL PLAT

The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-12-23 REFERRAL FINAL PLAT

The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the governing body prepare and file seven (7) copies of the final plat and other required documents with the City Clerk as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the governing body. Upon receipt of the final plat and other required documents, the City Clerk shall transmit two (2) copies of the final plat to the governing body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the governing body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

At its discretion the governing body may refer the final plat to the City Engineer pursuant to the procedure established in 6-7-18.

6-12-24 REQUIREMENTS OF THE FINAL PLAT

The final plat shall conform to the requirements of chapter 355, Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:
(Code of Iowa, Sec. 354.8 and 355.8)

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.
5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.
6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

6-12-25 FINAL PLAT ATTACHMENTS

The final plat shall have the following attached to it:

SUBDIVISION REGULATIONS 6-12

1. A correct description of the subdivision land.
(Code of Iowa, Sec. 354.6(2))
2. A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
(Code of Iowa, Sec. 354.11(1))
3. A complete abstract of title and an Attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.
(Code of Iowa, Sec. 354.11(3))
4. A certificate from the County Treasurer that the subdivision land is free from taxes.
(Code of Iowa, Sec. 354.11(5))
5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the Clerk's office.
6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.
(Code of Iowa, Sec. 354.11(2))
7. A certificate of dedication of streets and other public property.
(Code of Iowa, Sec. 354.11(1))
8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
9. Resolution and certificate for approval by the governing body and for signatures of the Mayor and Clerk.
(Code of Iowa, Sec. 354.11(4))

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Clerk or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk, or that the governing body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.

(Code of Iowa, Sec. 354.11(2) and 354.12)

6-12-26 ACTION BY THE GOVERNING BODY

Upon receipt of the plat, but not more than sixty (60) days following submission of the final plat to the Clerk as stated in 6-7-23 the governing body shall either approve or disapprove the final plat.

(Code of Iowa, Sec. 354.8)

1. In the event that said plat is disapproved by the Governing Body, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this Ordinance, the governing body shall accept the same.

3. The passage of a resolution by the governing body accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Wapello, County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

OTHER PROVISIONS

6-12-27 VARIANCES

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the governing body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Governing Body.

6-12-28 CHAIN SUBDIVIDING

No more than two building permits for each separate tract existing at the effective date of this Ordinance shall be issued unless the tract has been platted in accordance with this Ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the (choose one)-(zoning or restricted residence district) Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

6-12-29 VIOLATION

Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine not exceeding one-hundred (\$100.00) dollars.

SUBDIVISION REGULATIONS 6-12

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 RESTRICTED RESIDENCE DISTRICT

6-13-1	Purpose	6-13-7	Buildings Requiring Special
6-13-2	Definitions		Permits to Locate Within
6-13-3	District Described	6-13-8	Special Permits
6-13-4	Buildings Permitted	6-13-9	Protest
6-13-5	Rules and Regulations	6-13-10	Fees
6-13-6	Set Back	6-13-11	Action to Abate
		6-13-12	Certifying Ordinance

6-13-1 PURPOSE

The purpose of this Ordinance is to establish a restricted residence district in the City of Agency, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.

(Code of Iowa, Sec. 414.1 and 414.24)

6-13-2 DEFINITIONS

For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.
2. "School" is a building used for educational purposes, public or private, that is regulated by the State Department of Public Instruction as to curriculum.

3. "Garage" is a structure for sheltering motor vehicles or household equipment and/or effects.
4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-13-3 DISTRICT DESCRIBED

The following restricted residence districts are hereby designated and established:

- A. A part of the Northeast quarter of the southeast quarter of Section 36, Township 72 North, Range 13 West of the 5th P.M., in the city, described as follows:

Beginning at the intersection of the south line of the U.S. Highway No. 34 and the west line of the old Eldon Road, now known as Alpine Street, located at the east edge of the town of Agency City, Iowa, and running westerly along the south line of U.S. highway No. 34, a distance of one hundred thirty feet; thence south parallel to Alpine Street one hundred feet; thence east parallel to U.S. Highway No. 34 a distance of one hundred thirty feet to a point on the west line of Alpine Street; thence north along the west line of Alpine Street one hundred feet to the place of beginning.

- B. All the property within the corporate limits of the town of Agency City, Iowa, which lies south of the northerly line of the right-of-way of the Chicago, Burlington and Quincy Railroad Company;
- C. Beginning at the northwest corner of Lot 159 in Railroad Addition to the town

of Agency City, Iowa; thence west to the northwest corner of Lot 6 in Block 2 of the Original Plat of the town of Agency City, Iowa; thence South to the southwest corner of Lot 6 in Block 5 of the Original Plat of the town of Agency City, Iowa; thence east to a point due south of the place of beginning; thence north to the place of beginning;

