CHAPTER 1

CODE OF ORDINANCES

1.01 Title
1.02 Definitions
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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Sheldon, Iowa, 1998.

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

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.

2. "City" means the City of Sheldon, Iowa.

3. "Clerk" means the city clerk of Sheldon, Iowa.

4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).

5. "Code of Ordinances" means the Code of Ordinances of the City of Sheldon, Iowa, 1998.

6. "Council" means the city council of Sheldon, Iowa.

7. "County" means O'Brien County or Sioux County, Iowa.

8. "Measure" means an ordinance, amendment, resolution or motion.

9. "Month" means a calendar month.

10. "Oath" means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" are equivalent to the words "swear" and "sworn".

11. "Occupant" or "Tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

12. "Ordinances" means the ordinances of the City of Sheldon, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.

13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

14. "Preceding" and "following" mean next before and next after, respectively.

15. "Property" includes real property, and tangible and intangible personal property unless clearly indicated otherwise.

16. "Property owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.

17. "Public place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.

18. "Public property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.

19. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

20. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

21. "State" means the State of Iowa.

22. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.

23. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

24. "Writing" and "written" include printing, typing, lithographing, or other mode of representing words and letters.

25. "Year" means a calendar year.

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

(Code of Iowa, Sec. 364.1)

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

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

(Code of Iowa, Sec. 364.14)

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

1. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular.

2. May. The word "may" confers a power.

3. Must. The word "must" states a requirement.

4. Shall. The word "shall" imposes a duty.

5. Gender. The masculine gender shall include the feminine and neuter genders.

6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.

7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

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

(Code of Iowa, Sec. 380.2)

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

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

(Code of Iowa, Sec. 718.5)

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

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

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

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CHAPTER 2

CHARTER

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

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

2.02 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council, with appointed Manager, form of government.

(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of two (2) Council Members elected at large and one (1) Council Member from each of three (3) wards as established by the Code of Ordinances, elected for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 376.2)

(Ord. O15-3219 – Aug. 17 Supp.)

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

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

Ordinance No. 1510 adopting a charter for the City was passed and approved by the Council on July 16, 1975.

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CHAPTER 3

WARD BOUNDARIES

3.01 DIVISION INTO WARDS. The City is divided into three (3) wards described as follows:

(Code of Iowa, Sec. 372.4 & 372.13[7])

1. First Ward – First Precinct. First Precinct in First Ward shall include all of that area within the City limits lying East of the following line:

> Commencing at the South City limits on Washington Avenue, thence North on Washington Avenue to Oak Street, thence East on Oak Street to Rainbow Drive, thence Northwesterly on Rainbow Drive to Washington Avenue, and thence North on Washington Avenue to the North City limits.

2. Second Ward – Second Precinct. Second Precinct in Second Ward shall include all of that area within the City limits lying North of Eighth (8th) Street and bounded on the West and East as follows:

> The West boundary shall commence at the intersection of Eighth (8th) Street and Western Avenue and thence proceed North on Western Avenue (McKinley Avenue) to the North City limits; and the East boundary shall commence at the intersection of Eighth (8th) Street and Washington Avenue, thence proceed North on Washington Avenue to Oak Street, thence East on Oak Street to Rainbow Drive, thence Northwesterly on Rainbow Drive to Washington Avenue, and thence North on Washington Avenue to the North City limits.

3. Third Ward - Third and Fourth Precinct.

Third Precinct in Third Ward shall include all of that area within the City limits bounded by the following line:

> Commencing at the corner of Western Avenue and Eighth (8th) Street, thence Southeasterly on Eighth (8th) Street to Washington Avenue, and thence South on Washington Avenue to the South City limits, thence west to McKinley Avenue, thence north on McKinley Avenue and Western Avenue to Eighth (8th) Street.

Fourth Precinct in Third Ward shall include that area West of Western Avenue located in Sioux County, Iowa, within the City limits of Sheldon, Iowa.

(Ord. 011-3204 – Sep. 12 Supp.)

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties
4.04 Municipal Infractions - Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

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

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

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

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

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.

2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products or by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

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

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

1. Standard Civil Penalties.

   A. First Offense - Not to exceed $750.00

B. Each Repeat Offense - Not to exceed $1000.00 and each day that a violation occurs or is permitted to exist constitutes a repeat offense. ***(Ord. 003-3146 – Oct. 04 Supp.)***

2. Special Civil Penalties.

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

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

(1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

(2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight (8) hours.

4.04 MUNICIPAL INFRACTIONS - CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 1.310 and subject to the conditions of rule of civil procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

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(s).

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.

(Ord. 009-3194 – Dec. 09 Supp.)

8. If the citation affects real property, the legal description of the affected property (said description may be included in or attached to the citation).

(Ord. 010-3200 – July 11 Supp.)

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

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

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

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

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Duties: General
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings
5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Removal of Elected Officers
5.11 Vacancies
5.12 Unlawful Use of City Property
5.13 Gifts
5.14 Fees, Charges and Expenses for Annexation/ De-annexation Applications

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

A. Mayor

B. City Clerk

C. Members of all boards, commissions or bodies created by law.

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

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

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

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.
(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.
(Code of Iowa, Sec. 64.23[6])

4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective or appointive.
(Code of Iowa, Sec. 64.24[3])

5.03 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.
(Code of Iowa, Sec. 372.13[4])

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records which are combined with data processing software shall be in accordance with policies and procedures established by the City.
(Code of Iowa, Sec. 22.2 & 22.3A)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to the officer's successor in office all books, papers, records, documents and property in the officer's custody and appertaining to that office.
(Code of Iowa, Sec. 372.13[4])

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

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.
(Code of Iowa, Sec. 21.4)

2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.
(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars ($1500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[10])

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

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

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly

recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.

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

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

(Code of Iowa, Sec. 372.15)

5.10 REMOVAL OF ELECTED OFFICERS.

1. Grounds. Any City officer elected by the people may be removed from office after hearing as hereinafter provided by a two-thirds vote of the entire Council for any of the following reasons:

A. Willful or habitual neglect or refusal to perform the duties of office;

B. Willful misconduct or maladministration in office;

C. Corruption;

D. Extortion;

E. Conviction of a felony;

F. Intoxication, or upon conviction of becoming intoxicated;

G. Conviction of violating Chapter 56 of the Code of Iowa, *Campaign Finance Disclosure*.

2. Who May File Removal Petition. The petition for removal may be filed by the Mayor or by five (5) qualified electors of the City, and unless filed by the Mayor, shall be verified.

3. Contents of Removal Petition. The petition shall be filed in the name of the City. The accused shall be named as defendant. The petition shall state the charges against the accused and may be amended during the course of the proceedings. The petition shall be filed in the office of the Clerk and shall be deemed denied but the accused may plead thereto.

4. Fixing of Hearing Time and Location; Notice. Upon the filing of a petition, the Council shall fix a time and place of hearing upon such petition which may be a regular, adjourned or special meeting of the Council. Written notice of such hearing, to be signed by the Clerk, stating the time and place thereof and briefly the charges made in the petition, shall be served upon the defendant by the Police Chief not less than ten (10) days before the date of such hearing, such notice to be served upon the defendant personally if he or she can be found in the City within such time, otherwise by posting copies of such notice within such time in three (3) public places in the City.

5. Witnesses; Evidence. The Council or Mayor may issue subpoenas for witnesses at such hearing and for the production of records, books, papers and other evidence. Such witnesses may be sworn by the Mayor or any other person present authorized by law to administer oaths, and the refusal to obey such subpoenas shall be attended by the same consequences and penalties as upon criminal trials in the District Court.

6. Hearing Procedure. At such hearing, two-thirds of the entire Council shall constitute a quorum for such meeting and for the conduct of such proceedings. The Mayor shall preside at such hearing unless the Mayor is the defendant in such proceedings or is absent or for any other reason unable to attend, in which event a presiding officer shall be chosen by and from among the members of the Council. The Clerk shall attend such hearing and keep a record of all proceedings including a summary of the evidence and testimony introduced at such hearing. When such hearing has been completed, the vote of the Council shall be recorded by ayes and nays and if by a two-thirds vote of the entire Council such officer is removed from office, such removal shall be entered of record, and the resulting vacancy shall be forthwith filled in the manner provided by law for filling an ordinary vacancy occurring in such office.

7. Witness Fees and Mileage. The witnesses at such hearing shall be entitled to witness fees and mileage as allowed to witnesses in trials in the District Court, to be paid out of the General Fund of the City.

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

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

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a

quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

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

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

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

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

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

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

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

5.14 FEES, CHARGES AND EXPENSES FOR ANNEXATION/DE-ANNEXATION APPLICATIONS. Any person or entity submitting an application to the City of Sheldon pursuant to Chapter 368 of the Iowa Code shall pay a fee in the amount of $125.00 for charges and expenses incurred by the City. Until the fee has been paid in full, no action shall be taken on any application brought to the City Council pursuant to Chapter 368 of the Iowa Code. ***(Ord. 004-3147 – Oct. 04 Supp.)***

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Candidacy
6.03 Persons Elected in City Elections

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated in the manner provided by Chapter 44 or 45 of the Code of Iowa.

6.02 CANDIDACY. An eligible elector of the City may become a candidate for elective City office by filing with the City Clerk a valid petition requesting that the elector's name be placed on the ballot for that office signed by not less than twenty-five (25) eligible electors who are residents of the City or ward.

6.03 PERSONS ELECTED IN CITY ELECTIONS. In a regular City election held for a City where the Council has chosen to have nominations made in the manner provided by Chapter 44 or 45 of the Iowa Code, 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.

(Ord. 002-3129 – Mar. 02 Supp.)

[The next page 45]

CHAPTER 7

INDUSTRIAL PROPERTY TAX EXEMPTIONS

7.01 Purpose
7.02 Definitions
7.03 Period of Partial Exemption
7.04 Amounts Eligible for Exemption
7.05 Limitations
7.06 Applications
7.07 Approval
7.08 Exemption Repealed
7.09 Dual Exemptions Prohibited

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

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

1. "Actual value added" means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the local assessor as of January 1 of each year for which the exemption is received.

2. "Distribution center" means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

3. "New construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from

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

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

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

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

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

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

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

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

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

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.

2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

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

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

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

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CHAPTER 8

URBAN RENEWAL

8.01 Purpose
8.02 Sheldon Urban Renewal District
8.03 1994 Sheldon Urban Renewal District Amendment
8.04 1997 Sheldon Urban Renewal District Amendment
8.05 1998 Sheldon Urban Renewal District Amendment
8.06 1999 Sheldon Urban Renewal District Amendment
8.07 2006 Sheldon Urban Renewal District Amendment
8.08 Amended and Restated Sheldon Urban Renewal Area

8.01 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Areas of the City each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of the ordinances codified by this chapter in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City, to finance projects in such areas.

8.02 SHELDON URBAN RENEWAL DISTRICT. The provisions of this section apply to the Sheldon Urban Renewal District, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by Resolution No. R-89-2953, adopted on November 15, 1989:

SHELDON, IOWA/O'BRIEN COUNTY

Parcel No. 1. Auditor's Subdivision of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section Thirty (30), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., also known as Robinson and Ward's Addition.

Parcel No. 2. ***(Repealed by Ord. 007-3169 – Aug. 07 Supp.)***

Parcel No. 3. ***(Repealed by Ord. 007-3169 – Aug. 07 Supp.)***

Parcel No. 4. Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., Lots 1-7, known as Robinson's or Robinson's Addition.

Parcel No. 5. Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., Robinson's Addition, Lots 8-16.

Parcel No. 6. Lots 1-11, Block A of Bishop's First Addition.

Parcel No. 7. Lots 1, 2, 3, 8, 9, 12, 13, 16, 17, 20 of Block B of Bishop's First Addition.

Parcel No. 8. Auditor's Subdivision of Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Thirty-one (31), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., Lots 1-4.

Parcel No. 9. Blocks 1 through 3 of Fourth Addition.

Parcel No. 10. Van Wettering Replat of Lot Twelve (12), Block Forty-three (43), Second Addition to the City of Sheldon, Iowa.

Parcel No. 11. Blocks 43, 44, 47, 48, 49, 50, 51, 52, 53A and 53B of Second Addition and vacated First Avenue adjacent to Block 48 of Second Addition to the City of Sheldon, Iowa.

Parcel No. 12. Hollander's Replat of Lots 8 and 9 of Block Forty-five (45), Second Addition; and Lots 1-7 of Block Forty-five (45).

Parcel No. 13. Bassett and Riddell Replat of Lots 1-5 and the East 92 feet of Lot 6 to Sheldon, Iowa, and Lots 7, 8 and 9 in Block Forty-six (46), and west 40 feet of Lot 6 of Block Forty-six (46) of Second Addition.

Parcel No. 14. Auditor's Subdivision of the South Half (S½) of Section Thirty-one (31), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., Lots 1-5.

Parcel No. 15. Blocks 34, 35, 36 and 37 of Third Addition.

Parcel No. 16. Lots 1-3 and 16-20 of Block 27 of First Addition to the City of Sheldon, Iowa.

Parcel No. 17. Blocks 1-10 and Block 15 including the Vacated Alley between 2-3 and 10-11 in Block 15, of the Original Town of Sheldon, Iowa.

Parcel No. 18. All railroad right-of-way and abandoned railroad right-of-way lying in a northerly to southerly direction from the northerly City limits of Sheldon, Iowa, to the southerly City limits of Sheldon, Iowa, and all railroad right-of-way and abandoned railroad right-of-way lying east of Western Avenue to a line directly south of the centerline of Fourth Avenue to Hubbard Street.

Parcel No. 19. The West Half of the Northwest Quarter (W½ NW¼) of Section Six (6), Township Ninety-six (96) North, Range Forty-two (42), West of the 5th P.M., including Lot 10 therein.

Parcel No. 20. All street right-of-way and vacated street and alley right-of-way adjacent to aforedescribed property in Items 1-19 hereof.

SHELDON, IOWA/SIOUX COUNTY

Parcel No. 1. A tract of land located in the East Half (E½) of Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43), West of the 5th P.M., and more particularly described as follows:

Beginning at the northeast corner of said Section 36; thence south 00°00′ west 2589.0 feet along the east line of said Section 36 (centerline of Western Avenue) to the north right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence westerly along said north right-of-way line for approximately 1965 feet to the southeast corner of Northwest Iowa Vocational School's property as shown by survey filed in Book 25, page 273 of the County Recorder's Office; thence north 11°19' east 806.4 feet along the east line of said survey to the south right-of-way line of the former Illinois Central Railroad; thence northeasterly approximately 200 feet to a point on the north right-of-way line of the former Illinois Central Railroad, said point being in the southwest corner of a 3.25 acre parcel of land as shown by survey filed 1977, card 2487 of the County Recorder's office; thence north 24°38' east 54.9 feet along the west line of said survey; thence south 72°11' east 603.2 feet along the north line of said survey; thence north 04°07' east 1274.5 feet; thence south 83°11'10" east 98.7 feet; thence north 00°16' west 240.1 feet to the centerline of the Iowa Highway Number 18 and the north line of Section 36; thence east 748.0 feet to the point of beginning.

Parcel No. 2. A tract of land located in the Southeast Quarter (SE¼) of Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43), West of the 5th P.M., and more particularly described as follows:

Beginning at the southeast corner of the Southeast Quarter (SE¼) of said Section 36; thence north 00°00' west 904.6 feet; thence north 89°00'00" West 193.0 feet; thence north 00°00' West 255.5 feet; thence north 88°27' west 2455.7 feet to the west line of said Southeast Quarter (SE¼); thence south 00°10' east 1153.7 feet to the southwest corner of said SE¼; thence south 88°26'20" east 2644.7 feet to the point of beginning.

Note: For the purpose of this description, the east line of the SE¼ of Section 36, Township 97, Range 43 was assumed to bear due north and south.

The taxes levied on the taxable property in the Sheldon Urban Renewal District by and for the benefit of the State, the City, the Counties of O'Brien and Sioux, the Sheldon Community School District and all other taxing districts from and after the effective date of Ordinance No. 0-89-2954, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value on the assessment roll as of January 1, 1988, being the

first day of the calendar year preceding the effective date of Ordinance No. 0-89-2954, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such base period taxes shall be allocated to and when collected be paid into a special tax increment fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9 and 403.12 of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without limitation by the provisions of this section.

3. All taxes levied and collected upon the taxable property in the Sheldon Urban Renewal District shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in the Urban Renewal Area shall exceed the total assessed value of the taxable property in said Urban Renewal Area as shown on the assessment roll referred to in subsection 1 of this section.

4. At such time as the loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

8.03 1994 SHELDON URBAN RENEWAL DISTRICT AMENDMENT. The provisions of this section apply to the Sheldon Urban Renewal District, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan as amended approved by the Council by Resolution No. R94-3184, adopted on December 21, 1994:

O'BRIEN COUNTY

Parcel No. 21. Park Hill Addition: Lots 1-7 & 38-44 in Block 95; Lots 1-7 & 38-44 in Block 96; All of Block 97; Lots 1-5 & 44-48 in Block 98.

Parcel No. 22. South 660.7 feet of East 999.2 feet of SE¼ SE¼, except Groot's Second Addition all in Section 30, Township 97, Range 42.

Parcel No. 23. South 369.9 feet of West 1,036.1 feet of SW¼ SW¼, except Valley View Addition all in Section 29, Township 97, Range 42.

Parcel No. 24. Commencing at the SW corner of Section 29, East 1,036.10 feet, North 260 feet to the point of beginning, North 124.96 feet, East 86.5 feet, South 97 feet, East 113.5 feet, South 27.96 feet, West 200 feet to beginning; and beginning 1,047.4 feet East and 50 feet North of SW corner of SW¼ of Section 29, West 11.3 feet, North 210 feet, East 200 feet, South 200 feet, West 188.7 feet, South 10 feet to point of beginning. All in Section 29, Township 97, Range 42.

Parcel No. 25. New Horizon First Addition: Lots 1-8 in Block 1; and Lots 1-5 and Lot 18 in Block 2.

Parcel No. 26. SW¼ of Section 29, Township 97, Range 42 lying North and East of New Horizon First, New Horizon Second and New Horizon Third Additions except tract described as: Commencing 692.8 feet West and 659.9 feet North of S¼ Corner of Section 29, West 205 feet, North 125 feet, West 1,068.2 feet, North 926.2 feet, East 1,124.6 feet, South 525 feet, East 140 feet, South 532.1 feet to point of beginning.

Parcel No. 27. East Half of Section 29, Township 97, Range 42.

Parcel No. 28. All of Section 28, Township 97, Range 42.

Parcel No. 29. All of Section 33, Township 97, Range 42.

Parcel No. 30. North Half of Section 4, Township 96, Range 42 and North Half of Section 5, Township 96, Range 42.

Parcel No. 31. North Half of Section 6, Township 96, Range 42, except W½ NW¼.

Parcel No. 32. All of Drakes Out Lots (Inclusive of Spruce Mead Acres Addition).

Parcel No. 33. Lots 6-11, 17 and 21 of Auditor's Subdivision of S½ of Section 31, Township 97, Range 42.

Parcel No. 34. N½ SW¼ South of the railroad and S½ SW¼ except the cemetery all in Section 32, Township 97, Range 42.

Parcel No. 35. Second Addition: Blocks 54A, 54B, 55A and 55B.

Parcel No. 36. SE¼ of Section 32, Township 97, Range 42.

Parcel No. 37. The East Half of the Northeast Quarter (E½ NE¼), Section 32, Township 97, Range 42 except the following described real estate:

Lots 1 through 3 and lots 5 through 18 and all public streets and other public areas dedicated to the City except for description "B" as shown on final plat of East Ridge Addition filed by James C. Sailer and recorded in Book 1 of Plats, page 111 in the office of the O'Brien County Recorder.

And

Lots 1 and 2 of the replat of lot 4 as shown on the final plat of the replat of lot 4 East Ridge addition platted by James C. Sailer and recorded in plat envelope 153, the office of O'Brien County Recorder.

(Ord. 000-3118 – May 01 Supp.)

Parcel No. 38. NW¼ NE¼ North of East 4th Street extended all in Section 32, Township 97, Range 42.

Parcel No. 39. Section 32, Township 97, Range 42 beginning 50 feet South of NE Corner of NW¼, South 20 rods, West 20 rods, North 20 rods, East 20 rods to beginning.

Parcel No. 40. West 318 feet of East 681 feet of North 276 feet of NW¼ NW¼, Section 32, Township 97, Range 42, except the North 50 feet.

Parcel No. 41. Blocks 71 & 72, Fifth Addition & Block 1, Normal College Addition.

Parcel No. 42. Lots 1, 2, 12 & 13, Block 33 of First Addition.

Parcel No. 43. NE¼ SE¼ except the South 125 feet of East 996.9 feet all in Section 30, Township 97, Range 42.

Parcel No. 44. NE¼ East of Highway 60 in Section 30, Township 97, Range 42.

Parcel No. 45. Dean's 1st Addition: Lots 1-8 & North 134 feet of Lot 11 and all of Lots 12-18.

Parcel No. 46. All that part of NW¼ SE¼ of Section 30, Township 97, Range 42 lying East of Highway 60 and bounded on West by Lots 15 thru 18, Dean's 1st Addition and all that part of NW¼ SE¼ of Section 30, Township 97, Range 42 lying North of Lot 18, Dean's 1st Addition and East of Highway 60.

Parcel No. 47. NW¼ SE¼ of Section 30, Township 97, Range 42 lying East of Fifth Avenue extended.

Parcel No. 48. NW¼ East of Highway 60 in Section 20, Township 97, Range 42 and beginning at SW corner of NE¼ of Section 20, Township 97, Range 42, North 345.2 feet, Southeast 381 feet, East 265.7 feet, South 620.68 feet, Southeast 1,359.52 feet, Southwest 550 feet, Northwest 2,301.04 feet, East 464.38 feet to point of beginning.

Parcel No. 49. East Half of Block B, Bishop's First Addition.

Parcel No. 50. All street right-of-way and vacated street and alley right-of-way adjacent to aforedescribed property in Items 1-29 hereof inclusive of Highway 60 thru Sections 19 & 20, Floyd Township.

SIOUX COUNTY

Parcel No. 3. A tract of land beginning at the Southwest Corner of the Fairgrounds being a point 962.1 feet North 71°10' West of a point 1782 feet South of the Northeast Corner of Section 36, in Township 97 North, of Range 43 West of the 5th P.M., running thence North 04°07' East 1274.0 feet to a point thence North 81°10' West 280 feet to a point. Thence South 04°07' West 1226 feet to a point thence South 71°10' East 238.0 feet to beginning, containing 8 acres.

The taxes levied on the taxable property in the Sheldon Urban Renewal District by and for the benefit of the State, the City, the Counties of O'Brien and Sioux, Sheldon Community School District, Northwest Iowa Community College and all other taxing districts from and after the effective date of Ordinance No. 094-3064, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value on the assessment roll as of January 1, 1993, being the first day of the calendar year preceding the effective date of Ordinance No. 094-3064, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such base period taxes shall be allocated to and when collected be paid into a special tax increment fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9, 403.12 or any other applicable provisions of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without limitation by the provisions of this section.

3. All taxes levied and collected upon the taxable property in the Sheldon Urban Renewal District shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in the Urban Renewal Area shall exceed the total assessed value of the taxable property in said Urban Renewal Area as shown on the assessment roll referred to in subsection 1 of this section.

4. At such time as the loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received

from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

8.04 1997 SHELDON URBAN RENEWAL DISTRICT AMENDMENT. (Repealed by Ordinance No. 008-3186 – Dec. 08 Supp.)

8.05 1998 SHELDON URBAN RENEWAL DISTRICT AMENDMENT. The provisions of this section apply to Parcel #52 of the Sheldon Urban Renewal District, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan as amended approved by the Council by Resolution No. R98-3278, adopted on January 21, 1998:

O'BRIEN COUNTY

A parcel of land located in the NW¼ and in the NE¼ of Section Thirty-two (32), Township Ninety-seven (97) North, Range Forty-two (42) West of the Fifth Principal Meridian (5th P.M.), O'Brien County, Iowa, described as follows:

Commencing at the Northeast Corner of the NW¼ of the NE¼ of said Section 32; thence South 00°34'00" East 1303.65 feet along the East line of the NW¼ of the NE¼ to the North Right of Way line of 6th Street and the point of beginning; thence continuing South 00°34'00" East 60.00 feet to the South Right of Way line of Sixth Street; thence North 89°49'50" West 1765.6 feet along said South line to the West Right of Way line of 19th Avenue; thence North along said West line for 922.4 feet to the North Right of Way line of East Fourth Street; thence North 90°00'00" East 1566.0 feet along said North line; thence South 00°34'00" East 867.01 feet to the North Right of Way line of 6th Street; thence South 89°49'50" East 199.60 feet to the point of beginning containing 33.5 acres more or less.