- D. Beginning at a point on the west corporate line of the town of Agency City, Iowa, which is due west of Lot 5 in Block 11 of Ramsey's Addition to the town of Agency City, Iowa; thence east to the northwest corner of Lot 7 in Block 11 in Ramsey's Addition to the town of Agency City, Iowa; thence south to the northeast corner of Lot 1 in Block 17 in Ramsey's Addition to the town of Agency City, Iowa; thence west to the northwest corner of said Lot 1 in Block 17 in Ramsey's Addition to the town of Agency City, Iowa; thence south to the southeast corner of Lot 72 in Block 13 in Ingram and Ramsey's Addition to the town of Agency City, Iowa; thence west to the west corporate limits of the Town of Agency City, Iowa; thence north to the place of beginning;
- E. Lot 78 in Block 14 in Ingram and Ramsey's Addition to the Town of Agency City, Iowa. (Ord. 97 §2, 1962).
- F. Lots Forty-Nine (49) and Fifty (50) of Block Eleven (11) in Ingram and Ramsey's Addition to the Town of Agency City, Iowa. (Ord. 152 §2, 1988).
- G. The West one-half of Lot Two (2), Block Four (4) of the original Plat of the Town of Agency City, Iowa.
- H. A part of the Northwest Fractional Quarter of the Southeast Quarter of Section Thirty-six (36), Township 72 North, Range 13 West of the 5th P.M. in the Town of Agency City, Wapello County, Iowa more particularly described as follows:

Beginning at a point on the West line of Alpine Street in the Town of Agency, 100 feet South of the South line of U.S. Highway 34, said point also being 36 feet West and 166 feet South of the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 36, Township 72 North, Range 13 West of the 5th P.M.; thence Westerly parallel to the South line of said Highway 34, a distance of 130 feet; thence North, parallel to Alpine Street a distance of 100 feet; thence West along the South line of Highway 34 a distance of 89.1 feet to the Northeast corner of Lot 4 of Calhoun's First Addition; thence South along the East line of said Lot a distance of 230.40 feet to the North line of Lot 5 in said Addition; thence East along the North line of Lot 5 a distance of 219 feet

to the West line of Alpine Street; thence North 135.15 feet to the place of beginning, except that part thereof sold and conveyed in Record 359, Page 495 and Record 369, Page 376, in the office of the Recorder of Wapello County, Iowa. (Ord. 157 and 169, 1991).

- I. Lot Four (4) in Calhoun's First Addition to the Town of Agency, Wapello County, Iowa; also a tract in Calhoun's First Addition to the Town of Agency, Wapello County, Iowa beginning at a point 180 feet West of the West line of Alpine Street in the Town of Agency, thence West along the South line of Highway 34 a distance of 39.1 feet to the Northwest Comer of Lot Four(4) of Calhoun's First Addition; thence South along the East line of said Lot a distance of 145 feet; thence East 89.1 feet t the South line of Highway 34; thence North 45 feet parallel to the South line of Highway 34; thence North to the point of beginning.
- J. That portion of Section 36, Township 72 North, Range 13 West of the 5th P.M. in the City of Agency, Wapello County, Iowa described as follows:
Commencing at the east quarter comer of said Section 36, thence North 89 degree 55' West, along the east-west midsection line of said Section 36, a distance 866.5 feet to the southwest corner of the parcel conveyed to Duard J. Cremer in Book 498 at Page 65, Wapello County Records and the point of beginning; thence North 89 degree 55' West, continuing along the said east-west midsection line, 466.4 feet to the east line of the Railroad Addition to Agency City, as shown in Book 1, page 347, Wapello County Records; Thence South 00 degree 05' West, along said east line, 10.2 feet to the North line of Main Street as shown on said Railroad Addition; thence South 88 degree 30' West, along said north line, 322.1 feet; thence North 00 degree 05' East, 484.1 feet to the southwest comer of Lot 8 of Farrington's First Addition to Agency City, as shown in Book W at Page 353, Wapello County; thence South 89 degree 55' East, along the south line of the said Lot 8, a distance of 80.0 feet to the southeast comer of said Lot 8; thence North 00 degree 05' East, along the east line of said Lot 8, a distance of 106.3 feet to the southwest comer of the parcel described in the Real Estate Contract declaring Martha L. Farrington as seller and recorded in Book 488 at page 281, Wapello County Records; Thence South 89 degree 55' East, along the south line of the said Farrington parcel, 242.0 feet to the east line of the said Railroad Addition; thence North 00 degree 05' East, along said east line, 54.3 feet to the south line of the parcel conveyed to Grover W. Elsensohn in book 208 at page 247, Wapello County Rcords; thence South 89 degree 55' East, along said south line, 664.9 feet to the east line of the southwest quarter of the southeast quarter of the northeast

quarter of said Section 36; thence South 00 degree 03' East, along said east line, 374.3 feet to the north line of the previously said Duard J. Cremer, parcel; thence North 89 degree 55 West, along said north line, 200.0 feet to the northwest corner of the said Duard J. Cremer parcel; thence South 00 degree 03' East, along the West line of the said Duard J. Cremer parcel, 252.0 feet to the point of beginning.

6-13-4 BUILDINGS PERMITTED

No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefor. Permits for residences, schoolhouses, churches, and other similar structures, and for structures outside restricted residence districts, shall be applied for and are required, but shall be issued by the City Clerk if the requirements of this and other applicable City Ordinances are met, but no council permission shall be required under this Ordinance.

6-13-5 RULES AND REGULATIONS

As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-13-6 SET BACK

No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front line. All buildings to be used for residential purposes shall be placed on lots of no less than 10,000 square feet.

No residence or other building exempted from permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side lot lines, and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this set back rule. However, any residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with its existing

side lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located. Any other building granted a permit by council shall be placed at least as far from side lot lines as the residential, school, and church related buildings. All set backs shall be measured from the main foundation line.

6-13-7 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS

Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-10-6 may be authorized by special permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-13-8 SPECIAL PERMITS

A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-10-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-10-6. Said application shall be made to the City Clerk at least seven (7) days before the council meeting at which council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit.

6-13-9 PROTEST

No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-13-10 FEES

There shall be no fee required for a permit under this Ordinance.

6-13-11 ACTION TO ABATE

Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-13-12 CERTIFYING ORDINANCE

Within fifteen (15) days after this Ordinance becomes effective the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

(Code of Iowa, Sec. 380.11)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 ELECTRIC FRANCHISE

An Ordinance granting to INTERSTATE POWER AND LIGHT COMPANY, ("Company"), its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City of Agency, Wapello County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the City of Agency, Wapello County, Iowa, to supply individuals, corporations, communities and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years and granting to said Company the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of Agency, Wapello County, Iowa, hereinafter referred to as the "City":

Section 1. There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

Section 3. The Company, its successors and assigns, shall furnish and install all meters at its own and assigns, expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

Section 4. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

Section 5. The franchise granted by this Ordinance shall not be exclusive.

Section 6. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 7. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

Section 8. The expense of the publication of this Ordinance shall be paid by the Company.

Section 9. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

Section 10. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified or otherwise amended without the written approval and acceptance of the Company.

PASSED and APPROVED by the Agency City Council on the 14 day of November, 2013.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 NATURAL GAS FRANCHISE

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 AGENCY, 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 Agency, Iowa:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called "Company,") and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City of Agency, Iowa, (hereinafter called the "City,") a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2015, or as subsequently amended or changed.

Section. 3. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing, or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with any above or below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

Section 4. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company's tariff on file with and made effective

by the Iowa Utilities Board as may subsequently be amended ("Tariff,") at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction reconstruction, maintenance or repair of the street or alley. Relocation expenses for other hard surfaces, including pedestrian and non-motorized vehicle pathways, will be paid by the City. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees at its cost or reimburse the Company for the expenses incurred to remove said trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 5. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed immediately prior to excavation. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with city, state or federal rules, regulations or laws.

Section 6. The City's vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to

grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

Section 7. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City at any time during the previous ten (10) years.

Section 8. Pursuant to relocation of Company facilities as may be required here under, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate such private project at its expense.

Section 9. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

Section 10. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written

explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

Section 11. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

Section 12. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law.

Section 13. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

Section 14. The City may impose a franchise fee and collect said franchise fee from the natural gas customers of the Company receiving service, pursuant to the Tariff, and located within the corporate limits of the City:

- A. The City agrees to modify the level of franchise fees imposed only once in any 24-month period.
- B. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee.
- C. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.
- D. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 15. Upon implementation of a franchise fee the City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge Company right of way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

Section 16. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 17. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within ten (10) days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event that the Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council this ordinance shall be void and of no effect.

Section 19. Upon the effective date of this ordinance, all prior natural gas franchises granted to the Company to furnish natural gas to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED on the First Reading by the Agency City Council this 8th day of October, 2015.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 CABLE TELEVISION SYSTEM FRANCHISE

AN ORDINANCE GRANTING TO Allan J. McDonald and William McDonald HEREINAFTER CALLED GRANTEE, ITS SUCCESSORS AND ASSIGNS A FRANCHISE PURSUANT TO CHAPTER 364 OF THE 1977 CODE OF IOWA, TO BUILD, CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF AGENCY, IOWA AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANTING OF THE FRANCHISE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AGENCY, IOWA:

Section 1 Title. This Ordinance shall be known and may be cited as Cable Television Franchise.

Section Preamble. This Ordinance was passed after a Special City Election called for the purpose of considering the Ordinance at which a majority of those persons voting approved the proposed Ordinance, all as prescribed by Section 364.2 of the 1977 Code of Iowa, and after full, open and public hearing, and upon careful consideration of Grantee's qualifications, including its legal, character, financial and technical qualifications and the adequacy and feasibility of its construction arrangements.

Section 3 Definitions. For the purpose of this Ordinance, and when not inconsistent with the context, words used herein in the present tense include the future; words in the plural include the singular, and vice versa. The word "shall" is always mandatory. The captions supplied for each section are for convenience only. Said captions have no force of law, are not part of the section, and are not to be used in construing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below:

- A. "City" is the City of Agency, a municipal corporation under the laws of the State of Iowa.
- B. "Grantee" is Allan J. McDonald and William McDonald.
- C. "City Council" is the City Council of the City of Eldon or its designated representative.
- D. "Federal Communications Commission" or "FCC" is the present Federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

- E. "Person" is any individual, firm, partnership, association, corporation, company or organization of any kind.
- F. "Gross Subscriber Revenues" shall include any and all compensation or receipts derived by Grantee from installation, disconnection and reinstallation charges and periodic service charges in connection with the carriage of broadcast signals and Federal Communications Commission mandated non-broadcast services within the Town, but shall not include any refunds or credits made to subscribers or any taxes imposed on the services furnished by Grantee. Nor shall it include revenue from "ancillary" or "auxiliary" services, which include, but are not limited to, advertising, leased channels, and programming supplied on a per program or per channel charge basis, if any.
- G. "Regular Subscriber Services" shall include the carriage of broadcast signals and FCC mandated non-broadcast services, but shall not include "ancillary" or "auxiliary" services, which include, but are not limited to, advertising, leased channels, and programming supplied on a per program or per channel charge basis, if any.