Note: The North line of the NW¼ of the NE¼ was assumed to bear North 90°00'00" East.

The taxes levied on the taxable property in Parcel #52 of the Sheldon Urban Renewal District by and for the benefit of the State, the City, the Counties of O'Brien and Sioux, Sheldon Community School District, Northwest Iowa Community College and all other taxing districts from and after the effective date of Ordinance No. 097-3091, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value on the assessment roll as of January 1, 1997, being the first day of the calendar year preceding the effective date of Ordinance No. 097-3091, shall be allocated to and when collected be paid into the fund for

the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such base period taxes shall be allocated to and when collected be paid into a special tax increment fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9, 403.12 or any other applicable provisions of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without limitation by the provisions of this section.

3. All taxes levied and collected upon the taxable property in the Sheldon Urban Renewal District shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in the Urban Renewal Area shall exceed the total assessed value of the taxable property in said Urban Renewal Area as shown on the assessment roll referred to in subsection 1 of this section.

4. At such time as the loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

8.06 1999 SHELDON URBAN RENEWAL DISTRICT AMENDMENT. The provisions of this section apply to Parcel #4 of the Sheldon Urban Renewal District, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan as amended by Resolution No. R99-3319, adopted on May 19, 1999:

SIOUX COUNTY

A tract of land in Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43) West of the Fifth Principal Meridian located in Sioux County, Iowa and more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 36, Township 97 North, Range 43 West of the 5th P.M.; thence North 00°00’00” East along the East line of the Southeast Quarter of Section 36 for 904.60 feet to the Point of Beginning; thence North 89°01’00” West for 510.11 feet; thence North 00°01’00” West 258.00 feet; thence North 88°32’45” West a distance of 2,151.52 feet, more or

less, to the West line of said Southeast Quarter; thence North 00°13'11'' West along said Quarter line a distance of 1,869.87 feet, more or less, to a point on the Southerly right-of-way line of the Chicago, Milwaukee and St. Paul Railroad; thence South 86°06'18" East along said Southerly right-of-way line a distance of 1,245.70 feet to the point of curvature of a 01°53'51" circular curve, having a radius of 3,019.6 feet, concave Southwesterly; thence Southeasterly along said circular curve a distance of 1,352.95 feet, the chord of said circular curve bears South 73°16'10" East a distance of 1,341.66 feet to a point of tangence with the succeeding course; thence South 60°13'55" East a distance of 147.19 feet to the East line of the Southeast Quarter of Section 36; thence South 00°00'00" West along the East line of the Southeast Quarter of Section 36 for 1,647.27 feet to the Point of Beginning.

The taxes levied on the taxable property in Parcel #4 of the Sheldon Urban Renewal District by and for the benefit of the State, the City, the Counties of O'Brien and Sioux, Sheldon Community School District, Northwest Iowa Community College and all other taxing districts from and after the effective date of Ordinance No. 099-3104, shall be divided as follows:

1. That portion of the taxes for the tract described above which would be produced by the rate at which the tax is levied each year by or for the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value on the assessment roll as of January 1, 1999, being the first day of the calendar year preceding the effective date of Ordinance No. 099-3104, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such base period taxes shall be allocated to and when collected be paid into a special tax increment fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9, 403.12 or any other applicable provisions of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal District, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without limitation by the provisions of this section.

3. All taxes levied and collected upon the taxable property in said Urban Renewal District shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal Area shall exceed the total assessed

value of the taxable property in said Urban Renewal Area on the date of adoption of Ordinance No. 099-3104.

4. At such time as the loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(Ord. 099-3104 –Aug 99 Supp.)

8.07 2006 SHELDON URBAN RENEWAL DISTRICT AMENDMENT. The provisions of this section apply to Parcel #53 of the Sheldon Urban Renewal District, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan as amended by Resolution No. R06-3731, passed and approved on November 15, 2006:

O'BRIEN COUNTY

Blocks Twelve (12), Thirteen (13), Fourteen (14), Seventeen (17), Eighteen (18) and Nineteen (19) of the Original Town of Sheldon, O'Brien County, Iowa

and

All street right-of-way, vacated streets and alley right-of-way adjacent to the aforementioned real estate

The taxes levied on the taxable property in Parcel #53 of the Sheldon Urban Renewal District by and for the benefit of the State, the City, the Counties of O'Brien and Sioux, Sheldon Community School District, Northwest Iowa Community College and all other taxing districts from and after the effective date of Ordinance No. 006-3167, shall be divided as follows:

1. That portion of the taxes for the tract described above which would be produced by the rate at which the tax is levied each year by or for the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value on the assessment roll as of January 1, 2006, being the first day of the calendar year preceding the effective date of Ordinance No. 006-3167, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such base period taxes shall be allocated to and when collected be paid into a special tax increment fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9, 403.12 or any other applicable provisions of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the

Urban Renewal District, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without limitation by the provisions of this section. The Urban Renewal Area as described above shall be limited to tax collections under Chapter 403 of the Iowa Code for a period of twenty (20) years.

3. All taxes levied and collected upon the taxable property in said Urban Renewal District shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal Area shall exceed the total assessed value of the taxable property in said Urban Renewal Area on the date of adoption of Ordinance No. 006-3167.

4. At such time as the loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(Ord. 006-3167 –Aug 07 Supp.)

8.08 AMENDED AND RESTATED SHELDON URBAN RENEWAL AREA. The provisions of this section apply to the Amended and Restated Sheldon Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan as amended by Resolution as stated below:

Original Area – Approved by Resolution No. R89-2953 on September 6, 1989:

SHELDON, IOWA / O'BRIEN COUNTY

1. Auditor's Subdivision of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section Thirty (30), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., also known as Robinson and Ward's Addition.

2. Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., known as Robison's or Robinson's Addition.

3. The South Half (S½) of Lot Eleven (11), Lot Ten (10), Lot Nine (9), vacated Fourth Avenue of Dean's Addition.

4. Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-

seven (97) North, Range Forty-two (42), West of the 5th P.M., Lots 1 - 7, known as Robinson's or Robinson's Addition.

5. Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-seven (97) North Range Forty-two (42), West of the 5th P.M., Robinson's Addition, Lots 8-16.

6. Lots 1-14, Block A of Bishop's First Addition.

7. Lots 1, 2, 3, 8, 9, 12, 13, 16, 17, 20, of Block B of Bishop's First Addition.

8. Auditor's Subdivision of Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Thirty-one (31), Township Ninety-seven (97) North, Range Forty-two (42), West of the 5th P.M., Lots 1-4.

9.. Blocks 1 through 3 of Fourth Addition.

10. Van Wettering Replat of Lot Twelve (12), Block Forty-three (43), Second Addition to the City of Sheldon, Iowa.

11. Blocks 43, 44, 47, 48, 49, 50, 51, 52, 53A, and 53B of Second Addition and vacated First Avenue adjacent to Block 48 of Second Addition to the City of Sheldon, Iowa.

12. Hollander's Replat of Lots 8 and 9 of Block Forty-five (45), Second Addition; and Lots 1-7 of Block Forty-five (45).

13. Bassett and Riddell Replat of Lots 1 - 5 and the East 92 feet of Lot 6 to Sheldon, Iowa, and Lots 7, 8 and 9 in Block Forty-six (46), and West 40 feet of Lot 6 of Block Forty-six (46) of Second Addition.

14. Auditor's Subdivision of the South Half (S½) of Section Thirty-one (31) Township Ninety-seven (97) North, Range Forty-two (42) West of the 5th P.M., Lots 2-5.

15. Blocks 34, 35, 36 and 37 of Third Addition.

16. Lots 4-15 of Block 27 of First Addition to the City of Sheldon, Iowa.

17. Block 1-10, and Block 15 including the Vacated Alley between 2-3 and 10-11 in Block 15, of the Original Town of Sheldon, Iowa.

18. All railroad right-of-way and abandoned railroad right-of-way lying in the northerly to southerly direction from the northerly City Limits of Sheldon, Iowa, to the southerly City Limits of Sheldon, Iowa, and all railroad right-of-way and abandoned railroad right-of-way lying east of Western Avenue to a line directly south of the centerline of 4th Avenue to Hubbard Street.

19. The West Half of the Northwest Quarter (W½ NW¼) of Section Six (6), Township Ninety-six (96) North, Range Forty-two (42), West of the 5th P.M., including Lot 10 therein.

20. All street right-of-way and vacated street and alley right-of-way adjacent to afore-described property in Items 1-18 hereof.

SHELDON, IOWA / SIOUX COUNTY

1. A tract of land located in the East Half (E½) of Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43), West of the 5th P.M., and more particularly described as follows:

Beginning at the Northeast Corner of said Section 36; thence South 00° 00′ West 2,589.0 feet along the East line of said Section 36 (centerline of Western Avenue) to the north right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence westerly along said north right-of-way line for approximately 1,965 feet to the southeast corner of Northwest Iowa Vocational School's property as shown by survey filed in Book 25 page 273 of the County Recorder's office; thence North 11°19′ East 806.4 feet along the east line of said survey to the south right-of-way line of the former Illinois Central Railroad; thence northeasterly approximately 200 feet to a point on the north right-of-way line of the former Illinois Central Railroad, said point being in southwest corner of a 3.25 acre parcel of land as shown by survey filed 1977, card 2487 of the County Recorder's office; thence North 24° 38′ East 54.9 feet along the west line of said survey; thence South 72° 11′ East 603.2 feet along the north line of said survey; thence North 04° 07′ East 1274.5 feet; thence South 83° 11′10″ East 98.7 feet; thence North 00° 16′ West 240.1 feet to the centerline of Iowa Highway Number 18 and the north line of Section 36; thence east 748.0 feet to the Point of Beginning.

2. A tract of land located in the Southeast Quarter (SE¼) of Section Thirty-Six (36), Township Ninety-seven (97) North, Range Forty-three (43), West of the 5th P.M., and more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (SE¼) of said Section 36; thence North 00° 00′ West 904.6 feet; thence North 89° 00′ 00″ West 193.0 feet; thence North 00° 00′ West 255.5 feet; thence North 88° 27′ West 2,455.7 feet to the west line of said SE¼; thence South 00° 10′ East 1,153.7 feet to the southwest corner of said SE¼; thence South 88° 26′ 20″ East 2,644.7 feet to the Point of Beginning.

Note: For the purpose of this description the east line of the SE¼ of Section 36, Township 97, Range 43 was assumed to bear due North and South.

Amendment No. 1 Area – Approved by Resolution R89-2975 on November 15, 1989:

3. The south 120 feet of Lot Eleven (11), Lot Ten (10), Lot Nine (9), vacated Fourth Avenue of Dean's Addition.

6. Lots 1-11, Block A of Bishop's First Addition.

14. Auditor's Subdivision of the South Half (S½) of Section Thirty-one (31), Township Ninety-seven (97) North, Range Forty-two (42) West of the 5th P.M., Lots 1-5.

16. Lots 1 -3 and 16-20 of Block 27 of First Addition to the City of Sheldon, Iowa.

Amendment No. 2 Area – Approved by Resolution R94-3184 on December 21, 1994:

O'BRIEN COUNTY

1. Park Hill Addition: Lots 1-7 & 38-44 in Block 95, Lots 1-7 & 38-44 in Block 96, All of Block 97, Lots 1-5 & 44-48 in Block 98.

2. S 660.7 feet of E 999.2 feet of SE¼ SE¼, except Groot's Second Addition all in 30-97-42.

3. S 369.9 feet of W 1,036.1 feet of SW¼ SW¼, except Valley View Addition all in 29-97-42.

4. Commencing at the SW Corner of Section 29, E 1,036.10 feet, N 260 feet to point of beginning, N 124.96 feet, E 86.5 feet, S 97 feet, E 113.5 feet, S 27.96 feet, W 200 feet to beginning; and beginning 1,047.4 feet E and 50 feet N of SW corner SW¼ of Section 29, W 11.3 feet, N 210 feet, E 200 feet, S 200 feet, W 188.7 feet, S 10 feet to point of beginning. All in 29-97-42.

5. New Horizons First Addition: Lots 1-8 in Block 1, Lots 1-5 & 18 in Block 2.

6. SW¼ 29-97-42 lying north and east of New Horizon First, New Horizon Second and New Horizon Third Additions except tract described as: Commencing 692.8 feet W & 659.9 feet N of S¼ corner of Section 29, W 205 feet, N 125 feet, W 1,068.2 feet, N 926.2 feet, E 1,124.6 feet, S 525 feet, E 140 feet, S 532.1 feet to point of beginning.

7. East ½ of 29-97-42.

8. All of Section 28-97-42.

9. All of Section 33-97-42.

10. N½ Section 4-96-42 and N½ Section 5-96-42.

11. N½ Section 6-96-42 except W½ NW¼.

12. All of Drakes Out Lots (Inclusive of Spruce Mead Acres Addition).

13. Lots 6-11, 17 and 21 of Auditor's Subdivision of S½ of 31-97-42.

14. N½ SW¼ south of the railroad & S½ SW¼ except the cemetery all in Section 32-97-42.

15. Second Addition: Blocks 54A, 54B, 55A & 55B.

16. SE¼ of Section 32-97-42.

17. The East Half of the Northeast Quarter (E½NE¼) Section 32, Township Ninety-seven (97), Range Forty-two (42)

18. NW¼ NE¼ north of East 4th Street extended, all in 32-97-42.

19. 32-97-42 beginning 50 feet S of NE corner NW¼, S 20 rods, W 20 rods, N 20 rods, E 20 rods to beginning.

20. W 318 feet of E 681 feet of N 276 feet NW¼ NW¼ 32-97-42 except N 50 feet.

21. Block 71 & 72 Fifth Addition & Block 1, Normal College Addition.

22. Lots 1,2, 12 & 13, Block 33 First Addition.

23. NE¼ SE¼ except S 125 feet of E 996.9 feet, all in 30-97-42.

24. NE¼ east of Highway 60 in 30-97-42.

25. Dean's 1st Addition Lots 1-8 & N 134 feet of Lot 11 and all Lots 12-18.

26. All of that part of NW¼ SE¼ 30-97-42 lying east of Highway 60 and bounded on west by Lots 15-18, Dean's 1st Addition and all that part of NW¼ SE¼ 30-97-42 lying north of Lot 18 Dean's 1st Addition and East of Highway 60.

27. NW¼ SE¼ of 30-97-42 lying east of Fifth Avenue extended.

28. NW¼ east of Highway 60 in 20-97-42 and beginning at SW corner of NE¼ of Section 20-97-42, N 345.2 feet, SE 381 feet, E 265.7 feet, S 620.68 feet, SE 1,359.62 feet, SW 550 feet, NW 2,301.04 feet, E 464.38 feet to point of beginning.

29. East ½ of Block B, Bishop's First Addition.

30. All street right-of-way and vacated street and alley right-of-way adjacent to afore-described property in items 1-49 hereof inclusive of Highway 60 thru Sections 19 & 20, Floyd Township.

SIOUX COUNTY

A tract of land beginning at the southwest corner of the Fairgrounds being a point 962.1 feet North 71° 10′ West of a point 1782 feet south of the northeast corner of Section 36-97-43, running thence North 04° 07′ East 1,274 feet to a point thence North 81° 10′ West 280 feet to a point. Thence south 04° 07′ West 1,226 feet to a point thence South 71° 10′ East 238 feet to the point of beginning, containing 8 acres.

Amendment No. 3 Area – Approved by Resolution R97-3265 on July 16, 1997:

A parcel of land located in the NW¼ of the NE¼ of Section Thirty-two (32), Township Ninety-seven (97) North, Range Forty-two (42) West of the Fifth Principal Meridian (5th P.M.), O'Brien County, Iowa, described as follows:

Commencing at the northeast corner of the NW¼ of the NE¼ of said Section 32; thence South 00º 34′ 00″ East 436.05 feet along the east line of the NW¼ of the NE¼ to the Point of Beginning; thence continuing South 00º 34′ 00″ East 867.60 feet to the north right-of-way line of Sixth Street; thence North 89º 49′50″ West 199.60 feet along said north right-of-way line; thence North 00º 34′ 00″ West 867.01 feet to the north right-of-way line of East Fourth Street extended east; thence North 90º 00′ 00″ East 199.60 feet along said north right-of-way line to the Point of Beginning containing 3.97 acres.

Amendment No. 4 Area – Approved by Resolution R98-3278 on January 21, 1998:

A parcel of land located in the NW¼ and in the NE¼ of Section 32, Township 97 North, Range 42 West of the 5th P.M., Sheldon, O'Brien County, Iowa, described as follows:

Commencing at the northeast corner of the NW¼ of the NE¼ of said Section 32; thence south 00° 34′ 00″ East 1,303.65 feet along the east line of the NW¼ of the NE¼ to the north right-of-way line of 6th Street and the Point of Beginning; thence

continuing South 00° 34′ 00″ East 60.00 feet to the south right-of-way line of 6th Street; thence North 89° 49′ 50″ West 1,765.6 feet along said south line to the west right-of-way line of 19th Avenue; thence north along said west line for 922.4 feet to the north right-of-way line of East Fourth Street; thence North 90° 00′ 00″ East 1,566.0 feet along said north line; thence South 00° 34′ 00″ East 867.01 feet to the north right-of-way line of 6th Street; thence South 89° 49′ 50″ East 199.60 feet to the Point of Beginning; containing 33.5 acres more or less.

Note: The North line of the NW¼ of the NE¼ was assumed to bear North 90° 00′ 00″ East.

Amendment No. 5 Area – Approved by Resolution R99-3319 on May 19, 1999:

A tract of land in Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43) West of the Fifth Principal Meridian located in Sioux County, Iowa, and more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 36, Township 97 North, Range 43 West of the 5th P.M.; Thence North 00° 00′ 00″ East along the east line of the Southeast Quarter of Section 36 for 904.60 feet to the Point of Beginning; thence North 89° 01′ 00″ West for 510.11 feet; thence North 00° 01′ 00″ West 258.00 feet; thence North 88° 32′ 45″ West a distance of 2,151.52 feet, more or less, to the west line of said Southeast Quarter; thence North 00° 13′ 11″ West along said Quarter line a distance of 1,869.87 feet, more or less, to a point on the southerly right-of-way line of the Chicago, Milwaukee and St. Paul Railroad; thence South 86° 06′ 18″ East along said southerly right-of-way line a distance of 1,245.70 feet to the point of curvature of a 01° 53′ 51″ circular curve, having a radius of 3,019.6 feet, concave southwesterly; thence southeasterly along said circular curve a distance of 1,352.95 feet, the chord of said circular curve bears South 73° 16′ 10″ East a distance of 1,341.66 feet to a point of tangence with the succeeding course; thence South 60° 13′ 55″ East a distance of 147.19 feet to the east line of the Southeast Quarter of Section 36; thence South 00° 00′ 00″ West along the east line of the Southeast Quarter of Section 36 for 1,647.27 feet to the Point of Beginning.

Amendment No. 6 Area – Approved by Resolution R00-3401 on December 20, 2000:

Lots 1 through 3 and lots 5 through 18 and all public streets and other public areas dedicated to the City except for description “B” as shown on final plat of East Ridge Addition filed by James C. Sailer and recorded in Book 1 of Plats, page 111 in the office of the O’Brien County Recorder and

Lots 1 and 2 of the Replat of lot 4 as show on the final plat of the replat of lot 4 East Ridge addition platted by James C. Sailer and recorded in plat envelope 153, the office of O'Brien County Recorder.

Amendment No. 7 Area – Approved by Resolution R06-3731 on November 15, 2006:

Blocks Twelve (12), Thirteen (13), Fourteen (14), Seventeen (17), Eighteen (18) and Nineteen (19) of the Original Town of Sheldon, O'Brien County, Iowa

AND

All street right-of-way, vacated streets and alley right-of-way adjacent to the aforementioned real estate.

Amendment No. 8 Area – Approved by Resolution R07-3739 on February 5, 2007:

Auditor's Subdivision of the East Half of the Southwest Quarter (E½SW¼) of Section Thirty (30), Township Ninety-seven (97) North Range Forty-two (42), West of the 5th P.M., known as Robinson's Addition or Robison's Addition.

The south 120 feet of Lot Eleven (11), Lot Ten (10), Lot Nine (9), vacated Fourth Avenue of Dean's Addition.

Amendment No. 9 Area – No land was added or removed by Amendment No. 9.

Amendment No. 10 Area – Approved by Resolution R08-3884 on October 15, 2008:

A parcel of land located in the NW¼ of the NE¼ of Section Thirty two (32), Township Ninety-seven (97) North, Range Forty-two (42) West of the Fifth Principal Meridian (5th P.M.), O'Brien County, Iowa, described as follows:

Commencing at the northeast corner of the NW¼ of the NE¼ of said Section 32; thence South 00º 34′ 00″ East 436.05 feet along the east line of the NW¼ of the NE¼ to the Point of Beginning; thence continuing South 00º 34′ 00″ East 867.60 feet to the north right-of-way line of Sixth Street; thence North 89º 49′ 50″ West 199.60 feet along said north right-of-way line; thence North 00º 34′ 00″ West 867.01 feet to the north right-of-way line of East Fourth Street extended east; thence North 90º 00′ 00′ East 199.60 feet along said north right-of-way line to the Point of Beginning containing 3.97 acres.

Amended and Restated Plan – The Amended and Restated Plan did not add or remove any land.

Amendment No. 1 to Amended and Restated Plan – No land was added or removed by Amendment No. 1 to the Amended and Restated Plan.

Amendment No. 2 to Amended and Restated Area – Approved by Resolution R16-4332 on December 30, 2016:

> Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-seven (97), North Range Forty-two (42), West of the 5th P.M., known as Robinson's Addition or Robison's Addition; except for the north 325 feet of Lot Six (6) and 50.9 feet of a tract of land between Pine Street and Lot Six (6) all located in Auditor's Subdivision of the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Ninety-seven (97), North Range Forty-two (42), West of the 5th P.M., known as Robinson's Addition or Robison's Addition.
>
> and
>
> The south 120 feet of Lot Eleven (11), Lot Ten (10), Lot Nine (9), vacated Fourth Avenue of Dean's Addition.

The taxes levied on the taxable property in the Amended Area, legally described above hereof, by and for the benefit of the State of Iowa, County of O'Brien, Iowa, Sheldon Community School District, and all other taxing districts from and after the effective date of the Ordinance codified in this section shall be divided as hereinafter in this section provided.

1. As to the Original Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Area upon the total sum of the assessed value of the taxable property in the Original Area as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of Ordinance No. 89-2954, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

A. As to Amendment No. 1 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1988, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 89-2972.

B. As to Amendment No. 2 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1993, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 094-3064.

C. As to Amendment No. 3 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1996, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 097-3089.

D. As to Amendment No. 4 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1997, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 098-3091.

E. As to Amendment No. 5 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1998, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 99-3104.

F. As to Amendment No. 6 Area, base values will be reduced due to the removal of property from the Urban Renewal Area.

G. As to Amendment No. 7 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2005, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 06-3167.

H. As to Amendment No. 8 Area, base values will be reduced due to the removal of property from the Urban Renewal Area.

I. As to Amendment No. 10 Area, base values will be reduced due to the removal of property from the Urban Renewal Area.

J. As to Amendment No. 2 to the Amended and Restated Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of

January 1, 2015, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

2. That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in subsection 3 of this section, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Sheldon, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the *Code of Iowa*, incurred by the City of Sheldon, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that: (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19[2]); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27[22] related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

3. Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

4. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Sheldon, State of Iowa, referred to in subsection 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

5. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this section are intended and shall be construed so as to continue the division of taxes from property within the Original Area (described in paragraph

1(A) above), Amendment No. 1 Area (as described in paragraph 1(B) above), Amendment No. 2 Area (as described in paragraph 1(C) above), Amendment No. 3 Area (as described in paragraph 1(D) above), Amendment No. 4 Area (as described in paragraph 1(E) above), Amendment No. 5 Area (as described in paragraph 1(F) above), Amendment No. 7 Area (as described in paragraph 1(H) above), less Amendment No. 6 Area (as described in paragraph 1(G) above), less Amendment No. 8 Area (as described in paragraph 1(I) above), less Amendment No. 10 Area (as described in paragraph 1(K) above) under the provisions of Section 403.19 of the *Code of Iowa*, as authorized in Ordinance Nos. 89-2954, 89-2972, 094-3064, 097-3089, 098-3091,99-3104, 000-3118, 06-3167, 07-3169, and 08-3186, and to fully implement the provisions of Section 403.19 of the *Code of Iowa* with respect to the division of taxes from property within the Amendment No. 2 to the Amended and Restated Area as described above. Notwithstanding any provisions in any prior Ordinances or other documents, the provisions of this Ordinance and all prior Ordinances relating to the Urban Renewal Area, as amended, shall be construed to continue the division of taxes from property within the Area to the maximum period of time allowed by Section 403.19 of the *Code of Iowa*. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the *Code of Iowa* with reference to the Amended Area and the territory contained therein.