Section 4 Grant of Authority. There is hereby granted by the City to Grantee the right and privilege to construct, erect, establish, maintain and operate in, upon, along, across, over and under public ways, public places and public property now laid out or dedicated and all extensions thereof and additions thereto in the City all poles, wires, cables, underground conduits, manholes, antennas, towers, appliances and other conductors and fixtures necessary for the maintenance and operation in the City of a Cable Television System from the transmission of television signals and other signals, either separately or upon or in conjunction with any public utility maintaining the same in the City with all of the necessary and desirable appliances and appurtenances pertaining thereto. Without limiting the generality of the foregoing, this franchise and grant shall and does hereby include the right in, over, under and upon the streets, sidewalks, alleys, easements and public grounds and places in the Town to install, erect, operate, maintain or in any way acquire the use of as by leasing or licensing, all lines and equipment necessary to a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The right herein granted for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, easements, public ways and places to any person at any time during the period of this franchise.

Section 5 Police Power. Grantee shall at all times during the term of this franchise be subject to all lawful exercise of the police power of the City. The right is hereby reserved to the City to adopt, in addition to the provisions herein contained and any

other existing applicable ordinances, such additional applicable ordinances as it shall find necessary in the exercise of its police power; provided that such additional ordinances shall be reasonable, shall not conflict with or alter or modify in any manner the rights granted herein, and shall not conflict with the laws of the State of Iowa or the laws of the United States of America.

Section 6 Indemnification. Grantee shall save the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever against the City resulting from negligence on the part of Grantee in the construction, operation or maintenance of its cable television system in the City; and for this purpose Grantee shall carry property damage and personal injury insurance with some reasonable insurance company or companies qualified to do business in the State of Iowa. The amounts of such insurance to be carried for liability due to property damage shall be \$500,000.00 as to any one occurrence and against liability due to injury or death of persons, \$500,000.00 as to any one person and \$1,000,000.00 as to any one occurrence, and naming the City as a Named Insured. The City shall notify Grantee in writing within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any negligence as aforesaid on the part of Grantee. Where any such claim or demand against the City is made by suit or other legal action, written notice thereof shall be given by the City to Grantee not less than ten (10) days prior to the date upon which an answer to such legal action is due or within ten (10) days after claim or demand is made upon the City, whichever notice yields the Grantee the larger amount of time within which to prepare an answer.

Section 7 Complaint Procedure. Grantee shall maintain a telephone listing in the City for the purpose of receiving inquiries and complaints from its customers and the general public. Grantee shall investigate all complaints within five (5) days of their receipt and shall in good faith attempt to resolve them swiftly and equitably.

Section 8 Construction and Maintenance.

- A. All structures, lines and equipment erected by Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners, and Grantee shall comply with all reasonable, proper and lawful ordinances of the City now or hereafter in force and the National Electrical Safety Code and the Code of the National Board of Fire Underwriters.
- B. In the case of any disturbance by Grantee of pavement, sidewalk, driveway or other artificial surfacing, Grantee shall, at its own cost and expense, and in a

manner approved by the City, replace and restore all paving, sidewalk, drive-way or artificial surface so disturbed in as good condition as before said work was commenced.

- C. In the event that at any time during the period of this franchise the City shall lawfully elect to alter or change any street, alley, easement, or other public way requiring the relocation of Grantee's facilities, then in such event Grantee, upon reasonable notice by the City, shall re- move, relay and relocate the said facilities at its own expense; provided, however, that where public funds are available for such relocation pursuant to law, Grantee shall not be required to pay the cost.
- D. Grantee shall, prior to commencement of construction, furnish the City a complete set of maps and plans of the cable television system.
- E. Prior to setting of any poles or cutting of any street or alley, Grantee shall notify the City or such representative of the City as the City may designate in writing to Grantee and Grantee shall locate said poles or cut said streets or alleys only after obtaining the consent of the City or its authorized representative, such consent not to be unreasonably withheld.
- F. Grantee shall, on the request of any person holding a building moving permit issued by the City temporarily, raise or lower its lines to permit the moving of the building. The expense of such removal shall be paid by the person requesting the same and Grantee shall have authority to require such payment in advance.
- G. Grantee shall have the authority to trim trees up- on and overhanging all street, alleys, easements, sidewalks and public places of the City so as to prevent the branches of such trees from coming into contact with Grantee's facilities. Prior to trimming said trees, Grantee will contact property owners immediately adjacent to said trees to be trimmed. Said trimming will be as nearly as practicable in accordance with said adjacent property owner's wishes.
- H. All poles, lines, structures and other facilities of the Grantee in, on, over and under the streets, sidewalks, alleys, easements and public grounds or places of the City shall be kept by Grantee at all times in a safe and substantial condition.

Section 9 Franchise Term. This franchise shall take effect and be in full force from and after acceptance by Grantee and shall continue in full force and effect for a term of twenty-five (25) years. The renewal of said franchise shall be governed by the provisions of Section 364.2 of the 1977 Code of Iowa or any successor legislation thereof. If existing law then permits, shall have the option to request additional twenty-five (25) year renewals of this franchise, provided, however, that not less than three (3)

months prior to such request for renewal of this franchise, it shall so notify City in writing. Upon such notice, the City may conduct a full, open and public renewal hearing upon prior notice and opportunity of all interested parties to be heard.

Section 10 Forfeiture. If Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations, except for causes beyond the reasonable control of the Grantee, as provided for in Section 11 hereof, and shall fail, within sixty (60) days after written notice from the City, to correct such default or noncompliance, the City shall have the right to repeal this ordinance and all rights of the Grantee hereunder.

Section 11 Surrender Right. Grantee may surrender this franchise at any time upon filing with the City Clerk of the City a written notice of its intention to do so at least three (3) months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges of Grantee shall terminate. All of the future obligations, duties and liabilities of Grantee in connection with this franchise shall terminate. Nothing in this paragraph is intended to release Grantee from obligations and duties in effect prior to surrender, such as outstanding liabilities, liability claims, whether covered by insurance or not, or other obligations outstanding as of date of surrender.

Section 12 Transfer. All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the City and the successors and assigns of Grantee; and the same shall not be assigned or transferred without the written approval of the City, which approval shall not be unreasonably withheld; provided, however, that this section shall not prevent the assignment of the franchise by Grantee as security for debt without such approval; and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at least fifty percent (50%) or the beneficial ownership is held by the same person, persons, or entities shall be permitted without prior approval of the City Council.

Section 13 Franchise Fee. In consideration of the terms of this franchise, Grantee agrees to pay the City a sum of money equal to three percent (3%) of Grantee's gross subscriber revenues per year derived from installation of equipment and regular subscriber services in the City. Such annual sum shall be payable one-half thereof at the end of each semi-annual period. The semi-annual anniversary shall be the last day of June and the last day of December of each year and each semi-annual payment shall be paid within sixty (60) days thereafter.

Section 14 Receiver Sales Prohibited. As a condition of this franchise, Grantee agrees that it shall not engage in the business of sales or repair of television receivers owned by its subscribers; nor shall it be responsible for the operating condition of said receivers; provided, however, that this paragraph shall not apply to converters, decoders, home interactive terminals and other such devices as may be used in furnishing any programming or service via Grantee's cable television system.

Section 15 Rules and Regulations. The Company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of this ordinance or any ordinances of the City and a copy of such service rules and regulations shall be kept on file at all times with the City Clerk.

Section 16 Charges. The monthly service rate at the commencement of this ordinance shall be \$7.00 per month per initial service drop and \$100 per month for each additional drop. That there- after this rate and the initial connection charge (which shall be \$15.00 at the commencement of this ordinance) may be increased or decreased by Grantee, but in no event may Grantee charge monthly service rates under this ordinance in excess of those charged 50% of all cable television subscribers to any cable system within Wapello County, Iowa, and in no event may the rate charged be higher than that charged in the City of Ottumwa, Iowa. Any notice of rate increase or decrease shall be given thirty (30) days in advance of the effective date of the increase or decrease. Nothing herein shall be construed as requiring the consent of City in order for Grantee to decrease or increase any charges so rendered to subscribers.

Section 17 Acceptance. This Ordinance shall become effective when accepted by Grantee and shall then be and become a valid and binding contract between the City and Grantee; provided that this Ordinance shall be void unless Grantee shall, within ninety (90) days after the final passage of this Ordinance, file with the City Clerk of the City a written acceptance of this Ordinance and the franchise herein granted agreeing that it will comply with all the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this Ordinance.

Section 18 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Federal or state court or administrative or governmental agency of competent jurisdiction, specifically including the Federal Communications Commission, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. Any provision

of this Ordinance which is inconsistent with Federal Communications Commission rules now in existence or hereinafter promulgated or adopted shall be deemed modified in such way or manner as to fully comply with said rule or regulation.

Section 19 Unlawful Acts.

- A. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of Grantee's cable television system for the purpose of enabling himself or others to receive any television signals, radio signals, picture, programs, sounds, or any other information or intelligence transmitted over Grantee's cable system with- out payment to Grantee or its lessee.
- B. It shall be unlawful for any person without the consent of the owner to willfully tamper with, remove or injure any cable, wires or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over Grantee's cable system.
- C. It shall be a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the County Jail for a term not to exceed thirty (30) days, or both, for any person to violate any of the provisions of this Section.

Section 20 Effective Date. This Ordinance shall become effective upon acceptance by Grantee as provided in Section 17. The effective date shall be the date upon which the written Acceptance provided for in Section 17 is received by the City Clerk.

Passed and adopted by the City Council of the City of Agency, Iowa, this 13th day of April, 1978.

Renewed the 16th day of October, 2016.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 URBAN REVITALIZATION AREA

INTRODUCTION AND DESIGNATION CRITERIA

Iowa's Urban Revitalization Act (Iowa Code Chapter 404) provides for a city's governing body to designate an area as an urban revitalization area under certain circumstances. The primary emphasis of the Agency Revitalization Plan ("Plan") for the Agency Urban Revitalization Area ("Area") is the revitalization of residential properties of both single-family and multi-family nature. Both owner occupied and rental residential use properties are the target of improvement under this proposed Plan. Residential and commercially taxed residential properties in the designated area may benefit from the exemption or abatement of taxes on the value added by development or redevelopment activities after the Plan is adopted. This Plan will outline eligibility and procedures whereby the Area hereinafter described can be revitalized and the potential for residential improvements and development or redevelopment enhanced in accordance with this Plan.