(Ord. O16-3223 –Aug. 17 Supp.)

[The next page is 65]

CHAPTER 9

URBAN REVITALIZATION AREAS

9.01 1994 Urban Revitalization Plan
9.02 Urban Revitalization Plan #2
9.03 Urban Revitalization Plan for Sunshine Addition
9.04 Trilogy Multiresidential Urban Revitalization Plan
9.05 Prairie Trail Multifamily Residential Urban Revitalization Area

9.01 1994 URBAN REVITALIZATION PLAN. The area legally described in the 1994 Sheldon Urban Revitalization Plan as follows:

Lots 1 through 19 and Lot 23 of Block 1 of Limoges Addition to the City of Sheldon, O'Brien County and State of Iowa; and

Lots 20, 21 and 22 in the 1994 Replat of Lots 20, 21 and 22 of Block 1 and that part of vacated Fifteenth Street adjacent thereto, in Limoges Addition to the City of Sheldon, as shown by said 1994 Replat of James C. Sailer, L.S., as recorded in Plat Book 1 on page 104; and

Lots 1 through 14 and Lots 18, 19 and 20 in Block 2 of Limoges Addition to the City of Sheldon, O'Brien County and State of Iowa; and

Lots 15, 16 and 17 in the 1994 Replat of Lots 15, 16 and 17 of Block 2 and that part of vacated Thirteenth Avenue adjacent thereto, in Limoges Addition to the City of Sheldon, as shown by said 1994 Replat of James C. Sailer, L.S., as recorded in Plat Book 1 on page 104; and

Lots 2, 3 and 4 in the 1994 Replat of Lots 1, 2, 3 and 4 of Replatted Block 3 of Limoges Addition to the City of Sheldon, as shown by said 1994 Replat of James C. Sailer, L.S., as recorded in Plat Book 1 on page 104; and

Lots 5 through 11 in the Replat of Block 3 of Limoges Addition to the City of Sheldon, O'Brien County and State of Iowa, as shown by said Replat of Raymond J. Schlotfeldt, P.E. & L.S., as recorded in Plat Book 1 on page 104; and

Lots 1 through 9 in Block 4 of Limoges Addition to the City of Sheldon, O'Brien County and State of Iowa; and

Lots 10 through 15 in the 1994 Replat of Lots 10 through 16 of Block 4 and that part of vacated Fifteenth Street adjacent thereto, in Limoges Addition to the City of Sheldon, as shown by said 1994 Replat of James C. Sailer, L.S., as recorded in Plat Book 1 on page 104.

meets the criteria of Section 404.1 of the Code of Iowa based upon the findings of Resolution R94-3159 passed by the Council on April 20, 1994. It is the intention of the aforesaid property description to encompass all of the subdivision property known as "Limoges Addition" to the City of Sheldon. Pursuant to Ordinance No. 096-3085, adopted November 6, 1996, the 1994

Urban Revitalization Plan is extended for an additional three (3) years. Taxes based on assessments made by the County Assessor between January 1, 1997, through January 1, 2000, shall be abated for a three-year period. Pursuant to Ordinance No. 099-3110, adopted December 15, 1999, the 1994 Urban Revitalization Plan is extended for an additional one (1) year. Taxes based on assessments made by the County Assessor between January 1, 2000, through January 1, 2001, shall be abated for a three-year period. Pursuant to Ordinance No. 00-3117, adopted December 6, 2000, the 1994 Urban Revitalization Plan is extended for an additional two (2) years. Taxes based on assessments made by the County Assessor between January 1, 2001, through January 1, 2003, shall be abated for a three-year period. The 1994 Sheldon Urban Revitalization Plan is, by this reference, made a part of this chapter as though the same were fully set out herein. A copy of said plan is on file in the office of the Clerk.

(Ord. 099-3110 & 00-3117 – May 01 Supp.)

9.02 URBAN REVITALIZATION PLAN #2. The area legally described in the Sheldon Urban Revitalization Plan #2 (1995) as follows:

> The East 12.42 acres, more or less, of Lot 17, Auditor's Subdivision of the South Half (S½) of Section 31, Township 97 North, Range 42 West of the Fifth Principal Meridian (5th P.M.) and Lot 21, except the East 1.00 acre thereof, of Auditor's Subdivision of the South Half (S½) of Section 31, Township 97 North, Range 42 West of the Fifth Principal Meridian (5th P.M.), in O'Brien County and State of Iowa.

meets the criteria of Section 404.1 of the Code of Iowa based upon the findings of Resolution R95-3192 passed by the Council on March 1, 1995 and is designated as an Urban Revitalization Area for eight (8) years. Taxes based on assessments made by the County Assessor on January 1, 1996 shall be abated for an eight-year period. In the event there is additional construction in 1996 which is assessed by the County Assessor on January 1, 1997, such additional taxes shall also be abated for an eight year period. The Sheldon Urban Revitalization Plan #2 (1995) is, by this reference, made a part of this chapter as though the same were fully set out herein. A copy of said plan is on file in the office of the Clerk.

9.03 URBAN REVITALIZATION PLAN FOR SUNSHINE ADDITION. The area described in Sunshine Addition, and Sunshine Addition, Phase II of Sheldon, Iowa which is included in the Urban Revitalization Plan for Sunshine Addition, described as follows:

> Lots One (1) through Fourteen (14) of Block One (1), Lots One (1) through Three (3) of Block Two (2) and Lots One (1) through Three (3) of Block Three (3) of Sunshine Addition to Sheldon, Iowa
>
> AND

> Lots Four (4) through Eight (8) of Block Two (2) and Lots Four (4) through Eight (8) of Block Three (3) of Sunshine Addition, Phase II, Sheldon, Iowa.

meets the criteria of Section 404.1 of the Code of Iowa based upon the findings of Resolution RO1-3435 passed on August 15, 2001 by the Sheldon City Council. It is the intention of the aforesaid property description to encompass the subdivision property known as "Sunshine Addition" and "Sunshine Addition, Phase II" to the City of Sheldon. The areas previously described be hereafter designated as an Urban Revitalization Area for three years, with option to renew for additional three years, unless repealed by ordinance of the Sheldon City Council. Taxes based on assessments made by the County Assessor between January 1, 2002 through December 31, 2004 shall be abated for a three year period. The Urban Revitalization Plan for Sunshine Addition is made a part of this chapter as though the same were fully set out herein.

(Ord. 01-3125 – Mar. 02 Supp.)

9.04 TRILOGY MULTIRESIDENTIAL URBAN REVITALIZATION PLAN. The area legally described as follows:

> Lots 1 – 5, Block 1 & Lots 1 – 11, Block 2, of the Replat of Lots 13-25, Trilogy Village and Outlot A & B of the Replat of Lots 1 thru 12, Trilogy Village, Sheldon, O'Brien County, Iowa

be and the same is hereby designated as a revitalization area under Chapter 404 of the Code of Iowa, known as the Trilogy Multiresidential Urban Revitalization Area for the Trilogy Multiresidential Urban Revitalization Plan.

(Ord. 013-3212 – June 15 Supp.)

9.05 PRAIRIE TRAIL MUTIFAMILY URBAN REVITALIZATION AREA. The area legally described as follows:

> Block One (1) in Prairie Trail Addition, City of Sheldon, Iowa, totaling 4.1 acres (the "Prairie Trail Multifamily Residential Urban Revitalization Area")

be and the same is hereby designated as a revitalization area under Chapter 404 of the Code of Iowa, known as the Prairie Trail Multifamily Urban Revitalization Area for the Prairie Trail Multifamily Urban Revitalization Plan.

(Ord. O17-3230 – Aug. 18 Supp.)

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CHAPTER 10

HOTEL/MOTEL TAX

10.01 TAX IMPOSED. A tax is hereby imposed upon the sales price from the renting of any and all rooms, apartments or sleeping quarters in any lodging within the City limits of Sheldon, Iowa, at a rate of seven percent (7.00%) of such sales price derived from the renting of a room, apartment or sleeping quarters. The revenues derived from said tax are to be used for any purposes permitted by law, including (but not limited to) for acquiring sites for and constructing, improving, enlarging, equipping, repairing, operating, or maintaining recreation, convention, cultural, or entertainment facilities; for the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City of Sheldon, Iowa, for those recreation, convention, cultural, or entertainment facilities; and for the promotion and encouragement of tourist and convention business in the City of Sheldon, Iowa, and surrounding areas.

(Ord. O15-3220 – Aug. 17 Supp.)

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments
15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.
(Code of Iowa, Sec. 376.2)

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, and, except for the supervisory duties which have been delegated to a City Manager, supervise all City officers and departments.
(Code of Iowa, Sec. 372.14[1])

2. Emergency Powers. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon a Sheriff to suppress disorders.
(Code of Iowa, Sec. 372.14[2])

3. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.
(Code of Iowa, Sec. 380.5 & 380.6[2])

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

5. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

6. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

7. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

8. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

9. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

10. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

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

1. Mayor Pro Tem
2. Library Board of Trustees
3. Parks and Playground Board
4. Museum Board of Trustees
5. EMA Assistant Director
6. Ambulance Service Director and Assistant Director
7. Cemetery Board
8. Zoning Board of Adjustment
9. Cable Regulatory Commission
10. Sidewalk Improvement Board
11. Police Chief, subject to Section 30.06 of the Code of Ordinances

(Ord. 015-3217 – June 15 Supp.)

15.04 COMPENSATION. The salary of the Mayor is forty-eight hundred dollars ($4800.00) per year, which shall be paid on an annual basis for services rendered in the preceding year.
(Code of Iowa, Sec. 372.13[8])

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

(Code of Iowa, Sec. 372.4)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties
16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

COUNCIL

17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power
17.04 Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of two (2) Council Members elected at large and one (1) Council Member from each of three (3) wards as established by the Code of Ordinances, elected for overlapping terms of four (4) years.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.100)

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or

officers not otherwise provided for by State law or the Code of Ordinances.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is

published, unless a subsequent effective date is provided within the ordinance or amendment.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

1. Regular Meetings. The regular meetings of the Council are on the first Wednesday of each month at four-thirty o'clock (4:30) p.m. and the third Wednesday of each month at four-thirty o'clock (4:30) p.m. in the Council Chambers at the Sheldon Community Services Center unless a different day or time is determined by the Council.

(Ord. 00-3111 – May 01 Supp.)

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

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

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

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

4. Rules of Order. The organization and conduct of business by the Council will follow the latest edition of Robert's Rules of Order.

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

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

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

1. City Clerk
2. City Attorney
3. City Manager
4. Deputy Clerk
5. Public Works Director
6. Airport Commission
7. Water Superintendent
8. Sewer Superintendent
9. Planning and Zoning Commission
10. Health Officer
11. Fire Chief
12. Community Development Director

(Section 17.05(12) – Ord. 014-3214 – June 15 Supp.)

17.06 COMPENSATION. The salary of each Council member is forty-five dollars ($45.00) for each official meeting of the Council attended, which shall be paid on an annual basis for services rendered in the preceding year.

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

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation
18.02 Powers and Duties: General
18.03 Recording and Publication of Meeting Minutes
18.04 Recording Measures
18.05 Publication
18.06 Authentication
18.07 Certify Measures
18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal
18.14 Accounting Officer

18.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Clerk to serve at the pleasure of the Council. The Clerk shall receive such compensation as established by resolution of the Council. The Clerk shall be appointed and/or removed by the Council upon the recommendation of the City Manager.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

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

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

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

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

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

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

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

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

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

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

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

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

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of Elections the type of

nomination process to be used by the City no later than seventy-seven (77) days before the date of the regular City election.

(Code of Iowa, Sec. 376.6)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

(Code of Iowa, Sec. 376.4)

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

18.14 ACCOUNTING OFFICER. The Clerk is the chief accounting officer of the City and shall perform the following duties relating to City funds:

1. Keep separate accounts for every appropriation, department, public improvement or undertaking, in the manner provided by State law.

2. Maintain the budgetary accounts required by State law or rules of the City Finance Committee of the State, and as further directed by the City Manager.

3. Prepare and publish all financial and budgetary reports required by State law and the Council and the list of claims in the manner specified by State law.

4. Invest all idle funds and other funds as directed by the Council in accordance with law and make the required reports to the State Auditor.

5. Pay all claims against the City only upon Council order. The Mayor and Clerk have the authority to sign City warrants.

6. Perform such other duties relating to City funds as required by State law, this Code of Ordinances or as directed by the City Manager.

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation
19.03 Duties of Treasurer
19.04 Boards and Commissions

19.01 APPOINTMENT. The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.

2. Record of Fund. Keep the record of each fund separate.

3. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.

4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.

5. Special Assessments. Keep a separate account of all money received from special assessments.

6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.

7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

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

19.04 BOARDS AND COMMISSIONS. The City Treasurer is the Treasurer of all boards and commissions and pays out all money under control of the respective boards on orders signed by the respective chairs and secretaries of such boards, but receives no additional compensation for such services.

CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation
20.05 Review and Comment
20.06 Opinion on Contracts
20.07 Provide Legal Opinion
20.08 Attendance at Council Meetings
20.09 Prepare Documents
20.10 Representation of City Employees

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

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

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

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

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

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

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

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

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

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

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

20.07 PROVIDE LEGAL OPINION. The City Attorney shall, upon request, give advice or a written legal opinion upon all questions of law relating to City matters submitted by the Mayor, Council Members or City Manager.

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

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

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

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

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

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

(Code of Iowa, Sec. 670.8)

CHAPTER 21

CITY MANAGER

21.01 Office Created; Appointment; Term
21.02 Compensation
21.03 Powers and Duties
21.04 Certain Officers Not to Be Under Jurisdiction

21.01 OFFICE CREATED; APPOINTMENT; TERM. The office of City Manager is hereby created, which shall be filled by appointment of the Council. The appointee shall hold office at the pleasure of the Council.

21.02 COMPENSATION. The compensation of the City Manager shall be such amount as may from time to time be fixed by resolution of the Council.

21.03 POWERS AND DUTIES. The powers and duties of the City Manager include the following:

1. Enforcement of all City laws and regulations as directed by the Council;

2. Administration of City policies established by the Council;

3. Continuous study of the City government's operating procedures, organization and facilities and recommending fiscal and other policies to the Mayor and Council whenever necessary;

4. Preparation and administration of the City's annual operating budget;

5. Supervision of the City's administrative policies and procedures including personnel and purchasing.

6. Keeping the Mayor and Council informed on the progress of its programs and the status of its policies.

7. Coordinating and directing all City services provided through the various departments.

8. Appointment and removal of City employees in accordance with Council policies and ordinances regarding this activity.

9. Perform such other duties as may hereafter be directed by the Council and the Mayor, such other duties to be compatible to the City Manager's office and permitted under law.

The City Manager is directly responsible to the Council for the administration of municipal affairs as set forth herein. All departments and agencies shall

report and be responsible to the City Manager. All departmental activity requiring the attention of the Council shall be brought before that body by the City Manager and all Council policy concerning administration shall be coordinated through the City Manager.

21.04 CERTAIN OFFICERS NOT TO BE UNDER JURISDICTION. The City Attorney, Fire Chief, City Health Officer, and Community Development Director are not under the jurisdiction of the City Manager but are directly responsible to the Council. ***(Ord. 014-3214 – June 15 Supp.)***

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library
22.02 Library Trustees
22.03 Qualifications of Trustees
22.04 Organization of the Board
22.05 Powers and Duties
22.06 Contracting with Other Libraries
22.07 Nonresident Use
22.08 Expenditures
22.09 Annual Report
22.10 Injury to Books or Property
22.11 Theft
22.12 Notice Posted

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven (7) resident members. All members are to be appointed by the Mayor with the approval of the Council.

22.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City. Members shall be over the age of eighteen (18) years.

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

1. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.

2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member 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 in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

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

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City

Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.

3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.

7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

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

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

(Code of Iowa, Ch. 661)

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

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

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

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

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

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

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

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CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies
23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. There shall be a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of nine (9) members. Seven (7) members shall be residents of the City, appointed by the Council. Two (2) members shall consist of a member of the Board of Supervisors of the affected County and a resident of the area outside the City limits over which the zoning jurisdiction is extended. The County Supervisor and their resident shall be appointed by the Board of Supervisors of the County in which such extended area is located and for the same terms of office and have the same rights, privileges and duties as other members of the Planning and Zoning Commission. Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development of a City plan and shall not hold any elective office in the Sheldon City government. ***(Ord. 002-3136 – Oct. 02 Supp.)***

(Code of Iowa, Sec. 414.6 & 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and

another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chair person's absence or disability.

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARKS AND RECREATION BOARD

24.01 Board Created
24.02 Composition; Appointment; Terms
24.03 Compensation
24.04 Vacancies
24.05 Duties
24.06 Reports
24.07 Rules/Fees
24.08 Penalties

24.01 BOARD CREATED. A Parks and Recreation Board is hereby created to advise the City Council and Recreation Director concerning parks and recreational areas of the City. It shall also provide input for City programs and encourage other programs for the leisure time of the City's residents of all ages.

24.02 COMPOSITION; APPOINTMENT; TERMS. The Parks and Recreation Board shall consist of five (5) members residing within the official zoning districts of the City of Sheldon, Iowa. Such Board members shall be appointed by the Mayor with the approval of the Council for overlapping five-year terms. The Board shall choose its Chairperson and Vice Chairperson every two (2) years.

24.03 COMPENSATION. The members of the Board shall serve without compensation, but may receive their actual expenses.

24.04 VACANCIES. Vacancies on the Board shall be filled by appointment of the Mayor, with approval of the Council, and the new member shall fill out the unexpired term for which the appointment is made.

24.05 DUTIES. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board shall make recommendations regarding properties devoted to parks and recreation. The Board shall work closely with various groups and organizations such as the schools, community college and various volunteers to provide recreational opportunities and services. The Board shall assist in the development of the annual budget and proposed capital projects.

24.06 REPORTS. The Board shall make reports to the Council of its activities from time to time as it deems advisable, or upon Council request.

24.07 RULES/FEES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to rules as established by the City Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. The Board shall annually review

all fees charged for parks and recreation programs and recommend to the Council any changes. All changes to fees shall be approved by resolution of the Council.

24.08 PENALTIES. Violation of a Board rule which has been approved by the Council may be cause for denial of a facility or participation in a program, but such denial which extends more than one day may be appealed to the Board. The violation may be prosecuted as a misdemeanor or a municipal infraction.

(Ch. 24 – Ord. 009-3192 – Dec. 09 Supp.)

CHAPTER 25

MUSEUM BOARD OF TRUSTEES

25.01 Purpose
25.02 Establishment of Museum
25.03 Composition; Appointment; Term
25.04 Vacancies
25.05 Compensation
25.06 Officers
25.07 Powers and Duties
25.08 Reports
25.09 Financial Procedures

25.01 PURPOSE. The purpose of this chapter is to provide for the establishment of a free public museum for the City and for the creation and appointment of a City Museum Board of Trustees, and to specify the Board's powers and duties.

25.02 ESTABLISHMENT OF MUSEUM. There is hereby established a free public museum for the City, to be known as the Prairie Museum.

25.03 COMPOSITION; APPOINTMENT; TERM. The Board of Trustees of the City Museum (hereinafter referred to as the "Board") consists of seven (7) members residing within the Sheldon Community School District. Such Board members shall be appointed by the Mayor with the approval of the Council. All appointments to the Board are for five (5) years except to fill vacancies. Each term shall commence on July 1. Appointments are made in such a manner as to stagger the terms so that, as nearly as possible, one-third of the terms will expire every two (2) years. ***(Ord. 09-3189 – Dec. 09 Supp.)***

25.04 VACANCIES. The position of any trustee shall be vacant if he or she moves permanently from the City or if he or she is absent from six (6) consecutive regular meetings of the Board except in cases of sickness or temporary absence from the City. Vacancies in the Board shall be filled by appointment of the Mayor, with approval of the Council, and the new trustee shall fill out the unexpired term for which the appointment is made.

25.05 COMPENSATION. Trustees of the City Museum receive no compensation for their services, but may receive their actual expenses.

25.06 OFFICERS. The Board shall elect every two (2) years from its members a Chairperson, Vice Chairperson and such other officers as it deems necessary. The Clerk-Treasurer shall serve as the Board Treasurer, but shall not be a member of the Board.

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

1. Have charge, control and supervision of the public museum, its appurtenances, fixtures and rooms containing the same.

2. Direct and control all the affairs of the museum.

3. Make and adopt, amend, modify or repeal rules and regulations not inconsistent with ordinances and the law subject to the approval by the Council, for the use, government and management of the museum and the business of the Board. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

4. Accept gifts or real property, personal property or mixed property and devises or bequests including trust funds; to take title to such property in the name of the museum; and to expend the funds received by them from such gifts, for the improvement of the museum.

5. Have authority to make agreements with local and County historical associations, where such exist, and to set apart the necessary room and to care for such articles as may come into the possession of the associations. 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 an historical and educational nature and pay for the same from funds allocated for museum purposes by the Council.

6. Employ such staff as may be necessary for the proper management of the museum, and fix their compensation; provided, however, prior to such employment, the matter shall have been approved by the Council.

7. Have exclusive control of the expenditure of all funds allocated for museum purposes and of all moneys available by gift or otherwise including rentals collected under the rules of the Board; subject to the limitation of expenditures for salaries, supplies, contracts and capital outlays set forth in the annual budget provided by the Council for museum purposes.

8. Keep records of its proceedings.

25.08 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

25.09 FINANCIAL PROCEDURES. All money appropriated by the Council from the General Fund for the operation and maintenance of the

museum and all receipts shall be set aside in an account for the museum. Purchasing shall follow the procedures established by the Council for all departments of the City, and payments will be made by warrant written by the Clerk-Treasurer for invoices submitted and approved by the Board.

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CHAPTER 26

AIRPORT COMMISSION

26.01 Airport Commission
26.02 Appointment and Term
26.03 Vacancies
26.04 Compensation
26.05 ***Repealed***
26.06 Officers
26.07 Powers and Duties
26.08 Financial Reports
26.09 Rules; Penalties
26.10 Reports

26.01 AIRPORT COMMISSION. There shall be an airport commission consisting of five (5) commissioners. At least three of the members of the five-member commission shall reside within the official zoning districts of the City of Sheldon, as established and defined in Section 166.04 of the Sheldon Code of Ordinances. ***(Ord. 009-3194 – Dec. 09 Supp.)***

26.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of three (3) years. Each term shall commence on July 1.

(Code of Iowa, Sec. 330.20)

26.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.

(Code of Iowa, Sec. 330.20)

26.04 COMPENSATION. Members of the commission shall serve without compensation.

(Code of Iowa, Sec. 330.20)

26.05 BOND. ***(Repealed by Ord. 006-3160 – Aug. 07 Supp.)***

26.06 OFFICERS. The commission shall elect from its own members a chairperson and secretary who shall serve for such term as the commission shall determine.

(Code of Iowa, Sec. 330.20)

26.07 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties.

1. General. The commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.

(Code of Iowa, Sec. 330.21)

2. Budget. The commission shall annually certify the amount of tax to be levied for airport purposes, and upon such certification the Council may include all or a portion of said amount in its budget.

(Code of Iowa, Sec. 330.21)

3. Funds. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purposes prescribed by law, and shall be deposited with the Clerk to the credit of the airport commission, and shall be disbursed only on the written orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof.

(Code of Iowa, Sec. 330.21)

4. Fees for Use of Property. The commission shall have the power to establish fees, rents, concessions and charges for use of the property and services of the airport facilities and staff. It shall have power to employ a manager and such assistants and employees as it deems necessary, subject to the amounts provided for such purpose by the Council through budgetary appropriation.

26.08 FINANCIAL REPORTS.

1. The commission shall immediately after the close of each municipal fiscal year, file with the City Clerk a detailed and audited written report of all money received and disbursed by the commission during said fiscal year, and shall publish a summary thereof in an official newspaper.

2. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental revenues and expenditures, and a copy shall be provided to each member of the commission and in the Clerk's report to the Council.

(Code of Iowa, Sec. 330.22)

26.09 RULES; PENALTIES. Every person using the airport or entering upon airport property shall comply with the rules established by the commission. Such rules shall be effective after adoption, following notice and hearing in compliance with Section 362.3 of the Code of Iowa, and their publication and posting of the rules in two (2) or more prominent locations on airport property. Following notice to a person who violates an operating rule of the commission or of State or Federal air law, and hearing on a charge of such violation, the commission may deny a person or persons charged the use of the airport or its facilities if it is shown that the violation caused serious danger to other users or to property, showed negligence or that there had been a pattern of repeated violations such as to eliminate the probability of inadvertence in

committing the violation. The denial order shall state a term, not exceeding one year. Such rules shall extend to the air space above the airport, the land within the City limits and the area within two (2) miles of the boundaries of the airport, regardless of the territorial limits of the airport or City, as the Commission shall provide.

26.10 REPORTS. The commission shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request.

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CHAPTER 27

CABLE REGULATORY COMMISSION

27.01 Purpose
27.02 Commission Established
27.03 Term of Office and Compensation
27.04 Officers and Meetings
27.05 Powers and Duties
27.06 City Policy

27.01 PURPOSE. The Council desires to assure full compliance with its cable franchise, that the franchise be interpreted and applied to the benefit of the City and its residents, that quality and updated services be delivered throughout the City, and that the public interest be protected in all matters relating to the cable services delivery system.

27.02 COMMISSION ESTABLISHED. The Council hereby establishes a commission to be known as the Cable Regulatory Commission. The Commission shall consist of four (4) members appointed by the Mayor, subject to approval of the Council. In the appointments, the Mayor shall endeavor to develop a commission versed and competent in telecommunication, administration, finances and regulation.

27.03 TERM OF OFFICE AND COMPENSATION. The term of each member shall be three (3) years with terms expiring January 1, except those of the initial appointees, two of whom shall have a two-year term and two appointees shall have three-year terms. The initial appointees' appointment to the Commission shall be effective immediately upon Council approval, however, the initial appointees' actual terms shall not commence until January 1 following the date of their appointment to the Commission. If a vacancy occurs before the expiration of a term, the appointment to fill the vacancy shall be for the unexpired portion of that term. If the Mayor fails to make an appointment upon the expiration of a term, the incumbent shall continue to serve until an appointment is made. If any member fails to attend at least two-thirds (2/3) of the regularly scheduled Commission meetings in a twelve-month period, the Commission may request the Council to declare that member's seat vacant. Members shall receive no compensation.

27.04 OFFICERS AND MEETINGS.

1. The members of the Commission shall elect a Chairperson from among themselves, a Secretary, and such other officers as the Commission deems necessary. The Secretary shall keep the minutes of each meeting of the Commission. City staff shall perform secretarial and

administrative duties for the Commission as requested by the Commission.

2. The Commission shall meet at such times and places as the Commission shall determine. A quorum of three (3) members is required for the Commission to conduct its business. All meetings and proceedings of the Commission shall conform with Chapter 21 of the Code of Iowa, concerning open meetings.

3. The Chairperson of the Commission may call a special meeting of the Commission at his or her sole discretion.

4. The Commission shall adopt such rules and regulations as are necessary to carry out its functions and to insure that reasonable notice is given to all parties when appropriate.

5. The Commission shall file with the Clerk a copy of the minutes of each regular and special meeting within ten (10) days after such meeting.

27.05 POWERS AND DUTIES. The Commission has the following powers and duties:

1. To keep abreast of developments in cable technologies, services and programming.

2. To become competent in cable regulation, finances and standards of operation.

3. To act through the Council as the local regulatory agent of the cable franchise.

4. To develop policies for the day-to-day regulation and administration of the cable franchise.

5. To encourage cordial relations between cable subscribers and the local cable manager and his or her staff.

6. To develop policies for handling and resolving subscriber complaints which could not be resolved satisfactorily by the cable manager. Such complaints shall be in writing. If either the subscriber or the local cable manager are in disagreement with the decision of the Commission, the dissatisfied party shall have the right to appeal to the Council, which shall affirm, vacate or modify the decision of the Commission. In the event the aggrieved party is in disagreement with the decision of the Council, said party shall have the right to appeal to the Iowa District Court.

7. To monitor the operation of the cable system.

8. To advise the Council regarding rates and possible revocation procedures.

9. To advise the Council on any matter relating to the cable franchise or system, including the cable budget.

10. To consult with the local cable manager on the best updating of the cable system, services and programming.

11. To evaluate its own proceedings and actions and all cable related activities.

12. To submit an annual report to the Council regarding:

A. The state of cable regulation;

B. The state of cable services and technologies; and

C. Any recommendations it may have for the future of cable in the City.

13. To negotiate the terms and conditions of the cable television franchise agreements, said agreements subject to final Council approval.

27.06 CITY POLICY. All administrative, personnel, accounting, budgetary and procurement policies of the City shall govern the Commission in all of its operations.

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CHAPTER 28

HOUSING REVIEW BOARD

28.01 Housing Review Board Created
28.02 Composition, Appointment and Term
28.03 Compensation and Fees
28.04 Duties
28.05 Authority
28.06 Access to Monies/Assets
28.07 Reports
28.08 Cooperation and Coordination
28.09 Non-Discrimination Statement

28.01 HOUSING REVIEW BOARD CREATED. The Sheldon Housing Review Board is hereby created to receive, review, evaluate, and approve or disapprove applications for grants/loans from the Housing Fund of the City; to otherwise determine eligibility to receive grants/loans from said fund; to establish rules of procedure and to develop criteria for the review and evaluation of applications for grants/loans from the Housing Fund of the City consistent with the purpose of the existence of such fund to make housing available in the City; and to advise and make reports to the Council and other governmental or inter-governmental agencies concerning the Housing Fund of the City and the use and management of the monies therein.

28.02 COMPOSITION, APPOINTMENT AND TERM. The Sheldon Housing Review Board (SHRB) shall consist of eight (8) voting members, all citizens of the City, who shall be appointed by the Mayor and approved by the Council. Members shall serve staggered four-year terms with 2 of the initial board appointees to serve terms ending December 31, 2001, 2 of the initial board appointees to serve terms ending December 31, 2002. Thereafter, the terms of board members shall run a full four years from and after January 1 of the year of appointment. In appointing members to the Board, the Mayor shall select four persons who are officers of lending institutions having offices in the City; three persons who by profession, occupation, training or education are familiar with the real estate market and real estate values in the City, and one person who is a member of the Council. Ex officio members of the SHRB shall be the City Administrator and a representative of the SCDC.

28.03 COMPENSATION AND FEES. Members of the SHRB may develop a schedule and charge fees to defray the operation expenses of the Board.

28.04 DUTIES. The duties of the Board shall be as follows:

1. Receive, review, evaluate and approve or disapprove applications for grants/loans from the Housing Fund.

2. Develop procedures, forms and criteria for the processing and evaluation of applications for grants/loans from the Housing Fund.

3. Issue letters of approval/disapproval as to each application for grants/loans from the Housing Fund.

4. Appoint a chairman and secretary of the SHRB, keep minutes and records of meetings, maintain and store the minutes and records of the SHRB at City Hall and conduct all regular meetings of the SHRB at City Hall.

5. Keep up to date on federal and state government criteria to be used in the review and evaluation of applications for grants/loans from the Housing Fund.

6. Develop, make available and disseminate to businesses, organizations, and individuals in or serving the community an affirmative marketing plan intended to promote the use of the Housing Fund so as to maximize benefits to the community to be derived therefrom.

28.05 AUTHORITY. The authority of SHRB shall be such that the Board shall review and evaluate applications for grants/loans from the Housing Fund independently and objectively. The decisions of the SHRB concerning eligibility and the approval or disapproval of applications shall be final. All approved applications shall be subject to the availability of monies from the Housing Fund for use in assisting the purchase of a particular housing unit and/or real estate. The SHRB shall approve and record mortgages, financing statements, security agreements, notes, or other applicable security or debt instruments to secure the repayment of housing assistance monies paid in behalf of approved applicants receiving grants/loans from the Housing Fund, and the City shall be named as mortgagee, creditor, secured party, etc. therein. Further, the SHRB shall cause such mortgages, financing statements, security agreements, notes, or other applicable security or debt instruments to be promptly recorded or otherwise to be perfected so as to establish the priority of the security interest of the City as prior and superior to all other security interest which are not purchase money security interests or otherwise entitled to a higher priority.

28.06 ACCESS TO MONIES/ASSETS. The SHRB, its officers, agents, employees, etc. shall have no direct access to the monies and assets of the Housing Fund. All monies received by the SHRB shall be deposited in special accounts of the City established for such purpose, and all expenses paid by the SHRB or disbursements made from the monies or assets of the Housing Fund shall be pursuant to instruments drawn on a special Housing Fund account of the City which shall require the signature of the Mayor or the City Administrator in addition to the signature(s) of any voting members or officers of the SHRB.

28.07 REPORTS. The SHRB shall make periodic reports of its deliberations, decisions, financial status and activities to the City and agencies of the State of Iowa or the federal government, as required by law or requested by the Mayor or City Administrator. The SHRB shall also provide accounting information to the City's auditors for purposes of the annual City audit.

28.08 COOPERATION AND COORDINATION. The SHRB shall cooperate with the City Administrator and other City staff and employees in the coordination of meetings, activities and deliberations so as to provide for the most efficient and sensible management of City Hall facilities and the scheduling of the use of such facilities. Further, the SHRB shall cooperate with the City Administrator in coordinating the use of other City staff time in the preparation of documents, reports, correspondence, and the matters to be prepared by City staff in behalf of the SHRB.

28.09 NON-DISCRIMINATION STATEMENT. The Sheldon Housing Review Board and the City shall not refuse to approve, after receiving a bona fide application, or refuse to receive, review and evaluate the application of or otherwise make unavailable or deny assistance from the Housing Fund, any applicant for such assistance or anyone considering making such application because of race, color, religion, sex, age, marital status, or national origin.

(Ord. 099-3100 -Aug 99 Supp.)

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CHAPTER 29

RECREATION TRAILS BOARD

29.01 Board Created
29.02 Composition; Appointment; Terms
29.03 Compensation
29.04 Vacancies
29.05 Duties
29.06 Reports
29.07 Rules

29.01 BOARD CREATED. A Recreation Trails Board is hereby created to advise the Council on the needed facilities for building, creating and maintaining recreational trails for the City of Sheldon, Iowa.

29.02 COMPOSITION; APPOINTMENT; TERMS. The Board shall consist of nine (9) members residing within the Sheldon Community School District. Such Board members shall be appointed by the Mayor with approval by the City Council for three year staggered terms. The Board shall choose its Chairman, Vice-Chairman and Secretary on an annual basis.

29.03 COMPENSATION. The members of the Board shall serve without compensation, but may receive their actual expenses.

29.04 VACANCIES. Vacancies on the Board shall be filled in the same manner as original appointments.

29.05 DUTIES.

1. In addition to its duties to plan for development and maintaining a recreational trail system in Sheldon, Iowa, the Board shall have authority over the property and seasonal personnel devoted to the recreation trail facilities subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for recreation trails operations, and it shall cooperate with the City Manager and Public Works Director in the allotment of time of City employees for recreational trail purposes.

2. Accept gifts of real property, personal property or mixed property, devises or bequests including trust funds, to take title in the name of Recreational Trails Board; and to expend the funds received by them from such gifts for the improvement of the recreation trail.

3. Have exclusive control of the expenditure of all funds allocated for recreation trail purposes and all monies available by gift or otherwise under the rules of the Board, subject to the limitation of expenditures for

salaries, supplies, contracts and capital outlays set forth in the annual budget provided by the Council for recreational trail purposes.

29.06 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council. Budget requests shall be submitted to the Council on or before January 1 of each year.

29.07 RULES. The Board shall have power to make rules and regulations for the use of recreation trails, subject to the approval of the rules by the Council. Such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a Board rule which has been approved by the Council and adopted by ordinance may be cause for denial of use of the trail or participation in a program. The violation may be prosecuted as a misdemeanor.

(Ch. 29 - Ord. 007-3175 –Apr. 08 Supp.)

CHAPTER 29A

CROSSROADS PAVILION BOARD

29A.01 Board Created
29A.02 Appointment and Qualifications
29A.03 Organization of the Board
29A.04 Meetings and Minutes
29A.05 Responsibilities of the Board
29A.06 Responsibilities of the General Manager
29A.07 Authority of the General Manager
29A.08 Removal of Board Members

29A.01 BOARD CREATED. There is created a seven-member Crossroads Pavilion Board ("Board"), for the purpose of making recommendations on the operation of the Crossroads Pavilion consistent with the terms and provisions of this chapter, to be known as the "Crossroads Pavilion Board." Board members shall serve without compensation, but may be reimbursed for the actual expenses incurred in the performance of their office. The main objective of the Board shall be to make recommendations on the operation of the Crossroads Pavilion in a professional and businesslike manner so as to generate optimum revenues from the facility while minimizing the expenses. The Board's principle goal shall be to recommend ways to keep the operating subsidy from general tax dollars to the lowest possible amount while simultaneously maximizing the facility's beneficial impact on the economy of Sheldon.

29A.02 APPOINTMENT AND QUALIFICATIONS. The Board of the Crossroads Pavilion shall consist of seven (7) members. Five (5) members residing within the Sheldon Community School District or other individuals having pertinent experience that will aid in the successful operation of the Crossroads Pavilion shall be appointed by the Mayor with the approval of the City Council. Two (2) Council members shall be appointed by the Mayor and shall have voting authority. The City Manager shall, ex officio, be a non-voting member of the Board. All appointments to the Board are for five (5) years except to fill vacancies. Each term shall commence on July 1. Appointments are made in such a matter as to stagger the terms so that, as nearly as possible, one third of the terms will expire every two (2) years. Board Members shall be people who, by virtue of their background, education, and experience, have demonstrated their ability to accept responsibility and to use prudent judgement.

29A.03 ORGANIZATION OF THE BOARD. As soon as possible after the appointment of the initial members, the Board shall organize for the transaction of business, elect a chairperson, a vice-chairperson, and such other officers as it deems necessary, and adopt bylaws and regulations to govern the proceedings of the Board. The City Manager may not be an officer of the Board. Four (4)

members of the Board shall constitute a quorum for the transaction of business. All actions of the Board shall be by either resolution or motion and the affirmative vote of a majority of the members present shall be necessary for the passage of either action.

29A.04 MEETINGS AND MINUTES. The Board will generally schedule at least one (1) public meeting each month or as circumstances require. The notice of the meetings and the conduct of the meetings shall comply with applicable open meetings laws. Minutes of each meeting shall be kept and all resolutions and minutes shall be open to public inspection consistent with applicable open records laws.

29A.05 RESPONSIBILITIES OF THE BOARD. The Board shall make recommendations to the City Council and the General Manager on the operation of the facility. Specifically, the Board shall make recommendations on the following matters:

1. The rules and regulations for the operation of the facility.

2. The purchase, lease, sale, or exchange of personal property for the benefit and efficient operation of the facility.

3. The rates and fees for the use of the facility and services.

4. Advertising within the facility and on behalf of the facility and events held therein.

5. Application for and acceptance of grants or subsidies from any other unit of government.

6. The procurement of insurance as is felt necessary for the protection of the facility.

7. How to actively market and advertise the services offered by the facility.

8. Acceptance of gifts, donations, devises and bequests that may be made to the City for the purpose of establishing, increasing or improving the facility.

9. The expenditures of the facility's revenues and the municipal funds allotted to the facility.

10. The types of events to promote or co-promote activities and events held at the facility.

11. The employment of a competent person as General Manager of the facility who shall be the administrative head of the facility.

12. Such other matters as may be reasonably necessary to provide for the operation and marketing of the facility.

Notwithstanding the foregoing limited responsibilities of the Board, the City Council reserves the right, to the extent permitted by Section 392.1 of the Iowa Code, to delegate to the Board such additional temporary or permanent powers, authorities, and duties (including, but not limited to, rulemaking authority) as it may deem reasonably necessary for the efficient operation of the facility. The City Council may make such delegation by motion, resolution, or ordinance.

29A.06 RESPONSIILITIES OF THE GENERAL MANAGER. It shall be the responsibility of the General Manager to:

1. Publish and make known to the public the schedule of fees and charges for all services offered at the facility, and the rules and regulations governing the public's and promoter's use of the facility.

2. Cause the preparation of an annual financial audit through appropriate City channels covering program activities and financial status and deliver the same to the City Council within sixty (60) days of the end of the fiscal period.

3. Deposit all moneys received with the City Treasurer to be credited to the facility and make all disbursements utilizing the claim and warrant procedures of the City.

4. Utilize the City's policies and procedures in the personnel administration of all facility employees subject to any outstanding labor contract.

5. Make all purchases of materials, supplies, equipment, and services reasonably necessary for the operation of the facility in accordance with City purchasing policies.

6. File with the City Clerk for public inspection and transmittal to City Council copies of agendas and minutes of all Board meetings and resolutions duly passed by the Board within fourteen days of the meetings at which such action was taken.

7. Prepare an annual budget for review and recommendation of the Crossroads Pavilion Board to be transmitted to the City Council for approval and adoption. The budget shall include all proposed expenditures of facility revenues and municipal funds allotted for the facility. The approved budget will be the working document for administration of the facility.

8. Utilize all the available services provided by the City and refrain from duplicating them.

9. Employ such persons consistent with and authorized in the annual budget as approved by the City Council.

29A.07 AUTHORITY OF THE GENERAL MANAGER.

1. The Crossroads Pavilion Manager shall report to the City Manager. The Council recognizes that the General Manager must have certain authority to promote the use of the facility. Therefore, the General Manager shall the following authority, subject to such limitations as the City Council may from time-to-time impose:

A. To advertise the facility locally and regionally to maximize use.

B. To lease and schedule events at the facility on such terms as the General Manager determines will maximize revenue to the City.

C. To enter into contracts to promote and co-promote events at the facility, including contracts involving the pledge of money and guarantees.

D. To authorize payment of fees to persons and organizations performing at the facility.

E. To arrange for food and beverage services at the facility under such terms as to maximize revenues to the City.

F. To enter into agreements with off-site ticket sellers to sell and promote tickets sales at the facility.

G. To purchase contracts of insurance as may be required to comply with requirements of individuals and organizations using the facility.

H. To submit bids which may include guarantees and warranties to acquire conventions and similar events for the facility.

I. To enter into contracts with sales representatives for various services to be performed on behalf of the City for the operation of the events center facility.

29A.08 REMOVAL OF BOARD MEMBERS. Board Members may be removed by a majority vote of the City Council.

(Ch. 29A – Ord. O17-3225 – Aug. 17 Supp.)

CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established
30.02 Organization
30.03 Peace Officer Qualifications
30.04 Required Training
30.05 Compensation
30.06 Peace Officers Selected
30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons

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

30.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be provided. The Police Chief and police officers shall be under the supervision and control of the City Manager, and shall perform their duties as directed by the City Manager.

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

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

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

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

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

30.06 PEACE OFFICERS SELECTED. The Mayor shall appoint and dismiss the Police Chief. Notwithstanding Section 5.09 of the Code of Ordinances, such appointment and dismissal shall be subject to the approval of the Council and shall also be subject to the provisions of Section 400.13 of the Code of Iowa. The other members of the department shall be hired by the City Manager, subject to the approval of the Council. ***(Ord. 015-3217 – June 15 Supp.)***

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties.

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

1. General. Perform all duties required of the police chief or marshal by law or ordinance.

2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Accident Reports. Report motor vehicle accidents investigated to the State Department of Transportation, as required by statute.

(Code of Iowa, Sec. 321.266)

4. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

5. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.

6. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

7. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.

8. Reports. Compile and submit to the City Manager an annual report as well as such other reports as may be requested.

9. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

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

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

(Code of Iowa, 804.17)

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

(Code of Iowa, 804.18)

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Department Personnel Appointed
35.07 Fire Chief: Duties
35.08 Obedience to Fire Chief
35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside City
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Fees and Charges

35.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires, to protect lives and property against fires and to promote fire prevention and fire safety. The Sheldon Volunteer Fire Company shall serve as the Fire Department for the City.

(Code of Iowa, Sec. 364.16)

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

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

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

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

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

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

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

35.06 DEPARTMENT PERSONNEL APPOINTED. The Fire Chief shall be appointed by the Council at the first Council meeting in April in even numbered years to serve for a term of two (2) years. The other operational officers of the department shall be appointed by the Fire Chief, subject to Council approval, for terms of office coextensive with that of the Fire Chief. Other members of the department shall be appointed by the Fire Chief subject to Council approval and the members of the department shall elect from among their number a Secretary, Treasurer, Steward and such other business officers as deemed necessary for the orderly conduct of their affairs and meetings.

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

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars ($200,000) has

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

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)

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

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

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

35.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 100.41)

35.15 FEES AND CHARGES. The fire department shall charge service fees for services within the City and surrounding area which shall be based on the actual costs for the type of service or call. All fees and charges are due upon presentation of a statement by the City and shall be paid to the City. The City may cause a suit to be brought for the collection of any fees or charges due it for services provided in good faith.

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose
36.02 Definitions
36.03 Cleanup Required
36.04 Liability for Cleanup Costs
36.05 Notifications
36.06 Police Authority
36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.

3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a

hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

36.05 NOTIFICATIONS.

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

2 Any other person who discovers a hazardous condition shall notify the Police Department, which shall then notify the Department of Natural Resources.

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

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and

2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

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

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

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CHAPTER 37

EMERGENCY MANAGEMENT AGENCY

37.01 Creation of Agency
37.02 Definitions
37.03 Authority
37.04 Liability
37.05 Additional Duties

37.01 CREATION OF AGENCY. There is hereby created an Emergency Management Agency (hereinafter referred to as the "EMA") for carrying out the responsibility of the City in times of public emergency. The Mayor shall be executive director of the EMA and shall be responsible for the direction of all operations for the protection of the health, safety and welfare of the residents of the City. The EMA shall function in accordance with an emergency operations plan which shall be coordinated with plans adopted by the County and the State, in accordance with State law.

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

1. "Emergency management" means the protection of persons and property by all measures available to the City government and with such assistance as required and possible from other governmental agencies, together with organized efforts of private persons and agencies to meeting public emergencies. It encompasses pre-planning, prevention and assistance to those affected by public emergencies.

2. "Emergency operations plan" means an outline of duties and responsibilities and their assignment to persons, officers and agencies as drawn up under the direction of the Mayor, and as approved by resolution of the Council.

3. "Public emergencies" means:

   A. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion resulting in the death or injury of persons or the destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety and welfare.

   B. Any threat to public safety, health and welfare resulting from declared or undeclared war against the United States.

37.03 AUTHORITY. The Mayor may delegate such portions of the details of operation to an assistant director as will best serve the carrying out of the emergency plan, but the Council shall approve the appointment of such an officer. The Mayor shall designate alternates and order of succession, subject to their approval by the Council, to serve in the Mayor's place in the event the Mayor is unable to act due to absence or disability.

37.04 LIABILITY. Insofar as permitted by State law, the City, when acting in consonance with the emergency operations plan, shall not be liable for failure to provide protection or to prevent damages to persons or property, the purpose of such plan being to ameliorate conditions arising from the emergency by organized effort. The City shall carry such insurance on voluntary emergency workers as deemed advisable by the Council upon recommendation of the City Attorney.

37.05 ADDITIONAL DUTIES. In addition to carrying out the responsibility of the City in times of public emergency as provided in Sections 37.01 and 37.02 of this Code of Ordinances, the EMA shall have such other duties as the Mayor or his or her designee may from time to time assign to said agency, including (but not limited to) the following:

1. Assisting with traffic control at accident scenes, City functions and public events, provided such assistance is requested by, and under the direction of, a peace officer;

2. Assisting with capturing stray livestock and other animals, evidence searches and missing person searches, provided such assistance is requested by, and under the direction of, a peace officer;

3. Transporting healthcare workers and other critical workers to and from their places of employment during incidents of severe weather;

4. Maintaining, testing and operating, with the assistance of the City street department, the outdoor warning system for the City;

5. Assisting the Sheldon Community Ambulance Team ("SCAT") with moving injured or ill persons into an ambulance, provided such assistance is requested by, and under the direction of, a SCAT member; and

6. Any and all other duties that are incidental to the foregoing and that do not require training or certifications beyond the requirements for an EMA employee or volunteer.

(Ord. 011-3201 – July 11 Supp.)

CHAPTER 38

AMBULANCE SERVICE

38.01 Established
38.02 Members; Appointment
38.03 Compensation of Members
38.04 Appointment of Director and Assistant
38.05 Duties of the Director
38.06 Service Generally
38.07 Service Outside City; Priority of Calls
38.08 Fees and Charges

38.01 ESTABLISHED. There is hereby established the Sheldon Community Ambulance Team (SCAT) to provide ambulance service for the City and surrounding areas.

38.02 MEMBERS; APPOINTMENT. The ambulance team shall consist of such number of members as established by the Council from time to time who shall be appointed by the Director, subject to approval of the Council.

38.03 COMPENSATION OF MEMBERS. The members of the ambulance team shall be compensated for their services by the City according to rates which will be established by Council resolution.

38.04 APPOINTMENT OF DIRECTOR AND ASSISTANT. The ambulance team shall have a Director and an Assistant Director to act in the absence of the Director, both of whom shall be appointed from the membership of the ambulance team by the Mayor subject to approval of the Council.

38.05 DUTIES OF THE DIRECTOR. The Director of the ambulance service shall keep all records or logs necessary or as required by law, shall make all reports necessary or as required by law, shall be responsible for the efficient administration of the team and shall complete all Medicare or welfare claims as required by law. The Director shall cooperate with the authorized agents of the City, the City Manager or Clerk in the financial administration of the team. The Director shall also coordinate all ambulance service activities with the City as may be required by the rules and regulations of the City or pursuant to any written agreement which may be executed by and between the City and contiguous counties.

38.06 SERVICE GENERALLY. The ambulance team shall provide such services to the City and surrounding areas, including contiguous counties, as may be fixed or required from time to time by the Council by rule or regulation or by written agreement between the City and contiguous counties.

38.07 SERVICE OUTSIDE CITY; PRIORITY OF CALLS. Emergency ambulance service or nonemergency ambulance service shall be given outside

the City limits in accordance with rules and regulations as provided by the Council; provided, however, emergency calls shall have priority over ambulance transfers of a nonemergency nature. The Director or Assistant Director acting in the Director's absence shall make the final determination as to priority of calls or whether a nonemergency transfer will be made.

38.08 FEES AND CHARGES. The ambulance service shall charge such rates for services to the City and surrounding area, including contiguous counties, as may be fixed or required from time to time by the City by rule or regulation or by written agreement between the City and contiguous counties. All ambulance fees and charges are due upon presentation of a statement by the City for such fees and charges and shall be paid to the City. The City may cause a suit to be brought for the collection of any fees or charges due it for ambulance services provided in good faith.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct
40.04 Unlawful Assembly
40.05 Failure to Disperse
40.06 Disturbing the Peace
40.07 Disorderly Houses

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

6. Disrespect of Flag. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

A. "Deface" means to intentionally mar the external appearance.

B. "Defile" means to intentionally make physically unclean.

C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

D. "Mutilate" means to intentionally cut up or alter so as to make imperfect.

E. "Show disrespect" means to deface, defile, mutilate, or trample.

F. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

This subsection does not apply to a flag retirement ceremony conducted pursuant to Federal law.

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

(Ord. 008-3182 – Dec. 08 Supp.)

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

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

8. Funeral or Memorial Service. A person shall not do any of the following within five hundred (500) feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred (500) feet of a funeral procession or burial:

A. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.

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

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

D. Hold or place signs or placards or distribute written materials which would cause unreasonable distress or likely to provoke a violent reaction by another.

This section applies to conduct within sixty (60) minutes preceding, during, and within sixty (60) minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Section 723.5)

(Ord. 006-3164 – Aug. 07 Supp.)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

40.06 DISTURBING THE PEACE. No person shall do any of the following:

1. Disturb the peace by making or causing to be made any excessive, loud or unusual noise, including but not limited to any such noises made by the blowing of automobile or other horns, the ringing of bells or the use of sirens, radios, stereos or any other type of speaking device or

noise maker; or to disturb the peace by making or causing to be made any disturbances of any election, public meeting or any other gathering where citizens are peaceable and lawfully assembled.

2. Operate or cause to be operated any "outdoor sound system" at any place in the City at any time during the hours of twelve o'clock (12:00) midnight to seven o'clock (7:00) a.m. For the purposes of this subsection, an "outdoor sound system" means any sound equipment, stereo equipment or amplification equipment that is permanently or temporarily placed outdoors or which directs sound outdoors.

3. The provisions of this section shall not apply to any person engaged in providing official police, fire or ambulance services or to any person engaged in providing emergency utility services or to any person engaged in authorized activities on public school property.

40.07 DISORDERLY HOUSES.

1. Definition. The term "disorderly house" means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct, defined as any person making any loud or raucous noise in the vicinity of any residence or public building which causes, or which a person should reasonably expect to cause, unreasonable distress to the occupants thereof, or any of the following prohibited activities:

A. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Iowa Code under which possession of such substance would be an offense;

B. Gambling in violation of Chapter 99 B of the Iowa Code;

C. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Iowa Code;

D. Act of prostitution, pimping or pandering as defined in Chapter 725 of the Iowa Code.

2. Keeping a Disorderly House. It is unlawful for any person to knowingly keep a disorderly house as defined in subsection 1. For purposes of this section, "keep" means ownership or having the control of a structure or of a room therein or any part of the adjacent premises.

3. Frequenting or Being Found in a Disorderly House. A party or social gathering at a "disorderly house" as defined in subsection 1 shall cease and disperse immediately upon the order of any officer of the Sheldon Police Department or O'Brien County Sheriff's Office, and all persons not domiciled at the site of such disorderly house shall leave the

premises immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a violation of this section.

(Ord.005-3158 – Aug. 07 Supp.)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority, or other public safety entity knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.

2. Telephone an emergency 911 communications center knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.08 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns or other firearms of any kind within the City limits except by written consent of the Council.

2. No person shall intentionally discharge a firearm in a reckless manner.

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

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

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

41.11 FIREWORKS PERMIT. The sale, possession, use, and explosion of fireworks within the city limits of the City of Sheldon, Iowa are subject to the following provisions:

1. Definitions. The definitions for "consumer fireworks," "display fireworks," and "novelties" shall be as set forth in section 727.2 of the *Code of Iowa*, which definitions are incorporated herein by reference.

2. Consumer Fireworks.

A. Possession, use, and explosion. A person may only possess, use, or explode consumer fireworks in accordance with the limitations set forth in this section:

(1) A person shall not use or explode consumer fireworks on days other than June 20 through July 5 and December 17 through January 2 of each year.

(2) A person shall not use or explode consumer fireworks at times other than between the hours of 12:00 p.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified below:

(i) Between the hours of 12:00 p.m. and 11:00 p.m. on July 4; and

(ii) Between the hours of 12:00 p.m. on December 31 and 12:30 a.m. in the immediately following January 1.

(3) A person shall not use or explode consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

(4) A person who is less than eighteen (18) years of age may only use or explode consumer fireworks if that minor child is under the direct supervision of his or her parent or guardian during such use or explosion of consumer fireworks.

(5) A person shall not possess, use, or explode consumer fireworks while appearing or determined to be under the influence of alcohol and/or a controlled substance.

(6) A person shall not possess, use, or explode consumer fireworks in a reckless manner or a manner that is likely to cause death, injury, or property damage.

B. Sale. The sale of consumer fireworks may only be conducted in accordance with the *Code of Iowa* and any applicable administrative rules adopted by the Iowa Department of Public Safety or other state agency. Before selling consumer fireworks, the proposed seller shall provide the City Manager a copy of that proposed seller's current and valid state license to sell consumer fireworks and evidence that the proposed seller has obtained commercial general liability insurance in the amount required by state law. A propose seller shall also be subject to and comply with Chapter 122 of the Code of Ordinances if that proposed seller would be a "transient merchant" as defined by section 122.02 of the Code of Ordinances. Any person who sells consumer fireworks shall prominently display at the location those fireworks are sold a notice that the possession, use, and explosion of consumer fireworks within the City is subject to the date, time, and other limitations set forth in this section of the Code of Ordinances.

3. Display Fireworks. It is unlawful for any person to sell, use, or explode any display fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the City Council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of liability insurance in the following amounts:

Personal Injury:	$500,000.00 per person
Property Damage:	$500,000.00 per occurrence
Total Exposure:	$1,000,000.00

4. Novelties. This section shall not apply to the sale, possession, use, or explosion of novelties.

5. A person who violates this section commits a simple misdemeanor, punishable by a fine of $250.00, and the violation may be reported to the state fire marshal.

(Sec. 41.11 – Ord. O17-3226 – Aug. 17 Supp.)

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing
42.02 Criminal Mischief
42.03 Defacing Proclamations or Notices
42.04 Loitering
42.05 Unauthorized Entry
42.06 Fraud
42.07 Theft

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

(Code of Iowa Sec. 716.7 and 716.8)

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 002-3136 – Oct. 02 Supp.)

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

42.04 LOITERING. It is unlawful for any person to loiter at any time on the streets or in the alleys, parks or parking lots or in any other public place in the City in such a manner as to block public access or use of any such public place, unless such person is so engaged for a lawful and necessary purpose.

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose
43.02 Controlled Substance Defined
43.03 Drug Paraphernalia Defined
43.04 Determining Factors
43.05 Possession of Drug Paraphernalia
43.06 Manufacture, Delivery or Offering For Sale

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

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

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

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.

7. Separators - Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.

9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:

A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

B. Water pipes;

C. Carburetion tubes and devices;

D. Smoking and carburetion masks;

E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;

F. Miniature cocaine spoons and cocaine vials;

G. Chamber pipes;

H. Carburetor pipes;

I. Electric pipes;

J. Air driven pipes;

K. Chillums;

L. Bongs;

M. Ice pipes or chillers.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.

3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

4. Proximity To Substances. The proximity of the object to controlled substances.

5. Residue. The existence of any residue of controlled substances on the object.

6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

8. Instructions. Instructions, oral or written, provided with the object concerning its use.

9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.

10. Advertising. National and local advertising concerning its use.

11. Displayed. The manner in which the object is displayed for sale.

12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.

15. Expert Testimony. Expert testimony concerning its use.

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

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

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age
45.02 Public Consumption or Intoxication
45.03 Open Container on Streets and Highways

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINER ON STREETS AND HIGHWAYS. *(See Section 62.08 of this Code of Ordinances.)*

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CHAPTER 46

MINORS

46.01 Curfew
46.02 Cigarettes and Tobacco
46.03 Contributing to Delinquency

46.01 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed individually and in groups and/or gangs after the curfew hour; and to protect minors from improper influences and criminal activity by individuals and groups and/or gangs that prevail in public places after the curfew hour.

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

A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident, other accidental injury or serious illness, or any other situation requiring immediate action to prevent further serious illness, bodily injury or loss of life.

B. "Knowingly" means knowledge which a responsible adult should reasonably expect to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

C. "Minor" means an unemancipated person under the age of eighteen (18) years.

D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a police officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours

without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

E. "Public place" includes shopping areas, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use; and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access.

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

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

2. Curfew Established. It is unlawful for a minor to be in any public place in the City during the following times:

A. Sunday - Thursday:

(1) June 1 through September 1 - 12:00 midnight through 5:00 a.m.

(2) September 2 through May 31 - 11:00 p.m. through 5:00 a.m.

B. Friday - Saturday: 12:00 midnight through 5:00 a.m.

(Ord. 001-3124 – Mar. 02 Supp.)

3. Exceptions. The following are exceptions to the curfew:

A. The minor is accompanied by a responsible adult.

B. The minor is on the sidewalk of the property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

C. The minor is present at or is traveling between home and one of the following:

(1) Minor's place of employment, within one hour after the end of work;

(2) Minor's place of religious activity, within one hour after the end of the religious activity;

(3) Governmental or political activity, within one hour after the end of the activity;

(4) School endorsed activities, including parent-sponsored activities and Community Education sponsored activities organized in cooperation with the school, or if traveling, within one hour after the end of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution, within one hour after the end of the assembly, association meeting or other activity protected by the First Amendment.

D. The minor is on an emergency errand for a responsible adult.

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

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile, in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the curfew; refuses to provide proper identification or to identify the person's self; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the minor in court at such time as the court may direct. If a minor is issued a citation to appear for a violation of this section, a law enforcement officer shall notify the adult responsible for the minor as soon as possible, within twenty-four (24) hours of the violation.

D. Minor Without Adult Supervision. If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the Police Chief shall, by certified mail or by personal service, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew against both the responsible adult and minor, with applicable penalties.

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

C. Minor's Violation. In the case of a violation of any of the provisions of this section by a minor, the minor is guilty of a simple misdemeanor.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes.

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

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

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

CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires
47.04 Littering
47.05 Park Hours
47.06 Camping

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

(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARK HOURS. No person, except those camping in designated areas, shall enter or remain within any park between the hours of 11:00 p.m and 6:00 a.m.

47.06 CAMPING. No person shall camp in any portion of the park except in designated camping areas. Camping shall not be for a period longer than three (3) days, unless written consent and permission is given by the Parks and Playground Board for a period longer than three days. The City may refuse camping privileges or rescind any and all camping privileges for cause.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Notice to Abate: Contents
50.07 Method of Service
50.08 Request for Hearing
50.09 Abatement in Emergency
50.10 Abatement by City
50.11 Collection of Costs
50.12 Installment Payment of Cost of Abatement
50.13 Failure to Abate

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

(Code of Iowa, Sec. 657.1)

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

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

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

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

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

3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

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

4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

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

6. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.09)**

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

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

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

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

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

9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard. All weeds, vines or bushes growing on lots and parcels of ground within the corporate limits of the City after June 1 each year constitute a health, safety and fire hazard and owners of or occupants of all lots and parcels of ground within the corporate limits shall cut or otherwise destroy all weeds, vines and bushes on their respective lots or parcels of ground not later than the fifteenth day of June of each year, and in cases of second growth of weeds, vines and bushes on such lots or parcels of ground, such owners or occupants shall cut or otherwise destroy such weeds, vines and bushes on or before August 15 of each year.

(Code of Iowa, 657.2[12])

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

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

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

object or structure constitutes a proper use or enjoyment of the land on which the same is located.

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

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

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

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

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

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

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

2. Location of Nuisance. The location of the nuisance.

3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

4. Reasonable Time. A reasonable time within which to complete the abatement.

5. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 364.13)

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

EDITOR'S NOTE

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

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

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions
51.02 Junk and Junk Vehicles Prohibited
51.03 Junk and Junk Vehicles a Nuisance
51.04 Exceptions
51.05 Notice to Abate

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

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. "Junk vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken or Loose Part. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.

C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

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

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

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

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

1. Structure. A garage or other enclosed structure;

2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City; or

3. A fully enclosed fence or wall of at least six (6) feet in height, constructed so as to screen such vehicles from public view and to prevent unauthorized entrance and access to such vehicle.

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

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

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

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

1. "Animal" means a nonhuman vertebrate.

2. "At large" means off the premises of the owner or upon the public streets, alleys, public grounds or parks within the City. A dog is not deemed to be at large if:

A. It is attached to a leash of sufficient strength to restrain the dog and not more than ten (10) feet in length, when such leash is held by a person competent to govern the dog; or

B. It is properly restrained within a motor vehicle or housed in an animal hospital approved by the City Health Officer; or

C. It is accompanied by or at heel beside and obedient to commands of its owner or a competent responsible person.

3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus, or poultry.

4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 717.1 and 717B.1)

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles. It is also unlawful for any owner to so confine a female dog that is in season so as to attract male dogs to the area and by their presence cause a nuisance. Any such dog shall be subject to seizure and impoundment at the expense of the owner during the remainder of the heat period.

55.09 SANITATION.

1. An owner or person in charge of any pet animal shall keep all structures, pens, coops or yards wherein pet animals are confined clean, devoid of vermin and free of odors arising from urine and/or feces.

2. Any owner or person in charge of any pet animal who shall permit a pet animal to be on public or private property shall provide for the disposal of the solid waste material excreted by the pet animal by immediate removal of the waste.

3. All feces removed as aforesaid shall be placed in a container until it is removed and disposed of in a sanitary manner.

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

(Ord. 003-3139 – Jul. 03 Supp.)

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

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

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

(Code of Iowa, Sec. 351.37, 351.41)

55.15 IMPOUNDING COSTS. Impounding costs are $50.00 plus the current daily boarding fee. ***(Ord. 004-3150 – Oct. 04 Supp.)***

(Code of Iowa, Sec. 351.37)

CHAPTER 56

VICIOUS DOGS

56.01 Definition
56.02 Keeping of Vicious Dogs
56.03 Seizure, Impoundment and Disposition
56.04 Insurance
56.05 Violations and Penalties

56.01 DEFINITION. For the purpose of this chapter, a "vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or

2. A dog which has attacked or bitten any person (without provocation) or when propensity to attack or bite persons exists and such propensity is known to the owner, or ought reasonably to be known to the owner thereof; or

3. Any dog of that breed known variously as:

   A. The Bull Terrier breed of dog;

   B. The Staffordshire Bull Terrier breed of dog;

   C. The American Pit Bull Terrier breed of dog;

   D. The American Staffordshire Terrier breed of dog;

   E. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or

   F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

56.02 KEEPING OF VICIOUS DOGS. Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal to go unconfined upon the premises of such person and shall not permit the dog to go beyond the premises unless the dog is confined. A vicious dog is unconfined unless the following conditions are met:

1. Leash and Muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

2. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pen, kennel or structure must have secured sides and a secure top attached to the sides. All structures to confine vicious dogs must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs much comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

56.03 SEIZURE, IMPOUNDMENT AND DISPOSITION. Unconfined vicious dogs shall be seized and impounded in accordance with the following:

1. The Police Chief, in his discretion or upon receipt of a complaint alleging that a particular dog is unconfined and vicious as defined herein, may initiate proceedings to declare such dog as a vicious dog. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of being unconfined and vicious. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at

the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

2. If after a hearing, the Council determines that an animal is vicious, the Council shall order the person owning sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the Police Chief is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the District Court for a review of said order, the Police Chief shall cause the animal to be destroyed.

3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.

4. Any dog found at large which displays vicious tendencies may be processed as a vicious dog pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended; in which case, the Police Chief may immediately destroy it, or unless its ownership is not ascertainable, in which case, it may be destroyed after three (3) days' impoundment.

5. Any dog which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

56.04 INSURANCE. The owner of any vicious dog must provide proof to the Clerk of public liability insurance in a single accident amount of $50,000.00 for bodily injury to or death of any person or persons or for damages to property owned by any such persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless ten (10) day's written notice is first given to the Clerk.

56.05 VIOLATIONS AND PENALTIES. Any persons violating or permitting the violation of any provision of this chapter shall, upon conviction, be guilty of a simple misdemeanor. Should the defendant refuse to remove the dog from the City, the magistrate shall find the defendant (owner) in contempt and order the immediate confiscation (impoundment) of the dog. Each day that

a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic
60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers
60.08 Parades Regulated

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

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

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

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

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

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

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

8. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when

necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.273 & 321.274)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. Definition. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Traffic Control Devices
61.02 Installation
61.03 Compliance
61.04 Crosswalks
61.05 Traffic Lanes
61.06 Necessity of Signs
61.07 Moving or Damaging Devices
61.08 Standards

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

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

(Code of Iowa, Sec. 321.254 & 321.255)

61.03 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this Traffic Code or as designated and marked by the Iowa Department of Transportation unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

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

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

61.05 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it shall be unlawful for

the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

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

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

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

(Code of Iowa, Sec. 321.255)

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Funeral Processions
62.07 Tampering with Vehicle
62.08 Open Container of Alcoholic Beverage, Wine or Beer on Streets and Highways
62.09 Obstructing View at Intersections
62.10 Reckless Driving
62.11 Careless Driving
62.12 Obstructing Travel
62.13 Exhaust System
62.14 Engine Brakes/Compression Brakes - Prohibited Noises by Semi Tractors
62.15 Equine Animals and Motorized Vehicles on the Sheldon Recreational Trail (Walking-Biking Trails)
62.16 Golf Carts

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

1. Section 321.20B — Proof of security against liability.

2. Section 321.32 — Registration card, carried and exhibited.

3. Section 321.37 — Display of plates.

4. Section 321.38 — Plates, method of attaching, imitations prohibited.

5. Section 321.79 — Intent to injure.

6. Section 321.98 — Operation without registration.

7. Section 321.174 — Operators licensed.

8. Section 321.174A — Operation of motor vehicles with expired license.

9. Section 321.180 — Instruction permits.

10. Section 321.180B — Graduated driver's licenses for persons age fourteen through seventeen.

11. Section 321.193 — Restricted licenses.

12. Section 321.194 — Special minor's licenses.

13. Section 321.216 — Unlawful use of license and nonoperator's identification card.

14. Section 321.216B — Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

15. Section 321.219 — Permitting unauthorized minor to drive.

16. Section 321.220 — Permitting unauthorized person to drive.

17. Section 321.221 — Employing unlicensed chauffeur.

18. Section 321.222 — Renting motor vehicle to another.

19. Section 321.223 — License inspected.

20. Section 321.224 — Record kept.

21. Section 321.232 — Radar jamming devices; penalty.

22. Section 321.234A — All-terrain vehicles.

23. *(Repealed by Ord. 012-3206 – Sep-12 Supp.)*

24. Section 321.259 — Unauthorized signs, signals or markings.

25. Section 321.262 — Damage to vehicle.

26. Section 321.263 — Information and aid.

27. Section 321.264 — Striking unattended vehicle.

28. Section 321.265 — Striking fixtures upon a highway.

29. Section 321.275 — Operation of motorcycles and motorized bicycles.

30. Section 321.278 — Drag racing prohibited.

31. Section 321.288 — Control of vehicle; reduced speed.

32. Section 321.295 — Limitation on bridge or elevated structures.

33. Section 321.297 — Driving on right-hand side of roadways; exceptions.

34. Section 321.298 — Meeting and turning to right.

35. Section 321.299 — Overtaking a vehicle.

36. Section 321.302 — Overtaking on the right.

37. Section 321.303 — Limitations on overtaking on the left.

38. Section 321.304 — Prohibited passing.

39. Section 321.307 — Following too closely.

40. Section 321.308 — Motor trucks and towed vehicles; distance requirements.

41. Section 321.309 — Towing; convoys; drawbars.

42. Section 321.310 — Towing four-wheel trailers.

43. Section 321.312 — Turning on curve or crest of grade.

44. Section 321.313 — Starting parked vehicle.

45. Section 321.314 — When signal required.

46. Section 321.315 — Signal continuous.

47. Section 321.316 — Stopping.

48. Section 321.317 — Signals by hand and arm or signal device.

49. Section 321.319 — Entering intersections from different highways.

50. Section 321.320 — Left turns; yielding.

51. Section 321.321 — Entering through highways.

52. Section 321.322 — Vehicles entering stop or yield intersection.

53. Section 321.323 — Moving vehicle backward on highway.

53.5. Section 321.323A — Stationary authorized emergency vehicles.

54. Section 321.324 — Operation on approach of emergency vehicles.

55. Section 321.329 — Duty of driver — pedestrians crossing or working on highways.

56. Section 321.330 — Use of crosswalks.

57. Section 321.332 — White canes restricted to blind persons.

58. Section 321.333 — Duty of drivers.

58.5. Section 321.235A — Electric Personal Assistive Mobility Devices.

59. Section 321.340 — Driving through safety zone.

60. Section 321.341 — Obedience to signal of train.

61. Section 321.342 — Stop at certain railroad crossings; posting warning.

62. Section 321.343 — Certain vehicles must stop.

63. Section 321.344 — Heavy equipment at crossing.

64. Section 321.354 — Stopping on traveled way.

65. Section 321.359 — Moving other vehicle.

66. Section 321.362 — Unattended motor vehicle.

67. Section 321.363 — Obstruction to driver's view.

68. Section 321.364 — Preventing contamination of food by hazardous material.

69. Section 321.365 — Coasting prohibited.

70. Section 321.367 — Following fire apparatus.

71. Section 321.368 — Crossing fire hose.

72. Section 321.369 — Putting debris on highway.

73. Section 321.370 — Removing injurious material.

74. Section 321.371 — Clearing up wrecks.

75. Section 321.372 — School buses.

76. Section 321.381 — Movement of unsafe or improperly equipped vehicles.

77. Section 321.382 — Upgrade pulls; minimum speed.

78. Section 321.383 — Exceptions; slow vehicles identified.

79. Section 321.384 — When lighted lamps required.

80. Section 321.385 — Head lamps on motor vehicles.

81. Section 321.386 — Head lamps on motorcycles and motorized bicycles.

82. Section 321.387 — Rear lamps.

83. Section 321.388 — Illuminating plates.

84. Section 321.389 — Reflector requirement.

85. Section 321.390 — Reflector requirements.

86. Section 321.392 — Clearance and identification lights.

87. Section 321.393 — Color and mounting.

88. Section 321.394 — Lamp or flag on projecting load.

89. Section 321.395 — Lamps on parked vehicles.

90. Section 321.398 — Lamps on other vehicles and equipment.

91. Section 321.402 — Spot lamps.

92. Section 321.403 — Auxiliary driving lamps.

93. Section 321.404 — Signal lamps and signal devices.

94. Section 321.405 — Self-illumination.

95. (Repealed by Ord. 010-3200 – July 11 Supp.)
96. Section 321.408 — Back-up lamps.
97. Section 321.409 — Mandatory lighting equipment.
98. Section 321.415 — Required usage of lighting devices.
99. Section 321.417 — Single-beam road-lighting equipment.
100. Section 321.418 — Alternate road-lighting equipment.
101. Section 321.419 — Number of driving lamps required or permitted.
102. Section 321.420 — Number of lamps lighted.
103. Section 321.421 — Special restrictions on lamps.
104. Section 321.422 — Red light in front.
105. Section 321.423 — Flashing lights.
106. Section 321.430 — Brake, hitch and control requirements.
107. Section 321.431 — Performance ability.
108. Section 321.432 — Horns and warning devices.
109. Section 321.433 — Sirens, whistles, and bells prohibited.
110. Section 321.434 — Bicycle sirens or whistles.
111. Section 321.436 — Mufflers, prevention of noise.
112. Section 321.437 — Mirrors.
113. Section 321.438 — Windshields and windows.
114. Section 321.439 — Windshield wipers.
115. Section 321.440 — Restrictions as to tire equipment.
116. Section 321.441 — Metal tires prohibited.
117. Section 321.442 — Projections on wheels.
118. Section 321.444 — Safety glass.
119. Section 321.445 — Safety belts and safety harnesses — use required.
120. Section 321.446 — Child restraint devices.
121. Section 321.449 — Motor carrier safety regulations.
122. Section 321.450 — Hazardous materials transportation.
123. Section 321.454 — Width of vehicles.
124. Section 321.455 — Projecting loads on passenger vehicles.
125. Section 321.456 — Height of vehicles; permits.
126. Section 321.457 — Maximum length.