In accordance with Chapter 404.1 of the Code of Iowa, as amended, the Agency Urban Revitalization Area contains one or more of the following categories:

An area which is appropriate as an economic development area.

An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single and multifamily housing.

The adoption of the Plan will enhance the rehabilitation and redevelopment of the area resulting in the improvement of public health, safety and welfare of the residents of the City.

DESCRIPTION OF THE AREA

The Agency Urban Revitalization Area is legally described as indicated in Exhibit A and is illustrated in Exhibit B, both attached to this Plan.

PLAN OBJECTIVES

The Plan is prepared in conformance with Sections 404.1 and 404.2 of the Code of Iowa for the purpose of providing incentives and outlining procedures to enhance the potential for residential development in Agency. The primary objectives of this Plan are as follows:

1. Reduce the presence of deteriorated and deteriorating residential use structures (single-family and multi-family, both owner occupied and rental) to enhance the quality of life and aesthetics within the designated Area.
2. Encourage the demolition of unsafe structures that pose a health and safety threat and promote the subsequent new construction (reinvestment) of comparable replacement housing.
3. Increase the quality of the housing stock (owner occupied and rental) within the Plan area to obtain the long term benefit of increased residential valuations.
4. Related goals consistent with Chapter 404.

EXISTING ZONING

The proposed Agency Urban Revitalization Area includes contiguous property wholly within the boundaries of the City of Agency, zoned "Residential and Commercial". The Area is considered to be a "mixed use" area with a combination of a single-family residential, multi-family residential and commercial properties.

The emphasized revitalization of residential properties of both single-family and multi-family composition (owner occupied and rental) as proposed under the Plan is in conformance with the applicable zoning classifications noted above. No changes in the current zoning classifications are currently anticipated.

The existing zoning classifications and land uses existing within the Urban Revitalization Area are identified on the map attached hereto as Exhibit D.

EXISTING LAND USE

Existing land use categories are the same as the zoning classifications described above.

PROPOSED LAND USE

The Area is proposed for new and expanded residential development in those areas that comply with the City's Zoning Ordinance. "Residential" includes qualified real estate assessed as commercial property, if the commercial property consists of 3 or more separate living quarters with at least 75% of the space used for residential purposes. ("Space" is equivalent to total square footage.)

CITY SERVICES

The Plan may result in improvement or expansion of city services as follows:

- Transportation Facilities: The Plan should not materially affect the existing transportation system. It is anticipated that residential renovations,

particularly to multi-family units could result in improved on-site and off-site parking within the area. No modification to public transportation is involved.

- Sewage & Garbage: Sewage and garbage usage should not be impacted as a result of the Plan's implementation.
- Landscaping: It is expected that landscaping and aesthetic site improvements may be a component of the overall renovation projects to single-family and multi-family units within the Plan area.
- Street Maintenance: Maintenance of the city streets should not be impacted by this Plan.
- Police and Fire Protection: The long term goal of the Plan is to improve the overall condition of residential structures within the Plan area. These improvements may include life safety and or code items (electrical, plumbing, etc.) that could result in fewer calls within the Plan area. The results of Plan implementation may also result in improved rental inspections and fewer follow up visits by the Fire Division.
- Utilities: All utilities are currently available within the Agency Urban Revitalization Area. Any future utility additions, improvements, or relocations will need to be coordinated with the appropriate utility provider.

ELIGIBLE IMPROVEMENTS

"Qualified Real Estate" shall include buildings assessed as residential or commercial property (if the commercial property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes) located in the Urban Revitalization Area, to which Improvements have been made during the time the Area was so designated and which have increased the actual value by at least 10%. Increases in actual value are measured by the assessor's determination of the increased assessed value due to the Improvements. No land now assessed as agricultural is included in the Area. Increases in taxes because of increased assessed value for land are not subject to abatement.

"Improvements" shall be limited to new construction on vacant land or on land with existing structures and shall not include rehabilitation or additions to existing structures. The Improvements must result in the following increases in value:

- For residential property the Improvements must increase the actual value of the structure by at least 10 percent.
- For commercial property (if the commercial property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes), the Improvement must increase the actual value of the structure by at least 10 percent.

- If no structures were located on the property prior to the improvements, any Improvements may qualify.

"Actual Value Added by the Improvements" means the actual value added as of the first year for which the exemption was received, according to the tax assessment valuation determined by the Wapello County Assessor.

All Improvements, in order to be considered eligible must be completed in conformance with all applicable regulations of the City of Agency (including a building permit), and must be constructed during the time the Area is designated as a revitalization area.

Improvements receiving any funding from a local, state, or federal governmental program are not eligible for tax exemption under this Plan.

EXEMPTION SCHEDULE

All qualified real estate is eligible to receive an exemption from taxation on the actual value added by the Improvements. The exemption is for a period of five (5) years. The amount of exemption is equal to 100 percent of the actual value added by the improvements.

TERM OF PLAN

The Area defined in this Plan shall remain a designated Urban Revitalization Area until December 31, 2035. The City reserves the right to amend this Plan or to extend the designation, in accordance with Chapter 404. The City may also shorten the term of this Plan by amendment. However, in that event, all existing exemptions would continue until they expire.