127. Section 321.458 — Loading beyond front.
128. Section 321.460 — Spilling loads on highways.
129. Section 321.461 — Trailers and towed vehicles.
130. Section 321.462 — Drawbars and safety chains.
131. Section 321.463 — Maximum gross weight.
132. Section 321.465 — Weighing vehicles and removal of excess.
133. Section 321.466 — Increased loading capacity - reregistration.

(Ord. 002-3136 – Oct. 02 Supp.)

134. Section 321.281 – Actions against bicyclists.

(Ord. 010-3200 – July 11 Supp.)

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

(Code of Iowa, Sec. 321.255)

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

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

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

62.06 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

(Code of Iowa, Sec. 321.324A)

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

62.08 OPEN CONTAINER OF ALCOHOLIC BEVERAGE, WINE OR BEER ON STREETS AND HIGHWAYS.

1. Open Containers in Motor Vehicles – Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

2. Open Containers in Motor Vehicles – Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. This subsection does not apply to a passenger being transported in a motor vehicle, designed, maintained, or used primarily for the transportation of persons for compensation, or a passenger being transported in the living quarters of a motor home, mobile home, travel trailer or fifth wheel travel trailer.

(Ord. 099-3108 – May 01 Supp.)

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

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

(Code of Iowa, Sec. 321.277)

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

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.

2. Simulating a temporary race.

3. Causing any wheel or wheels to unnecessarily lose contact with the ground.

4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.12 OBSTRUCTING TRAVEL. No person shall willfully and unnecessarily hinder, obstruct or delay, or willfully and unnecessarily attempt to delay, hinder or obstruct, any other person lawfully driving or traveling along or upon any City street, or offer or barter or sell merchandise on said City streets so as to interfere with the effective movement of traffic.

62.13 EXHAUST SYSTEM. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle.

62.14 ENGINE BRAKES/COMPRESSION BRAKES – PROHIBITED NOISES BY SEMI TRACTORS. It is unlawful for any person in any part of the City to make, or cause to be made, loud or disturbing noises with any mechanical devices operating by compressed air and used for the purpose of assisting braking on any truck. The City shall cause notices to be posted or signs erected indicating such prohibition. ***(Ord. 000-3116 – May 01 Supp.)***

62.15 EQUINE ANIMALS AND MOTORIZED VEHICLES ON THE SHELDON RECREATIONAL TRAIL (WALKING-BIKING TRAILS). No equine animals are permitted upon or within any Sheldon Recreational Trail (Walking-Biking Trails). The driver of any motorized vehicle (other than an emergency or other official vehicle) shall not drive upon or within any Sheldon Recreational Trail (Walking-Biking Trail) area except at a driveway or sidewalk. ***(Ord. 000-3115 – May 01 Supp.)***

62.16 GOLF CARTS. Golf carts may be operated on City streets and alleys within the City limits of the City of Sheldon, Iowa, by persons possessing a valid driver's license. The operation of golf carts on City streets and alleys as provided above are subject to the following additional conditions:

1. A golf cart shall be equipped with both a slow moving vehicle sign above the rear bumper of the cart and a bicycle safety flag that shall be displayed five (5) or more feet above the surface of the street.

2. A golf cart shall not be operated upon a City street which is a primary road extension (this prohibition shall include Highway 18 and Highway 60) through the City, but shall be allowed to directly cross a City street that is a primary road extension through the City.

3. A golf cart shall only be operated on permitted City streets and alleys from 7:00 a.m. to 8:00 p.m.

4. A golf cart shall be equipped with adequate brakes.

5. A golf cart operator shall observe and obey all traffic regulations and traffic control devices.

6. The owner or operator of a golf cart must maintain and provide current proof of financial responsibility in accordance with section 321.20B of the Iowa Code. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of that golf cart.

7. Whenever a golf cart is involved in an accident resulting in injury or death to any person or property damage amounting to one thousand dollars ($1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer.

8. A person desiring to operate a golf cart in the City of Sheldon, Iowa, pursuant to the conditions of this section shall first obtain, via an application submitted at the City Clerk's Office, a permit to allow such operation. The fee for the permit shall be $25.00 and shall be issued by the City Manager or the Chief of Police, provided the applicant satisfies the applicable conditions of this section and such other requirements as said City officials and/or the City Council may from time to time reasonably impose. A copy of the permit shall be carried by the operator named in the permit while operating a golf cart. A permit may be issued for any or all of the following purposes:

A. Going to and from places of employment;

B. Going to and from personal or business properties;

C. Gardening/lawn work;

D. Individuals having handicapped parking privileges authorized by the Iowa Department of Transportation; and

E. Special events authorized by the City Council.

9. For purposes of this section, a "golf cart" shall not include any vehicle that is an "all-terrain vehicle," "off-road utility vehicle," or "snowmobile" as those terms are defined in section 75.02 of the Code of Ordinances of the City of Sheldon, Iowa.

(Ord. 012-3206 – Sep 12 Supp.)

CHAPTER 63

SPEED REGULATIONS

63.01 General
63.02 State Code Speed Limits
63.03 Parks, Cemeteries and Parking Lots
63.04 Special Speed Restrictions
63.05 Minimum Speed
63.06 Emergency Vehicles

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

(Code of Iowa, Sec. 321.285)

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

1. Business District — Twenty (20) miles per hour.
   (Code of Iowa, Sec. 321.285 [1])
2. Residence or School District — Twenty-five (25) miles per hour.
   (Code of Iowa, Sec. 321.285 [2])
3. Suburban District — Forty-five (45) miles per hour.
   (Code of Iowa, Sec. 321.285 [4])

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

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

63.04 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

1. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Sixteenth Street from Highway 60 to the east City limits;

B. On all of Country Club Road.

C. On South Second Avenue immediately south of 16th Street until approximately 981.4 south of the intersection of Second Avenue and 16th Street (approximately 104.1 feet south of the driveway of the property for Parcel #0048170000 (1901 S. 2nd Avenue, which is south of 1701 S. 2nd Avenue).

(Subsection 1 – Ord. O19-3239 – Oct. 19 Supp.)

2. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Second Avenue, beginning at the southernmost corporate limit boundary, which is currently located just north of the southernmost driveway for Parcel #004197500 (3011 S 2nd Ave.).

B. On Park Street (Highway 18) beginning at the easternmost corporate limit boundary to approximately 215 feet to the west of Wansink Avenue.

(Subsection 2 – Ord. O19-3240 – Oct. 19 Supp.)

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

(Code of Iowa, Sec. 321.294)

63.06 EMERGENCY VEHICLES. The speed limitations set forth in this chapter do not apply to authorized emergency vehicles or the rider of a police bicycle when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public and the drivers thereof use an audible signaling device or a visual signaling device. This provision does not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of others.

(Code of Iowa, Sec. 321.231)

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CHAPTER 64

TURNING REGULATIONS

64.01 Authority to Mark **64.02 U-turns**

64.01 AUTHORITY TO MARK. The Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, Sec. 321.311)

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

(Code of Iowa, Sec. 321.255)

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield
65.02 School Stops
65.03 Stop Before Crossing Sidewalk
65.04 Stop When Traffic Is Obstructed
65.05 Yield to Pedestrians in Crosswalks

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

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

(Code of Iowa, Sec. 321.249)

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

(Code of Iowa, Sec. 321.353)

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

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

(Code of Iowa, Sec. 321.327)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets
66.04 Load Limits on Bridges
66.05 Truck Route

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

(Code of Iowa, Sec. 321.471 & 472)

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

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

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

(Code of Iowa, Sec. 321.473 & 475)

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. When truck routes have been designated in accordance with Chapter 61, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other.

(Code of Iowa, Sec. 321.473)

2. Deliveries Off Truck Route. Any such motor vehicle, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking
67.03 Pedestrian Crossing

67.01 WALKING IN STREET. Pedestrians shall at all times, when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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CHAPTER 68

ONE-WAY TRAFFIC

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

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

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CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled
69.02 Park Adjacent to Curb
69.03 Park Adjacent to Curb — One-way Street
69.04 Diagonal Parking
69.05 Angle Parking — Manner
69.06 Parking for Certain Purposes Illegal
69.07 Parking Prohibited
69.08 Persons With Disabilities Parking
69.09 All-night Parking Prohibited
69.10 Truck Parking Limited
69.11 Snow Removal
69.12 Fire Lanes
69.13 Designation of Parking Spaces
69.14 Parking Restricted
69.15 No Parking

69.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

69.04 DIAGONAL PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

— NONE —

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

(Code of Iowa, Sec. 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than twenty-four (24) hours or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.

2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.

3. Advertising. Displaying advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.

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

1. Crosswalk. On a crosswalk.

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

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

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

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

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

4. Sidewalks. On a sidewalk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

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

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

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

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

17. Area Between Curb Line and Sidewalk. On that part of any street in the City between the curb line, if there is a curb, and the sidewalk line of the abutting property. No vehicle shall be parked on that part of any street not having a curb between the edge of the traveled portion of said street and sidewalk line of the abutting property unless the owner of the abutting property has received a written permit from the City Manager to allow parking between the traveled portion of said street and sidewalk. Such permit shall set requirements and standards for allowing and maintaining such parking area. In the event parking is allowed under this section, it shall not be deemed the private parking area for any individual or owner of property.

18. 34th Avenue. On any portion (including the paved roadway and the unpaved areas immediately adjacent thereto) of the west lane of 34th Avenue from the intersection of 34th Avenue with Park Street (Highway 18) to the termination of 34th Avenue.

19. Park Street. On any portion (including the paved roadway and the unpaved areas immediately adjacent thereto) of Park Street (Highway 18) from the intersection of Park Street (Highway 18) with Country Club Road to the on and off ramps for southbound Highway 60.

(Ord. 010-3199 – July 11 Supp.)

69.08 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

A. Use by an operator of a motor vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a motor vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;

C. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

69.09 ALL NIGHT PARKING PROHIBITED. No person shall park or permit to be parked a vehicle on any street between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. from November 1 to April 1 of any year. During the remainder of the year, vehicles may be parked on any street not otherwise restricted. ***(Ord. 007-3170 – Aug. 07 Supp.)***

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

69.10 TRUCK PARKING LIMITED. Except as otherwise provided herein, no person shall park a motor truck, semi-trailer, bus or other motor vehicle with trailer attached that is over sixteen (16) feet in length on any street, avenue, alley or public place in the City, except for the purpose of loading and unloading, and then only so long as is necessary for loading and unloading, and not to exceed thirty (30) minutes at any one time, except that moving vans loading household goods for transportation out of the City, or unloading household goods which have been transported into the City may remain parked for that purpose as long as is reasonably necessary. When receiving or delivering merchandise or cargo, such vehicles shall be stopped or parked in a manner which will not interfere with other traffic.

Notwithstanding the foregoing, a person may park a motor truck, semi-trailer, bus or other motor vehicle with trailer attached that is over sixteen (16) feet in length on the east lane of 34th Avenue from the intersection of 34th Avenue with Park Street (Highway 18) to the termination of 34th Avenue. Such parking shall only be permitted within the paved roadway of the east half of the above described portion of 34th Avenue, shall not exceed thirty (30) minutes at any one time, and shall comply with all other parking regulations of Chapter 69 of this Code.

(Ord. 010-3198 – July 11 Supp.)

69.11 SNOW REMOVAL. No vehicle shall be parked upon any street in the City in such a manner as to interfere with the plowing or removal of snow or ice from such street.

1. Declaration of Emergency. When it becomes necessary to plow or remove snow from streets which, because of the accumulation of snow thereon causes such a hindrance to traffic as constitutes an emergency unless the snow is promptly plowed or removed, the Police Chief, after consultation with the Public Works Director, shall by appropriate public media declare the beginning of an emergency and the application of emergency snow parking regulations, which regulations shall remain in force and effect until lifted by the Police Chief. For the purpose of this section, the accumulation of snow on any streets or areas sufficient for the application of emergency regulations herein shall be any such accumulation of snow which hinders the safe movement of traffic thereon or that impedes the ability of emergency vehicles and public transportation vehicles to travel safely and expeditiously over such streets or areas.

2. Authority to Prohibit Parking. The Police Chief is hereby authorized and empowered to erect signs prohibiting parking upon any street in the City and upon any City-owned parking lot upon which snow plowing or snow removal equipment is operating and upon the erection of such signs, parking thereon shall be prohibited until such signs are removed at the direction of the Police Chief.

(Code of Iowa, 321.236[1])

3. Snow Routes**.** The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.12 FIRE LANES. No person shall stop, stand or park a vehicle in a fire lane as provided herein.

(Code of Iowa, Sec. 321.236)

1. Fire Lanes Established. The Fire Chief may designate fire lanes on any private road or driveway where deemed necessary to assure access to property or premises by authorized emergency vehicles.

2. Signs and Markings. Wherever a fire lane has been designated, the Fire Chief shall cause appropriate signs and markings to be placed identifying such fire lanes and the parking prohibition established by this section.

3. Exception. The provisions of this section do not apply to authorized emergency vehicles.

69.13 DESIGNATION OF PARKING SPACES. The Public Works Director, upon authorization of the Council, is hereby directed to mark off individual parking spaces in the parking zones as designated on the City streets or public parking lots and in such other zones as hereafter may be established. Such parking spaces to be designated by lines painted or durably marked on the curbing or the surface of the street or on the surface of the City owned public parking lots. It shall be unlawful to park any vehicle in such a way that such vehicle shall not be entirely within the limits of the designated parking space as marked. ***(Ord 099-3103 -Aug 99 Supp.)***

69.14 PARKING RESTRICTED. No person shall park a vehicle from the hours of 2 a.m. to 6 a.m. on the following designated streets in the City of Sheldon, Iowa:

1. On Ninth Street between Second Avenue and Fifth Avenue;
2. On Third Avenue between Eighth Street and Tenth Street; and
3. On Fourth Avenue between Eighth Street and Tenth Street.

(Ord. O18-3236 – Aug. 18 Supp.)

69.15 NO PARKING. No person shall park a vehicle on the north one-half of East Sixth Street in the City of Sheldon, Iowa, between Nineteenth Avenue and Twenty-third Avenue at any time. ***(Ord. O18-3236 – Aug. 18 Supp.)***

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate
70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or

2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

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

(Code of Iowa, Sec. 805.6, 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of ten dollars ($10.00) for all violations except snow route parking violations and improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased to fifteen dollars ($15.00). The simple notice of a fine for snow route parking violations is twenty-five dollars ($25.00), and the simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars ($100.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Ord. 004-3150 – Oct. 04 Supp.)

(Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the

driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

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

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

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

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Twenty-four Hour Period. When any vehicle is left parked for a continuous period of twenty-four (24) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found the owner shall be given an opportunity to remove the vehicle.

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

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose
75.02 Definitions
75.03 General Regulations
75.04 Places of Operation
75.05 Operation of All-Terrain Vehicles
75.06 Financial Responsibility/Negligence
75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. "All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three (3) and not more than six (6) low pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four (4) and not more than eight (8) 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 seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

3. "All-terrain vehicles" and "off-road utility vehicles" shall be collectively referred to as "ATVs" for the purposes of Chapter 75 of the Sheldon Code of Ordinances.

4. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle, as defined in Section 321I.1 of the Iowa Code, which has been altered or equipped with runners, skis, belt-type tracks or treads.

(Ord. 009-3194 –Dec. 09 Supp.)

75.03 GENERAL REGULATIONS. No person shall operate an All- Terrain Vehicle (ATV) or snowmobile within the city limits of Sheldon, Iowa in violation of the provisions of Chapter 321G and 321I of the Code of Iowa or rules established by the Natural Resource Commission of the Department of

Natural Resources governing their registration, numbering, equipment and manner of operation. ***(Ord. 008-3177 – Apr. 08 Supp.)***

75.04 PLACES OF OPERATION. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon the following streets:

A. Upon any public street or alley in the City, from November 15 to April 1 of the following year, except that they may not be operated on the following streets, alleys or areas specified below:

(1) Any street having a ditch parallel to either side thereof;

(2) All streets immediately adjacent to the Sanford Sheldon Medical Center grounds;

(3) All streets immediately adjacent to the Christian Retirement Home;

(4) All streets immediately adjacent to any nursing home or home for the elderly;

(5) All streets adjacent to the public and private schools of the City during school days from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m.;

(6) Any street or alley in the central business district located inside a perimeter bounded by Second Avenue on the west, Eleventh Street on the south, Fifth Avenue on the east and Eighth Street on the north;

(7) On Highways 60 and 18 within the City limits, as prohibited by State law.

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a

place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

4. Trails. ATV's shall not be operated on snowmobile trails and snowmobiles shall not be operated on All-terrain vehicle trails except where so designated.

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City- owned property without the express permission of the City. A snowmobile shall not be operated on any City land without snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

(Ord. 008-3177 – Apr. 08 Supp.)

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Permits. Operators of ATVs may apply at the Sheldon City Clerk's office for a permit to allow such operator to operate an ATV on the Sheldon City Streets. Each individual operator of an ATV is required to have a permit. The fee for the permit shall be $25 and be issued by the City Manager or the Chief of Police. A copy of the permit shall be carried by the operator named in the permit while operating the ATV. A permit decal shall be displayed next to the registration decal in the manner prescribed by rules of the Natural Resource Commission. A permit may be issued for the following purposes:

A. Going to and from place of employment;

B. Going to and from personal or business properties;

C. Snow plowing/blading;

D. Gardening/lawn work;

E. Individuals having handicapped parking privileges authorized by the Iowa Department of Transportation; and

F. Special events authorized by the City Council.

2. Streets. ATV operators holding permits may operate ATVs upon the streets under the jurisdiction and within the corporate limits of Sheldon. ATVs shall not be operated upon any City street which is a primary road extension or State highway through the City, to wit:

US Highway 18 and Highway 60 (Bypass/Expressway)

ATVs may cross US Highway 18 at lighted and controlled intersections; specifically, ATVs may cross Highway 18 at 6th Ave., Washington Ave. and 19th Ave.

3. Trails. ATVs shall not be operated on bike trails or walking trails except where designated or with a valid trail permit.

4. Railroad Right-of-way. ATVs shall not be operated on an operating right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

5. Private Property. ATVs may only be operated on private property with the express consent of the owner.

6. Sidewalk or Parking. No ATV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking," or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.

7. Parks and Other City Land. A permit may be issued for the operation of an ATV in City parks or other City land for special events authorized by the City Council.

8. License. No person shall operate an ATV on the public streets of the City without a valid motor vehicle operator's license.

9. Equipment. All ATVs shall be equipped according to the provisions of Sections 321I.12 and 321I.13 of the Iowa Code.

10. Traffic Code Observed. Any operator of any ATV must observe all State and local traffic control regulations and devices and shall not operate an ATV at a speed in excess of that posted, nor at any time operate any ATV at a speed greater than is reasonable and proper under the existing conditions.

11. Lights. No person shall operate an ATV without a lighted headlamp and taillight when required for safety or by any State law or ordinance for motor vehicles.

12. Unattended ATVs and Parking. No owner or operator of an ATV shall leave an ATV unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs must obey all parking regulations in the City.

13. Registration. The owner or operator of an ATV must maintain current vehicle registration as required by Iowa law.

14. Hours of Operation. No ATV shall be operated in the City between the hours of 11:00 p.m. and 6:00 a.m. except for emergency situations or for loading or unloading from a transport trailer, except that an ATV may be operated during prohibited hours for snow removal purposes.

15. Penalties. A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Sections 4.01 &. 4.03 of the Sheldon Code of Ordinances. Three violations of this section within a period of 12 months shall result in the revocation of the permit for a period of two years. The offender may also be prosecuted pursuant to Section 321I.36 of the Iowa Code.

(Ord. 008-3181 – Dec. 08 Supp.)

75.06 FINANCIAL RESPONSIBILITY/NEGLIGENCE. The owner or operator of an ATV must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile.

(Ord. 008-3177 – Apr. 08 Supp.)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

(Ord. 008-3177 – Apr. 08 Supp.)

CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations
76.02 Definitions
76.03 Traffic Code Applies
76.04 Double Riding Restricted
76.05 Two Abreast Limit
76.06 Riding on Right Near Curb Required
76.07 Bicycle Paths
76.08 Speed
76.09 Emerging from Alley or Driveway
76.10 Carrying Articles
76.11 Riding on Sidewalks
76.12 Towing
76.13 Improper Riding
76.14 Turns; Starting; Stopping
76.15 Operation Upon Approach of Emergency Vehicles
76.16 Following Emergency Vehicles
76.17 Crossing Railroad Tracks
76.18 Parking
76.19 Mechanical Condition
76.20 Equipment Requirements
76.21 Inspection
76.22 Use of Bicycle Without Consent of Owner
76.23 Special Penalty

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

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

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

1. "Bicycle" means a vehicle with two (2) tandem wheels, neither of which is less than twenty (20) inches in diameter, with solid or pneumatic tires, having a steering bar or wheel, a saddle seat and propelled by human power. The term bicycle also means and includes adult sized tricycles.

2. "Business District" means and refers to the area bounded by Second Avenue on the west, Fourth Avenue on the east, Tenth Street on the south and Eighth Street on the north, including the streets.

3. "Operate" means and refers to the use of, putting into action or causing to function a bicycle by a person mounted thereon.

76.03 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.04 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No person operating a bicycle shall carry another person on the handlebars of such bicycle.

(Code of Iowa, Sec. 321.234 [3 and 4])

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

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

76.06 RIDING ON RIGHT NEAR CURB REQUIRED. All bicycles, when operated on roadways, shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

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

76.08 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing, and every bicycle shall be operated with reasonable regard to the safety of the rider and of other persons and property.

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

76.09 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

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

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

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

76.11 RIDING ON SIDEWALKS. Bicycles may be operated on sidewalks in public places and in residence districts, but in single file only. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District.