APPLICATION PROCEDURES

A person may submit a proposal for an improvement project to the City Council to receive prior approval for eligibility for a tax exemption on the project. The City Council shall, by resolution, give its prior approval for an improvement project if the project is in conformance with this Plan. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the City Council to approve or reject. Final approval of tax exemptions are subject to confirmation by the Assessor that the improvements have increased the actual value by at least 10%.

An application shall be filed for each new exemption claimed. The application for an exemption shall be filed by the owner of the property with the City Council by February 1 of title assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or by February 1 of the following two assessment years, in which case the exemption is allowed for the total number of years in the exemption schedule. A form of application may be obtained from the City Clerk.

All applicants must apply for and receive a building permit, as required under City ordinances, rules and regulations.

All applications shall include the information required by the Act. The application will be subject to review by City Staff and by the Planning and Zoning Commission before being forwarded to the City Council for official action.

All applications shall include the information required by the Act. The application will be subject to review by City Staff and by the Planning and Zoning Commission before being forwarded to the City Council for official action.

The City Council shall approve the application, subject to review by the local assessor pursuant to the Act, if the project is in conformance with the Plan, is located within the Urban Revitalization Area and if the improvements were made during the time the area was so designated. The City Council shall forward for review all approved applications to the appropriate local assessor by **March 1** of each year with a statement regarding the exemption schedule. Applications for exemption for succeeding years on approved projects shall not be required.

The local assessor shall review each first-year application by making a physical review of the property, to determine if the improvements made increased the actual value of the qualified real estate by at least the percentage indicated above. If the assessor determines that the actual value of the real estate has increased by at least 10%, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to the Act to the county auditor at the time of transmitting the assessment rolls. However, if a new structure is erected on land upon which no structure existed at the start of the new construction, the assessor shall proceed to determine the actual value of the property and certify the valuations to the county auditor at the time of transmitting the assessment rolls.

However, if a new structure is erected on land upon which no structure existed at the start of new construction, the assessor shall proceed to determine the actual value

of the property and certify the valuations to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination and the assessor's decision may be appealed to the local board of review at the times specified in Section 441.37 of the Code. If an application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in the Act, the owner may file a first annual application in a subsequent year when additional improvements are made to satisfy the requirements of the Act. After the tax exemption is granted, with periodic physical review by the assessor, for the time period specified in the tax exemption schedule under which the exemption was granted, the tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

ASSESSED VALUATIONS AND OWNERS OF RECORD

A list setting forth the existing assessed valuations of the real estate in the Urban Revitalization Area, listing the land and building values separately, is included in Exhibit C. A list of names and addresses of the owners of record of real estate is available for viewing at the City Clerk's office via a compact disk.

REVENUE BONDS

The City has no plans at the present time to issue revenue bonds for revitalization projects within the Area.

RELOCATION

Only tenants who have occupied the same dwelling unit continuously for one (1) year prior to the Plan's adoption and who are displaced due to construction of an Improvement are eligible for relocation benefits. The City shall require the person(s) causing the qualified tenant to be displaced to pay all or a part of the relocation payments as a condition of receiving the tax exemption described herein. Relocation benefits in which a qualified tenant is entitled are limited to one month's rent.

ADDITIONAL FEDERAL, STATE OR PRIVATE GRANT OR LOAN

PROGRAMS Depending on the time period the Improvements are constructed, there may be programs available to assist property owners. At the time of adoption of this Plan in 2015, those programs may include the following:

Whether any of the above programs are applicable to Qualified Real Estate and Improvements as defined by this Plan are unknown.

As noted above, Improvements receiving any funding from a local, state or federal governmental program, as described in this Section, are not eligible for tax exemption under this Plan.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 NATIONAL ELECTRICAL CODE

6-18-1	Purpose	6-18-3	Inspection
6-18-2	Conformance with National Electrical Code	6-18-4	Reserved
		6-18-5	Violations

6-18-1 PURPOSE

The purpose of this chapter is to provide for the adoption of the National Electrical Safety Code for the installation of electric services in the city, and to protect the health, safety and welfare which would otherwise result from the uncontrolled installation of electrical services and to provide for the final disposition of electric funds. (Ord. 175 §2, 1987).

6-18-2 CONFORMANCE WITH NATIONAL ELECTRICAL CODE

All electrical installations shall be in accordance with the National Electrical Code, issued by the National Board of Fire Underwriters, as now or hereafter adopted, any copy of the same is on file in the office of the clerk, and no installation. of electric equipment or wiring shall be made in the city except in conformance thereto. (Ord. 175 §3, 1987).

6-18-3 INSPECTION

The mayor or an authorized representative of the city may inspect electric service wire, electric fixtures, and electrical installation for conformance to the National Electrical Code and unless the same does not comply, changes for compliance shall be so ordered. Such inspector shall have free access to any premises or buildings at all reasonable times to inspect the wiring and fixtures to see that they are in proper condition. (Ord. 175 §4, 1987).

6-18-4 (RESERVED)

6-18-5 VIOLATIONS

Any person, firm or entity which violates the provisions of this Chapter shall be deemed guilty of an infraction and be punished as provided in Chapter 1-3-2 of this Code.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 RENTAL PROPERTY MAINTENANCE CODE

- 6-19-1 Adoption**
- 6-19-2 Owner Refuses to Comply—Discontinue Utility Service**
- 6-19-3 Legal Rights**
- 6-19-4 Rental Housing Registration and Inspection Fee Schedule**

6-19-1 ADOPTION

That a certain document, One (1) copy of which is on file in the office of the CITY OF AGENCY being marked and designated as "The International Property Maintenance Code, 2000 as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the Property maintenance Code of the CITY OF AGENCY, in the State of IOWA; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in 6-19-2.