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

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing. When approaching a pedestrian on the sidewalk, the speed of a bicycle shall be reduced to a speed which is no greater than necessary to continue the operation of the bicycle without the rider dismounting, and shall not be increased until the pedestrian has been passed.

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

76.12 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.

76.13 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.14 TURNS; STARTING; STOPPING. The operator of a bicycle on a roadway, when making a right turn, shall follow the right-hand edge of the roadway, and the operator of a bicycle on a roadway when making a left turn shall approach the point of turning in the traffic lane nearest the center of the roadway. No operator of a bicycle shall start, slow down or stop or attempt to turn without first indicating such movement as provided by law.

76.15 OPERATION UPON APPROACH OF EMERGENCY VEHICLES. When an ambulance, fire engine or other emergency vehicle gives warning of its approach, the operator of a bicycle shall pull to the right and stop until such emergency vehicle has passed.

76.16 FOLLOWING EMERGENCY VEHICLES. It is unlawful for the operator of a bicycle to follow an ambulance, fire engine or other emergency vehicle.

76.17 CROSSING RAILROAD TRACKS. No operator of a bicycle shall cross any railroad track unless said person can do so safely, and said operator shall stop within fifty (50) feet from the nearest rail of the track when any

mechanical signaling device gives warning of an approaching train, or whenever the operator can see any train approaching such crossing.

76.18 PARKING.

1. Business District. When bicycles are parked in the Business District, they shall be parked in zones or places designated and marked for that purpose. It is unlawful to park any bicycle along buildings in the Business District or along the street where they may interfere with traffic, or with persons getting into or out of motor vehicles.

2. Moving Parked Bicycles. No person other than the owner or operator shall move or in any manner interfere with any bicycle properly parked, nor shall any person interfere or in any manner hinder any person from properly parking a bicycle, except that members of the Police Department and Fire Department may move or, in proper cases, prevent the parking of a bicycle when in the judgment of the police officer or fire fighter, such action is necessary in order to safeguard persons or property.

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

76.19 MECHANICAL CONDITION. No person shall operate a bicycle which is not in such mechanical condition so that it can be safely operated.

76.20 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

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

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

76.21 INSPECTION. Any member of the Police Department is authorized to inspect any bicycle, at any reasonable time, for the purpose of making a

checkup of the license registration and license number, serial number and for purposes of determining the mechanical condition of the bicycle.

76.22 USE OF BICYCLE WITHOUT CONSENT OF OWNER. It is unlawful for any person to use or operate any bicycle within the City without the consent of the owner.

76.23 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions
80.02 Authority to Take Possession of Abandoned Vehicles
80.03 Notice by Mail
80.04 Notification in Newspaper
80.05 Extension of Time
80.06 Fees for Impoundment
80.07 Disposal of Abandoned Vehicles
80.08 Disposal of Totally Inoperable Vehicles
80.09 Proceeds from Sales
80.10 Duties of Demolisher

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

1. "Abandoned vehicle" means any of the following:
(Code of Iowa, Sec. 321.89[1b])

A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.

B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.

C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. "Demolisher" means a person licensed under Chapter 321H of the Iowa Code whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
(Code of Iowa Sec. 321.89[1b])

3. "Police authority" means the Iowa state patrol, any law enforcement agency of a county or city, or any special security officer employed by the State Board of Regents under Section 262.13 of the Iowa Code.

(Code of Iowa Sec. 321.89[1c])

(Ord. 005-3157 – Oct. 05 Supp.)

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity who is a garage keeper, as defined in Section 321.90, to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this section if the private entity provides notice as required by Section 80.03, to those persons whose names were provided by the police authority.

(Ord. 009-3194 – Dec. 09 Supp.)

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

80.03 NOTICE BY MAIL. A police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number (VIN) of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and the property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this section. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim

the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (10) day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten (10) day reclaiming period. ***(Ord. 005-3157 – Oct. 05 Supp.)***

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

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Ord. 005-3157 – Oct. 05 Supp.)

(Code of Iowa, Sec. 321.89[3b])

80.05 EXTENSION OF TIME. ***(Repealed by Ord. 005-3157 – Oct. 05 Supp.)***

80.06 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

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

80.07 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.08 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.09 PROCEEDS FROM SALES. From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to Sections 80.03 and 80.04, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally. The director of transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund and procedures for reimbursement of expenses and costs to a private entity hired to take custody of an abandoned vehicle,. If a private entity has been hired, the police authority shall file a claim with the department for reimbursement of towing fees which shall be paid from the road use tax fund. ***(Ord. 005-3157 – Oct. 05 Supp.)***

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

80.10 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 90

WATER SERVICE SYSTEM

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

1. "Combined service account" means a customer service account for the provision of two or more utility services.

2. "Customer" means in addition to any person receiving water service from the City the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.

4. "Water main" means a water supply pipe provided for public or community use.

5. "Water service pipe" means the pipe from the water main to the building served.

6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

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

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

90.03 MANDATORY CONNECTIONS. All residences, commercial businesses and other structures within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water main and the digging of private wells intended for providing water for human consumption is prohibited after February 1, 2002, provided that the City's water main runs parallel to any part of the lot either through the adjacent street right-of-way or through an adjacent utility easement on which the structure is located. The digging of any well for any reason within 1000 feet of the real estate owned by the State of Iowa known as the Iowa National Guard Armory located at 920 Western Avenue after February 1, 2002, is prohibited.

(Ord. 002-3130 – Mar. 02 Supp.)

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

90.05 PERMIT. (Repealed by Ord. 011-3202 – July 11 Supp.)

90.06 FEES. Before any connection or reconnection is made, the person who requests the connection or reconnection shall pay twenty-five dollars ($25.00) to cover the reconnection/connection fee and the cost of supervising, regulating, and inspecting such work. In addition there shall be an account processing fee, for all new and reconnected accounts, of ten dollars ($10.00). A reactivation fee of twenty-five dollars ($25.00) shall be charged to a customer who continues to reside at the same address after the customer requested to be deactivated from the Sheldon Water Service System.

(Ord. 011-3202 – July 11 Supp.)

(Code of Iowa, Sec. 384.84[2a])

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

90.08 PLUMBER REQUIRED. (Repealed by Ord. 011-3202 – July 11 Supp.)

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 SPECIFICATIONS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

1. Service pipe from the main to the water meter must be of either (A) type K copper pipe or (B) polyethylene pipe that is ISP Class 200, AWWA C901. All such service pipe, regardless of whether it is copper or polyethylene, must have an inside diameter of not less than three-fourths (3/4) of an inch.

2. All polyethylene service pipe shall be installed with No. 12 solid tracer wire. Such wire must start at the water main, surface at the curb stop, and continue until the water meter.

3. Connections to the water main shall be made by the regular corporation stop fitting with not less than a five-eighth (5/8) inch tap into the main. Such connections to copper service pipe shall be with brass connections, and such connections to polyethylene service pipe shall be with brass compression-style fittings with stainless steel insert stiffeners. All taps into the water main must be at least eighteen (18) inches apart and on the side and near the top and not in any case within eighteen (18) inches of a hub.

4. The curb stop shall be of the Minneapolis pattern and (A) for copper service pipe both the corporation and curb stops must be of the quality of the Mueller make or its equal, and (B) for polyethylene service pipe the corporation stops must be of the quality of the Ford F1001 make or its equal and the curb stops must be of the quality of the Ford B66 make or its equal.

5. All service pipes must be laid at least five and one-half (5½) feet below the surface of the ground. There shall be a curb stop in every service connection to the main within the parking and near the sidewalk line and alley within one foot of the alley line. The curb stop shall be of the style and quality as specified above, and shall be provided with T handles and be approved by the Superintendent.

6. The curb stop shall be covered by a two and one-half (2½) inch extension stop box of the Minneapolis pattern extending upward so as to be flush with the top of the ground. In placing the curb stop in position, care must be exercised by the installer so as to prevent settlement of the same. There shall be a brass ball valve installed inside the building prior to the water meter on every service pipe.

(Ord. 011-3202 – July 11 Supp.)

90.11 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water

service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

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

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

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

90.14 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.15 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.16 OPERATION OF CURB COCK. It is unlawful for any person except the Superintendent to turn water on at the curb cock.

90.17 FIRE HYDRANTS.

1. No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

2. No person shall dump snow on any fire hydrant, which renders it ineffective.

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CHAPTER 91

WATER METERS

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

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

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

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

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

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

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a ball type valve on the discharge side of the meter and remote wire to outside reader. Meter pits may be used only upon the approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

(Ord. 002-3133 – Oct. 02 Supp.)

91.06 METER COSTS. The City shall furnish the first standard size meter at no cost. If a meter larger than a standard meter is required, the additional cost of the larger meter shall be paid to the City by the property owner or customer. If a subsequent replacement meter or an additional meter is required or requested, the property owner or customer shall reimburse the City for the standard cost for such meter. If a second outside water meter is required, such water meter must be approved by the Superintendent.

(Ord. 002-3133 – Oct. 02 Supp.)

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

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

91.09 METER TESTING. The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of 5% or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected, but not for a longer period than the preceding quarter. If the meter is found to be accurate or slow or less than 5% fast, the user shall pay the cost of removal and testing. ***(Ord. 002-3133 – Oct. 02 Supp.)***

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Rates Outside the City
92.04 Billing for Water Service
92.05 Service Discontinued
92.06 Lien for Nonpayment
92.07 Lien Exemption
92.08 Lien Notice
92.09 Customer Deposits
92.10 Multiple Units Hooked to One Meter
92.11 Charges for Water Use from Connection Until Meter Installation
92.12 Adjustments to Bills

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not. If a meter is found to have stopped or failed to register, the current billing shall be based on the volume of water used in a like month of the preceding year or an average of the volume used during the preceding two (2) months, whichever is more.

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

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

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

1. Rates.

   A. First 1,000 gallons used per month @ $14.24 (Minimum Bill).

   B. Next 4,000 gallons used per month @ $3.22 per 1,000 gallons.

   C. Next 95,000 gallons used per month @ $2.50 per 1,000 gallons.

   D. All over 100,000 gallons used per month @ $1.79 per 1,000 gallons.

2. Minimum Charge. The minimum service charge per month is fourteen dollars and twenty-four cents ($14.24) plus tax (unless otherwise exempted) and shall apply to all vacant property unless the water has been turned off at the curb stop.

3. Surcharge. In addition to the rates as set forth in Section 92.02, there shall be a monthly surcharge to the consumer. The consumer shall pay his/her water bill on a monthly basis, and a monthly surcharge for

each user in the amount of three dollars and sixty-four cents ($3.64) shall be added to each bill starting on July 1, 2005. Proceeds from this surcharge will be designated by the Sheldon City Clerk for the Lewis and Clark Rural Water System Project.

(Ord. O19-3241 – Oct. 19 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates one hundred fifty percent (150%) of the rates plus tax (unless otherwise exempted) provided in Section 92.02 as follows:

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

1. Rates.

   A. First 1,000 gallons used per month @ $21.39 (Minimum Bill).

   B. Next 4,000 gallons used per month @ $4.81 per 1,000 gallons.

   C. Next 95,000 gallons used per month @ $3.74 per 1,000 gallons.

   D. All over 100,000 gallons used per month @ $2.67 per 1,000 gallons.

2. Minimum Charge. The minimum service charge per month is twenty-one dollars and thirty-nine cents ($21.39) plus tax (unless otherwise exempted) and shall apply to all vacant property unless the water has been turned off at the curb stop.

3. Surcharge. In addition to the rates as set forth in Section 92.02, there shall be a monthly surcharge to the consumer. The consumer shall pay his/her water bill on a monthly basis, and a monthly surcharge for each user in the amount of three dollars and sixty-four cents ($3.64) shall be added to each bill starting on July 1, 2005. Proceeds from this surcharge will be designated by the Sheldon City Clerk for the Lewis and Clark Rural Water System Project.

No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Ord. O19-3241 – Oct. 19 Supp.)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

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

1. Bills Issued. The Clerk shall issue bills for combined service accounts on the last business day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the City Clerk within twenty-two (22) days of the date of issuance.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late penalty of 6 percent (6%) of the amount due shall be added to each delinquent bill. Each customer will be allowed one late payment in a rolling 12-month period and the waiver of the accompanying late fee. The request for waiver of late payment must be made in writing prior to discontinuation of service. This section shall not be interpreted as one late payment waiver a year for each address in question, but rather one late payment in a twelve months per addressee.

(Ord. O19-3241 – Oct. 19 Supp.)

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

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

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail or a hand delivered door hanger to the customer's door in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off the City Manager shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the City Manager finds the disconnection is justified, the Superintendent shall shut off the water service, unless payment has been received.

4. Fees. A fee of twenty-five dollars ($25.00) shall be charged before service is restored to a delinquent customer. In addition, there shall be an account processing fee in the amount of twenty-five dollars ($25.00) charged to such delinquent customer. If service is restored after regular working hours, an additional fee of fifty dollars ($50.00) shall be charged before service is restored. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

5. Charges. If water service to delinquent account holder is discontinued, all costs for locating and replacing broken or damaged shut-off valves shall be assessed to the property owner and/or tenant pursuant to Section 384.84 of the Iowa Code. The City may withhold service from the same account holder at any new property or premises until such time as the account holder pays the delinquent amount owed on the account associated with the prior property or premises.

(Ord. O19-3241 – Oct. 19 Supp.)

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

A lien for a City utility service shall not be certified to the County Treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder in whose name the delinquent rates or charges were incurred at least thirty days prior to certification. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty days prior to certification of the lien to the County Treasurer. A change in tenant shall require a new written notice to be given to the City utility within thirty business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within ten business days of the completion of the change of ownership.

(Ord. 008-3185 – Dec. 08 Supp.)

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to residential rental properties where water service is separately metered and the charges therefor are paid directly by the tenant, providing the landlord has given written notice to the Clerk that the tenant is liable for the charges and a

deposit not exceeding the usual cost of ninety (90) days of water service is paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of occupancy and the date of occupancy. A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the Clerk shall refund the deposit if the water service charges are paid in full and the lien exemption shall be lifted from the rental property.

(Code of Iowa, Sec. 384.84)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than ten (10) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. A deposit of one hundred thirty dollars ($130.00) shall be required from all residential, commercial and industrial customers making application for water service unless application is for a transfer of water service within the City, provided the customer's water bill is current. In the event that one of the parties of a residence moves to a new location within Sheldon, a deposit may be required of that new resident making application for water service. The deposit already on file with the City shall remain with the current resident at the current location. The customer deposit shall be refunded by the City at the time water service is discontinued due to the customer moving outside the City limits of Sheldon. The deposit refund shall be payable to the depositor named in the application, unless that customer no longer resides at such location, less any amount owed to the City at the time of discontinuance. In the event water service is discontinued pursuant to Section 92.05 of this chapter, the fee for restoring service shall be in addition to the customer deposit. Only one deposit will be required for any single account.

(Code of Iowa, Sec. 384.84[1]

(Ord. O19-3241 – Oct. 19 Supp.)

92.10 MULTIPLE UNITS HOOKED TO ONE METER. Whenever a single water meter serves a self-sufficient residential apartment, a self-sufficient multiple dwelling unit, a mobile home park or commercial business establishment, the customer owning, operating or otherwise responsible for water use in such dwellings or commercial establishments shall pay the water service charge plus a flat fee of one dollar and seventy-nine cents ($1.79) plus tax each month for each self-sufficient residential apartment, self-sufficient

multiple dwelling unit, mobile home park or commercial business establishment. ***(Ord. O19-3241 – Oct. 19 Supp.)***

92.11 CHARGES FOR WATER USE FROM CONNECTION UNTIL METER INSTALLATION. Charges for water service upon all premises from the time of connection of the premises to the water main of the municipal water system until a water meter has been installed thereon shall be made monthly at the rate of thirty cents (30¢) per one hundred (100) square feet of area to be contained in the building or other structure proposed to be constructed upon such connected property. Plans for such construction which evidence the dimensions and area of the proposed construction shall be submitted to the Clerk before the water connection is made, and a report given to the Clerk immediately following the connection.

92.12 ADJUSTMENTS TO BILLS. Any request for an adjustment to a customer's water bill shall be submitted in writing. The City Manager shall make the final determination as to any adjustment to a customer's water and sewer bill within thirty (30) days of the customer's request and shall inform the Council of the final determination. The customer shall have no further right to appeal the City Manager's decision to the Council.

CHAPTER 93

WATER CONSERVATION

93.01 Water Shortages
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93.06 Water Emergency
93.07 Penalties
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93.10 Premium Rate for Imprudent Consumption
93.11 Adjustment of Premium Rate Charges
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93.13 Reduction in Flow of Water to Any Person

93.01 WATER SHORTAGES. A water shortage exists whenever, for reasons of drought conditions, consumer demand or treatment plant or distribution systems operation or maintenance, water quantity and quality cannot be maintained at a level sufficient to meet the demands of the customers using the system. Whenever, in the opinion of the Public Works Director, conditions exist which create a water shortage, the Public Works Director or designee shall have the authority to declare a public Water Watch, Water Warning or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption. Whenever the Public Works Director finds that the conditions which gave rise to the Water Emergency no longer exist, said officer is authorized to either declare the termination of the Water Emergency or reduce the type of emergency conditions as set forth in Section 93.02 hereof. The City Manager shall, at the next meeting of the Council following the declaration of Water Emergency, present a resolution to the Council for its affirmation of such declaration and the conditions thereunder.

93.02 CONDITIONS.

1. Water Watch. A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include:

A. System operating at seventy-five percent (75%) of pumping capacity;

B. Moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells;

C. Moderate decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

2. Water Warning. A Tier I or Tier II Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to impose a Tier I Water Warning include:

A. System operating at eighty-five percent (85%) of pumping capacity;

B. Significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells;

C. Significant decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

Indicators of the need to impose a Tier II Water Warning include severe system emergencies such as a chemical spill or major system failure in feeder mains or treatment plant.

3. Water Emergency. A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include:

A. System operating at ninety-five percent (95%) of pumping capacity;

B. Serious decrease in the recovery rate of water level in wells;

C. Serious decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

93.03 WATER WATCH. Under a Water Watch, all customers of the municipal water service are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

1. No watering of lawns, shrubs or gardens between the hours of eight o'clock (8:00) a.m. and eight-thirty o'clock (8:30) p.m.

2. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.

3. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.

4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.

5. Water should be served at restaurants only upon the request of the customer.

93.04 WATER WARNING — TIER I. Under a Tier I Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. Outdoor watering or irrigation of lawn is prohibited.

2. Outdoor watering of any kind is prohibited between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m. daily.

3. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than four (4) years old and new seedling or sod is permitted once per week with an application not to exceed one (1) inch.

4. Car washing is prohibited except in commercial establishments that provide that service.

5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.

6. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.

7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.

8. Water shall be served in restaurants only upon the request of the customer.

9. Use of water-consuming comfort air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment is prohibited.

10. Tankload water sales may be curtailed or eliminated.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

93.05 WATER WARNING — TIER II. Under a Tier II Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation and fire, is prohibited.

2. All commercial and industrial uses of water not essential in providing products or services is prohibited.

3. Irrigation of agricultural crops is prohibited.

4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational uses, is prohibited.

5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

93.06 WATER EMERGENCY. Under a Water Emergency, Tier II Water Warning use restrictions shall be in effect and, in addition, each customer will be limited to a monthly base allocation of water.

93.07 PENALTIES. The following penalties shall apply for violation of Water Warning or Water Emergency use restrictions imposed under this chapter.

1. First Violation. For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Warning or Water Emergency.

2. Second Violation. For a second violation within a 12-month period, a surcharge shall be imposed in an amount equal to 16.7 percent of the customer's highest monthly bill during the last twelve (12) months.

3. Subsequent Violations. For any subsequent violations within a 12-month period, a surcharge shall be imposed in an amount equal to 33.4 percent of the customer's highest monthly bill during the last twelve (12) months.

Any customer charged with a violation of the Water Warning or Water Emergency use restrictions may request a hearing before the Water Appeal Board. The Water Appeal Board may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty.

93.08 BASE ALLOCATION. The base allocation of water for residential use shall be 3,000 gallons per household per month. For commercial, industrial or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April).

93.09 APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION. Any person may file an appeal with the Water Appeal Board to adjust the base

allocation amount. The Water Appeal Board may grant an adjustment to the appellant based upon the following criteria:

1. For single-family residential use, the base allocation may be increased by 1,000 gallons per person per month for all individuals residing at the appellant's residence for a period of more than thirty (30) days.

2. For commercial, industrial, institutional or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer; such as usage, production, service and occupancy data provided by the customer.

93.10 PREMIUM RATE FOR IMPRUDENT CONSUMPTION. In addition to the water rates duly enacted by the Council, all persons shall pay a premium rate of $1.00 per 100 gallons of water consumed in excess of the base allocation.

93.11 ADJUSTMENT OF PREMIUM RATE CHARGES. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Water Appeal Board. The Water Appeal Board may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. Adjustments may be granted for overconsumption due to mechanical failures such as broken or leaky pipes or fixtures but not for overconsumption due to human carelessness.

2. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.

3. The adjustment shall be granted only for the month prior to the correction of the failure.

4. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill which shall include the premium rate charges and sales tax.

93.12 WATER APPEAL BOARD. A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the Superintendent of the Water System and three representatives of the community who shall be appointed by the Mayor with the approval of the Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Warning or Water Emergency, except that, if a customer is charged with a municipal infraction relating to this

chapter, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa.

93.13 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Superintendent is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a Water Warning or Water Emergency.

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required
95.06 Service Outside the City
95.07 Right of Entry
95.08 Owner's Liability Limited
95.09 Use of Easements
95.10 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

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

2. "Building drain" means that part of the lowest horizontal piping of a 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" means the extension from the building drain to the public sewer or other place of disposal.

(IAC, 567-69.3[1])

4. "C.O.D." (denoting Chemical Oxygen Demand) means the oxygen equivalent of that portion of the organic and inorganic matter in a sample of waste water, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

5. "Combined sewer" means a sewer receiving both surface run-off and sewage.

6. "Compatible pollutant" means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional

pollutants identified in the City NPDES permit, if the City treatment works is capable of removing such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus, phosphorus compounds, nitrogen and/or nitrogen compounds.

7. "Customer" or "user" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

8. "Easement" means an acquired legal right for the specific use of land owned by others.

9. "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from waste water by treatment in an approved pretreatment facility. A waste water shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection system.

10. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

11. "Incompatible pollutant" means any pollutant which is not a compatible pollutant.

12. "Industrial user" means:

A. Any nongovernmental user of publicly owned treatment works which discharges more than twenty-five thousand (25,000) gallons per day of sanitary waste or a volume of processed waste or combined processed and sanitary wastes equivalent to twenty-five thousand (25,000) gallons per day of sanitary waste. Sanitary wastes are the wastes discharged from the average residential user in the City. The strength of the average residential waste discharged in the City is as defined below in "normal strength domestic waste water." The concentrations shall be applied in determining equivalent volume of processed waste; or

B. Any nongovernmental user of a publicly owned treatment works which discharges waste water to the treatment works which contains toxic or poisonous solids, liquids or gases of sufficient quantities 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 or have an adverse effect on the waters receiving any discharge from the treatment works.

13. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

14. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

15. "Major contributing industry" means any industrial user of the City's treatment works that falls into any of the following criteria:

A. Has a flow of fifty thousand (50,000) gallons or more per average workday;

B. Has a flow greater than five percent (5%) of the flow carried by the treatment works receiving the waste;

C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307a of the Clean Water Act and adopted by reference in Chapter 17 of the Iowa Administrative Code;

D. Is found by DEQ to have a significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

16. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

17. "Normal strength domestic waste water" means normal strength waste water for the City in which the average concentration of five-day B.O.D. is not greater than two hundred (200) parts per million by weight. The average concentration of suspended solids is not greater than two hundred fifty (250) parts per million by weight. The C.O.D. of normal strength domestic waste water shall not exceed four hundred (400) parts per million by weight. Such waste water does not include infiltration and/or inflow, and is composed of domestic waste water.

18. "NPDES permit" means the national pollutant discharge elimination system permit held by the City. This permit, which establishes limits on quality and quantity of discharges from the City treatment works, was issued by the State and Federal governments in accordance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq., the "Act").

19. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection,

storage, treatment, and disposal of wastewater from a dwelling or other facility serving the equivalent of fifteen persons (1500 gpd) or less.