6-19-2 OWNER REFUSES TO COMPLY—DISCONTINUE UTILITY SERVICE

City may discontinue utility services to an inhabited structure if the owner thereof has refused and neglected to comply with notice of code deficiencies or repair directions from City or any other AGENCY CITY CODE deficiency.

6-19-3 LEGAL RIGHTS

That nothing in the ordinance or in the Rental Property Maintenance Code hereby adopted shall construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

6-19-4 RENTAL HOUSING REGISTRATION AND INSPECTION FEE SCHEDULE

REGISTRATION FEES

A \$20.00 Registration Fee will be charged at time of registration for each structure containing one or more rental units.

INSPECTION FEES:

The following inspection fees shall be due the City of Agency subsequent to all inspections and regular rental inspections. Inspections will be required once every three (3) years for each rental unit. paid within 30 days. All inspection fees shall be

General Inspections:

Single Family Dwellings:	\$50.00
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Duplexes (both units rental):	Inspection fee for first unit:	\$50.00
	Inspection fee for second unit:	\$10.00

Duplexes (one unit owner-occupied, one rental):	Inspection fee for rental unit:	\$50.00
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Multiple Dwellings (multi-family dwellings, 4-plexes, 8-plexes etc):	Inspection fee for first unit:	\$50.00
	Fee for each additional unit:	\$10.00

Rooming Houses (A house with furnished rooms for renting):	Inspection fee for first unit:	\$15.00
	Fee for each additional unit:	\$ 5.00

REINSPECTIONS:

If deficiencies are not addressed or corrected to the satisfaction of the City within the time frame outlined on the inspection report or if the landlord fails to provide adequate verification documenting that corrections have been completed, the following fees shall be due the City.

Reinspection for deficiencies:	
Single Family Dwellings:	\$35.00

Duplexes (both units rental):	Inspection fee for first unit:	\$35.00
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RENTAL PROPERTY MAINTENANCE CODE 6-19

Inspection fee for second unit: \$10.00

Duplexes (one unit owner-occupied, one rental): Inspection fee for rental unit: \$35.00

Multiple Dwellings (multi-family dwellings, rooming houses, etc.):

Inspection fee for first unit: \$35.00

Fee for each additional unit: \$10.00

UNSCHEDULED COMPLAINT INSPECTIONS:

The following fees shall be due to MidIowa Inspections upon completion of the Complaint Inspection, filing of the Inspection Report with the City of Agency, and submission of invoice for inspection services.

Complaint inspection fee per unit: \$50.00

OTHER RELATED FEES:

The following fees shall be due to MidIowa Inspections upon invoice for services. Attendance at City Council meetings or other special meetings to report on or provide information regarding inspections activities: \$50.00 per unit; \$10 each additional unit.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 20 MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES

6-20-1	Purpose	6-20-6	Ceiling Heights
6-20-2	Structure Size	6-20-7	Entrance and Exit Doors
6-20-3	Minimum Floor Area	6-20-8	Wheels
6-20-4	Foundation	6-20-9	Exemption
6-20-5	Exterior Wall and Roof Materials		

6-20-1 PURPOSE

All structures intended for residential occupancy place, erected, assembled or construction in the City after the effective date of this Chapter shall meet and comply with the following minimum requirements.

6-20-2 STRUCTURE SIZE

Each structure shall have a “main body” with a minimum exterior dimension of at least twenty-two feet (22’) measured from outside of the exterior walls.

6-20-3 MINIMUM FLOOR AREA

A minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of this Chapter, the minimum exterior dimensions of a residential structure shall not be less than 22 feet by 36.5 feet. A structure may include porches, sunrooms, garages, and “wings” of lesser dimensions and area, so long as the “main body” meets the minimum requirements.

6-20-4 FOUNDATION

All residential structures shall have a continuous and complete frost protected perimeter foundation. All residential structures shall have a complete frost protected permanent structure system, which may be a pier footing system designed and constructed to be compatible with the structure and conditions of the site.

Foundation and structure materials may be masonry or poured concrete, and must extend below the normal frost line. The structure must be permanently attached to the foundation.

6-20-5 EXTERIOR WALL AND ROOF MATERIALS

1. Exterior wall covering shall be wood or masonry finish, vertical, or horizontal grooved siding or lap siding, or the appearance thereof. Roofing material shall be shingles (asphalt, fiberglass or wood), slate, ceramic, or metal of a type customarily

used for residential roofing material, such as “standing seam” or embossed or textured metal.

6-20-6 CEILING HEIGHTS

A minimum finished ceiling height of not less than seven and one-half feet (7.5’).

6-20-7 ENTRANCE AND EXIT DOORS

Not less than two (2) functional entrance and exit doors.

6-20-8 WHEELS

No residential structure shall have attached wheels, axles or a towing device.

6-20-9 EXEMPTION

The provisions of this Chapter shall not apply to “mobile” or “manufactured” homes placed in a mobile home park or a mobile home subdivision in compliance with the zoning or subdivision ordinances of the City of Agency.

(Ord. 196, 2005)