20. "Operation and maintenance cost" means annual expenditures made by the City in the operation and maintenance of its sewerage works, consisting of but not limited to the sums spent for each and all of the following purposes for the twelve-month period of record prior to computing the industrial service charge:

A. Wages and salaries of all operating, maintenance, administrative and supervisory personnel, together with all premiums paid on such wages and salaries (State of Iowa worker's compensation coverage, for example).

B. Actual sums paid for electricity for light and power used for waste water collection and treatment facilities.

C. Actual sums paid for chemicals, fuel and other operating supplies.

D. Actual sums paid for repairs to and maintenance of waste water collection and treatment facilities and the equipment associated therewith.

E. Actual sums paid as premiums for hazard insurance carried on sewerage works.

F. Actual sums as premiums for insurance providing coverage against liability imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of said sewerage works.

G. Actual sums paid for replacement of equipment within the useful life of waste water treatment facilities, for example the cost to replace an electric motor or pump that fails, or a broken part in a pump.

H. Actual sums set aside in a sinking fund established to provide a future capital amount for replacement of sewerage works equipment.

21. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

22. "Parts per million" means a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 is equivalent to pounds per million gallons of water. Parts per million and milligrams per liter (mg/l) are synonymous terms.

23. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

24. "Sanitary sewage" or "domestic waste water" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

25. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

26. "Semi-public sewage disposal system" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under the Federal Water Pollution Control Act.

27. "Sewage" or "waste water" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

28. "Sewage treatment plant" or "waste water treatment facilities" means any arrangement of devices and structures used for treating sewage.

29. "Sewage works" or "sewage system" or "waste water facilities" means all facilities for collecting, pumping, treating, and disposing of sewage.

30. "Sewer" means a pipe or conduit for carrying sewage.

31. "Sewer rental" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

32. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

33. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

34. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

35. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

36. "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.

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

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.

2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12 [3f])
(IAC, 567-69.3[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. Sampling pertaining to industry will reflect the number of days an industry is not operating as well as the days in operation and discharging waste to a public sewer. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of

discharge to the waste water collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

95.08 OWNER'S LIABILITY LIMITED. While performing the necessary work on private property, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

95.09 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.10 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding one hundred dollars ($100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Connection Charge
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements
96.06 Interceptors Required
96.07 Inspection Required
96.08 Property Owner's Responsibility
96.09 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE.

1. The person who makes the application shall pay a fee in the amount of twenty-five dollars ($25.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of twenty-five dollars ($25.00) paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

2. In addition to the charges listed above in this section:

A. A sewer hookup fee of five hundred dollars ($500.00) shall be charged for any application for a sewer hookup to the main trunk line of the North Side Lift Station Improvement Sewer System.

B. A sewer hookup fee of two hundred fifty dollars ($250.00) shall be charged for each user utilizing a sewer hookup to the North Side Lift Station Improvement Sewer System other than to the trunk line.

As used in this subsection, the term "user" means each separate residence, individual apartment, separate dwelling unit, separate business or enterprise which utilizes the North Side Lift Station Improvement Sewer System. A map shall be maintained in the Clerk's office designating the area which the North Side Lift Station Improvement Sewer System serves and what "users" are affected by this subsection.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber licensed by the City. The Council shall have the power to suspend the license of any plumber for violation of any of the provisions of these Sanitary Sewer chapters.

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The size, slope, alignment and materials of construction of the building sewer and the connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

5. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.08 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer

shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.09 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges
97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Metering and Sampling Station
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, result in a violation of State or Federal water quality standards, or create any hazard in the receiving waters of the sewage treatment plant.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works. Exceptions may be granted for short duration flows

where it is shown that high or low pH would not cause any significant waste water facility problems.

4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Any waste water that would directly or indirectly result in a violation of the City's NPDES permit.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).

2. Oils. Waste water containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin. Waste water from industrial plants containing floatable oil, fat or grease.

3. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

4. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; 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.

5. Odor. Any waters or wastes containing odor producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

6. Radioactive Wastes. Any radioactive wastes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

7. Slugs. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

8. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

9. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;

2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Controls Imposed. Require control over the quantities and rates of discharge; and/or

4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 METERING AND SAMPLING STATION. All customers who contribute five (5) percent or more of the total flow, BOD, or suspended solids treated by the treatment facilities and any customer that contributes waste water above normal strength may be required to install metering and sampling equipment. Said metering and sampling equipment shall be installed and maintained at the customer's expense. The City Engineer shall review and approve the installation of all metering and sampling equipment and placement thereof.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and shall be determined on an individual basis subject to approval by the Superintendent.

CHAPTER 98

PRIVATE ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required
98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage
98.09 Minimum Lot Area

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. Where a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with a private on-site wastewater treatment and disposal system complying with the provisions of this chapter.

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.3[3])

98.04 PERMIT REQUIRED. No person shall install or reconstruct a private on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from a private on-site wastewater treatment and disposal system to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground unless such system has been approved by the County Board of Health.

(IAC, 567-69.3[3])

98.06 MAINTENANCE OF SYSTEM. The owner of a private on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by a private on-site wastewater treatment and

disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any private on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Charges Required
99.02 Elements of Charge
99.03 Computation Formula
99.04 Basis for Costs
99.05 Service Charges
99.06 Exemption for Water Not Discharged to System
99.07 Payment of Bills
99.08 Lien for Nonpayment
99.09 Special Agreements Permitted

99.01 SEWER CHARGES REQUIRED. Every customer shall pay to the City sewer service charges as hereinafter provided.

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

99.02 ELEMENTS OF CHARGE. Industrial users shall be billed monthly on the basis of three (3) costs causative elements: flow, BOD and suspended solids. Revenue generated by service charges will be used for purposes of retiring debt, operating, maintaining and replacing the City waste water treatment facilities. ***(Ord. O18-3233 – Aug. 18 Supp.)***

99.03 COMPUTATION FORMULA. As an equitable share of the expenses incurred by the City in the construction, operation, maintenance and replacement of the waste water treatment facilities, each user will pay to the City an annual sum equal to the amount computed by the application of the following formula:

$$A = C + (f)(F) + (b)(B) + (ss)(S)$$

Where:

A = charge to user; dollars per year

C = base charge per connection, cost for administration, billing and collection per quarter or per month

f = average City unit cost of waste water treatment chargeable to flow, dollars per 1,000 gallons of flow per year

F = volume of waste water from user, 1,000 gallons per year

b = average City unit costs of waste water treatment chargeable to BOD, dollars per pound of BOD

B = weight of BOD contributed by user, pounds of BOD per year

ss = average City unit cost of waste water treatment chargeable to suspended solids, dollars per pound of suspended solids

S = weight of suspended solids contributed per user, pounds of suspended solids per year

99.04 BASIS FOR COSTS.

Effective January, 2018

1. Unit Costs Computed Annually. Average City unit costs will be reviewed annually and shall include operation and maintenance costs, annual construction costs and replacement costs.

2. Unit Cost Figures. The City, or its engineer, will determine the average total suspended solids (SS) and five-day biochemical oxygen demand (BOD) daily loading for the average residential user or in lieu of such a determination will consider the average residential strength wastes to be two hundred (200) mg/l BOD and two hundred fifty (250) mg/l SS. Unit cost figures for the industrial user charge will be:

C = $15.35 per sewer connection per quarter

f = $0.67 per 1,000 gallons

b = $0.40 per lb. of BOD

ss = $0.25 per lb. of suspended solids

Sampling and testing (when required by Council directive) shall be $400.00 per quarter per sampling device.

Effective July, 2018

1. Unit Costs Computed Annually. Average City unit costs will be reviewed annually and shall include operation and maintenance costs, annual construction costs and replacement costs.

2. Unit Cost Figures. The City, or its engineer, will determine the average total suspended solids (SS) and five-day biochemical oxygen demand (BOD) daily loading for the average residential user or in lieu of such a determination will consider the average residential strength wastes to be two hundred (200) mg/l BOD and two hundred fifty (250) mg/l SS. Unit cost figures for the industrial user charge will be:

C = $17.60 per sewer connection per quarter

f = $0.67 per 1,000 gallons

b = $0.50 per lb. of BOD

ss = $0.30 per lb. of suspended solids

Sampling and testing (when required by Council directive) shall be $400.00 per quarter per sampling device.

Effective January, 2019

1. Unit Costs Computed Annually. Average City unit costs will be reviewed annually and shall include operation and maintenance costs, annual construction costs and replacement costs.

2. Unit Cost Figures. The City, or its engineer, will determine the average total suspended solids (SS) and five-day biochemical oxygen demand (BOD) daily loading for the average residential user or in lieu of such a determination will consider the average residential strength wastes to be two hundred (200) mg/l BOD and two hundred fifty (250) mg/l SS. Unit cost figures for the industrial user charge will be:

C = $19.85 per sewer connection per quarter

f = $0.67 per 1,000 gallons

b = $0.60 per lb. of BOD

ss = $0.35 per lb. of suspended solids

Sampling and testing (when required by Council directive) shall be $400.00 per quarter per sampling device.

(Ord. O17-3231 – Aug. 18 Supp.)

Effective July, 2019

1. Unit Costs Computed Annually. Average City unit costs will be reviewed annually and shall include operation and maintenance costs, annual construction costs and replacement costs.

2. Unit Cost Figures. The City, or its engineer, will determine the average total suspended solids (SS) and five-day biochemical oxygen demand (BOD) daily loading for the average residential user or in lieu of such a determination will consider the average residential strength wastes to be two hundred (200) mg/l BOD and two hundred fifty (250) mg/l SS. Unit cost figures for the industrial user charge will be:

C = $21.50 per sewer connection per quarter

f = $0.67 per 1,000 gallons

b = $0.65 per lb. of BOD

ss = $0.40 per lb. of suspended solids

Sampling and testing (when required by Council directive) shall be $400.00 per quarter per sampling device.

Effective January, 2020

1. Unit Costs Computed Annually. Average City unit costs will be reviewed annually and shall include operation and maintenance costs, annual construction costs and replacement costs.

2. Unit Cost Figures. The City, or its engineer, will determine the average total suspended solids (SS) and five-day biochemical oxygen demand (BOD) daily loading for the average residential user or in lieu of such a determination will consider the average residential strength wastes to be two hundred (200) mg/l BOD and two hundred fifty (250) mg/l SS. Unit cost figures for the industrial user charge will be:

C = $23.00 per sewer connection per quarter

f = $0.67 per 1,000 gallons

b = $0.77 per lb. of BOD

ss = $0.47 per lb. of suspended solids

Sampling and testing (when required by Council directive) shall be $400.00 per quarter per sampling device.

(Ord. O18-3233 – Aug. 18 Supp.)

99.05 SERVICE CHARGES.

Effective January, 2018

1. Residential Users. Residential users discharging normal strength domestic waste water shall be billed monthly based upon the metered water usage at a rate of fifteen dollars and thirty-five cents ($15.35) per month per sewer connection plus three dollars and ninety cents ($3.90) per one thousand (1,000) gallons of water used. The minimum charge per month is nineteen dollars and twenty-five cents ($19.25) plus tax, (minimum usage of 1,000 gallons).

2. Commercial, Institutional and Multifamily Dwellings. Commercial, institutional and multifamily dwellings discharging normal strength waste water shall be billed monthly based upon the metered water usage at a rate of fifteen dollars and thirty-five cents ($15.35) per month per sewer connection plus three dollars and ninety cents ($3.90) per one thousand (1,000) gallons of water used. The minimum charge per month is nineteen dollars and twenty-five cents ($19.25) plus tax, (minimum usage of 1,000 gallons).

3. Surcharge for Discharge Above Normal Strength. All users which discharge waste water above the normal strength of domestic water shall be surcharged for the strength above domestic waste water at the rates shown in the unit cost figures in Section 99.04(2).

4. Industrial Users. Industrial users shall be billed quarterly based upon the volume of waste water, the pounds of BOD, and the pounds of suspended solids discharged. In no case will an industrial user's quarterly bill be less than two hundred dollars ($200.00) per quarter.

5. Multiple Units Hooked to One Meter. Whenever a single water meter serves a self-sufficient residential apartment, the customer owning, operating or otherwise responsible for water and sewer use in such dwelling shall pay the sewer connection charge plus a flat fee of fifteen dollars and thirty-five cents ($15.35) each month; whenever a single water meter serves a self-sufficient multiple dwelling unit, a mobile home park or commercial business establishment, the customer owning, operating or otherwise responsible for water and sewer use in such dwellings or commercial establishments shall pay the sewer connection charge plus a flat fee of fifteen dollars and thirty-five cents ($15.35) plus tax each month for each self-sufficient multiple dwelling unit, mobile home park, or commercial business establishment.

6. Flat Fee for Sewer Use Only. For any user discharging waste water only and are not users of City water, a flat service charge fee of thirty dollars and eighty cents ($30.80) per month shall be charged to such user.

Effective July, 2018

1. Residential Users. Residential users discharging normal strength domestic waste water shall be billed monthly based upon the metered water usage at a rate of seventeen dollars and sixty cents ($17.60) per month per sewer connection plus four dollars and fifty cents ($4.50) per one thousand (1,000) gallons of water used. The minimum charge per month is twenty-two dollars and ten cents ($22.10) plus tax, (minimum usage of 1,000 gallons).

2. Commercial, Institutional and Multifamily Dwellings. Commercial, institutional and multifamily dwellings discharging normal strength waste water shall be billed monthly based upon the metered water usage at a rate of seventeen dollars and sixty cents ($17.60) per month per sewer connection plus four dollars and fifty cents ($4.50) per one thousand (1,000) gallons of water used. The minimum charge per month is twenty-two dollars and ten cents ($22.10) plus tax, (minimum usage of 1,000 gallons).

3. Surcharge for Discharge Above Normal Strength. All users which discharge waste water above the normal strength of domestic water shall be surcharged for the strength above domestic waste water at the rates shown in the unit cost figures in Section 99.04(2).

4. Industrial Users. Industrial users shall be billed quarterly based upon the volume of waste water, the pounds of BOD, and the pounds of suspended solids discharged. In no case will an industrial user's quarterly bill be less than two hundred dollars ($200.00) per quarter.

5. Multiple Units Hooked to One Meter. Whenever a single water meter serves a self-sufficient residential apartment, the customer owning, operating or otherwise responsible for water and sewer use in such dwelling shall pay the sewer connection charge plus a flat fee of seventeen dollars and sixty cents ($17.60) each month; whenever a single water meter serves a self-sufficient multiple dwelling unit, a mobile home park or commercial business establishment, the customer owning, operating or otherwise responsible for water and sewer use in such dwellings or commercial establishments shall pay the sewer connection charge plus a flat fee of seventeen dollars and sixty cents ($17.60) plus tax each month for each self-sufficient multiple dwelling unit, mobile home park, or commercial business establishment.

6. Flat Fee for Sewer Use Only. For any user discharging waste water only and are not users of City water, a flat service charge fee of thirty-five dollars and forty-five cents ($35.45) per month shall be charged to such user.

Effective January, 2019

1. Residential Users. Residential users discharging normal strength domestic waste water shall be billed monthly based upon the metered water usage at a rate of nineteen dollars and eighty-five cents ($19.85) per month per sewer connection plus five dollars and ten cents ($5.10) per one thousand (1,000) gallons of water used. The minimum charge per month is twenty-four dollars and ninety-five cents ($24.95) plus tax, (minimum usage of 1,000 gallons).

2. Commercial, Institutional and Multifamily Dwellings. Commercial, institutional and multifamily dwellings discharging normal strength waste water shall be billed monthly based upon the metered water usage at a rate of nineteen dollars and eighty-five cents ($19.85) per month per sewer connection plus five dollars and ten cents ($5.10) per one thousand (1,000) gallons of water used. The minimum charge per month is twenty-four dollars and ninety-five cents ($24.95) plus tax, (minimum usage of 1,000 gallons).

3. Surcharge for Discharge Above Normal Strength. All users which discharge waste water above the normal strength of domestic water shall be surcharged for the strength above domestic waste water at the rates shown in the unit cost figures in Section 99.04(2).

4. Industrial Users. Industrial users shall be billed quarterly based upon the volume of waste water, the pounds of BOD, and the pounds of suspended solids discharged. In no case will an industrial user's quarterly bill be less than two hundred dollars ($200.00) per quarter.

5. Multiple Units Hooked to One Meter. Whenever a single water meter serves a self-sufficient residential apartment, the customer owning, operating or otherwise responsible for water and sewer use in such dwelling shall pay the sewer connection charge plus a flat fee of nineteen dollars and eighty-five cents ($19.85) each month; whenever a single water meter serves a self-sufficient multiple dwelling unit, a mobile home park or commercial business establishment, the customer owning, operating or otherwise responsible for water and sewer use in such dwellings or commercial establishments shall pay the sewer connection charge plus a flat fee of nineteen dollars and eighty-five cents ($19.85) plus tax each month for each self-sufficient multiple dwelling unit, mobile home park, or commercial business establishment.

6. Flat Fee for Sewer Use Only. For any user discharging waste water only and are not users of City water, a flat service charge fee of forty dollars and ten cents ($40.10) per month shall be charged to such user.

(Ord. O17-3231 – Aug. 18 Supp.)

Effective July, 2019

1. Residential Users. Residential users discharging normal strength domestic waste water shall be billed monthly based upon the metered water usage at a rate of twenty-one dollars and fifty cents ($21.50) per month per sewer connection plus five dollars and forty cents ($5.40) per one thousand (1,000) gallons of water used. The minimum charge per month is twenty-six dollars and ninety cents ($26.90) plus tax, (minimum usage of 1,000 gallons).

2. Commercial, Institutional and Multifamily Dwellings. Commercial, institutional and multifamily dwellings discharging normal strength waste water shall be billed monthly based upon the metered water usage at a rate of twenty-one dollars and fifty cents ($21.50) per month per sewer connection plus five dollars and fourty cents ($5.40) per one thousand (1,000) gallons of water used. The minimum charge

per month is twenty-six dollars and ninety cents ($26.90 plus tax, (minimum usage of 1,000 gallons).

3. Surcharge for Discharge Above Normal Strength. All users which discharge waste water above the normal strength of domestic water shall be surcharged for the strength above domestic waste water at the rates shown in the unit cost figures in Section 99.04(2).

4. Industrial Users. Industrial users shall be billed quarterly based upon the volume of waste water, the pounds of BOD, and the pounds of suspended solids discharged. In no case will an industrial user's quarterly bill be less than two hundred dollars ($200.00) per quarter.

5. Multiple Units Hooked to One Meter. Whenever a single water meter serves a self-sufficient residential apartment, the customer owning, operating or otherwise responsible for water and sewer use in such dwelling shall pay the sewer connection charge plus a flat fee of twenty-one dollars and fifty cents ($21.50) each month; whenever a single water meter serves a self-sufficient multiple dwelling unit, a mobile home park or commercial business establishment, the customer owning, operating or otherwise responsible for water and sewer use in such dwellings or commercial establishments shall pay the sewer connection charge plus a flat fee of twenty-one dollars and fifty cents ($21.50) plus tax each month for each self-sufficient multiple dwelling unit, mobile home park, or commercial business establishment.

6. Flat Fee for Sewer Use Only. For any user discharging waste water only and are not users of City water, a flat service charge fee of forty-three dollars ($43.00) per month shall be charged to such user.

Effective January, 2020

1. Residential Users. Residential users discharging normal strength domestic waste water shall be billed monthly based upon the metered water usage at a rate of twenty-three dollars ($23.00) per month per sewer connection plus five dollars and seventy-five cents ($5.75) per one thousand (1,000) gallons of water used. The minimum charge per month is twenty-eight dollars and seventy-five cents ($28.75) plus tax, (minimum usage of 1,000 gallons).

2. Commercial, Institutional and Multifamily Dwellings. Commercial, institutional and multifamily dwellings discharging normal strength waste water shall be billed monthly based upon the metered water usage at a rate of twenty-three dollars ($23.00) per month per sewer connection plus five dollars and seventy-five cents ($5.75) per one thousand (1,000) gallons of water used. The minimum charge per month

is twenty-eight dollars and seventy-five cents ($28.75) plus tax, (minimum usage of 1,000 gallons).

3. Surcharge for Discharge Above Normal Strength. All users which discharge waste water above the normal strength of domestic water shall be surcharged for the strength above domestic waste water at the rates shown in the unit cost figures in Section 99.04(2).

4. Industrial Users. Industrial users shall be billed quarterly based upon the volume of waste water, the pounds of BOD, and the pounds of suspended solids discharged. In no case will an industrial user's quarterly bill be less than two hundred dollars ($200.00) per quarter.

5. Multiple Units Hooked to One Meter. Whenever a single water meter serves a self-sufficient residential apartment, the customer owning, operating or otherwise responsible for water and sewer use in such dwelling shall pay the sewer connection charge plus a flat fee of twenty-three ($23.00) each month; whenever a single water meter serves a self-sufficient multiple dwelling unit, a mobile home park or commercial business establishment, the customer owning, operating or otherwise responsible for water and sewer use in such dwellings or commercial establishments shall pay the sewer connection charge plus a flat fee of twenty-three dollars ($23.00) plus tax each month for each self-sufficient multiple dwelling unit, mobile home park, or commercial business establishment.

6. Flat Fee for Sewer Use Only. For any user discharging waste water only and are not users of City water, a flat service charge fee of forty-five dollars and ninety cents ($45.90) per month shall be charged to such user.

(Ord. O18-3233 – Aug. 18 Supp.)

99.06 EXEMPTION FOR WATER NOT DISCHARGED TO SYSTEM. All users of City water that is not discharged to the City sanitary sewer system may install a separate water system and meter, at the user's expense, to isolate such water for which no sewer charge is required. If at any time after this independent system is installed, water from this system enters the sanitary sewer system, the user will be subject to the penalties of Section 95.10 and shall be ordered to eliminate the independent system if the violation continues.

99.07 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.08 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

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

99.09 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

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CHAPTER 105

SOLID WASTE CONTROL

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

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

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

1. "Collector" means any person authorized to gather solid waste from public and private places.

2. "Director" means the director of the State Department of Natural Resources or any designee.

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

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

(Code of Iowa, Sec. 455B.361[2])

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

(IAC, 567-100.2)

5. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

7. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

9. "Residential customer" means any person who receives water from the City as a residential metered service. Apartment complexes will be considered commercial if reported as such by the collector.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.2[455B])

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. "Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.

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

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

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

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

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

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

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

(IAC, 567-23.2[3c])

4. Leaves. The disposal by open burning of leaves originating on the premises is allowed on Thursday and Saturday during the period from April 10 through May 10, and October 10 through November 10 for 1997 and on Saturday only for 1998 for such periods. Burning shall only be allowed from sunrise to sunset. All fires shall be completely extinguished by sunset during such periods of open burning. Rubber tires shall not be used to ignite the leaves. After November 10, 1998 no open burning of leaves will be allowed. Leaves may be disposed of at City-approved landscape waste sites (also known as yard waste disposal sites). All Federal, State and local laws, regulations and rules must be followed by those disposing of leaves at such sites. The Fire Chief, at the direction of the Council, may at any time limit open burning due to dry conditions that would create a fire hazard. Notice of such prohibition shall be broadcast on the local radio station and public notice shall be published in an official newspaper.

(IAC, 567-23.2[3d])

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

(IAC, 567-23.2[3e])
(IAC, 567-23.2[3f] and 567-20.2[455B])

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

7. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

8. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

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

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, burned on the premises in accordance with Section 105.05 or disposed of at the City's designated disposal sites. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

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

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

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

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2, 102.14[2] and 400-27.14[2])

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

1. Container Specification. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from leaving the premises except at collection.

3. Location of Containers for Collection. Containers for the storage of solid waste and other materials awaiting collection shall be placed at or near the curbside for convenient pick up. Any patron who desires to have containers picked up from private premises (i.e.: garage, at door, etc.) or have additional pick up service, must make arrangements directly with the collector.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The Council shall designate by resolution the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish
106.06 Right of Entry
106.07 Mandatory Collection
106.08 Landfill Specifications
106.09 Recycling Container Fee
106.10 Unit Based Pricing

106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be by private contract with collectors.

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

(IAC, 567-104.9[455B])

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

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request.

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

106.07 MANDATORY COLLECTION. The collection of residential solid waste in the City is mandatory. At least once each year the City will provide collectors with a detailed listing of all residential addresses and the collectors shall compare routes, check off, and report back to the City any and all residences not participating in the collection program. Water service shall be discontinued to any residence not participating in the collection program.

106.08 LANDFILL SPECIFICATIONS. All collected solid waste and recycling materials must meet the specifications and guidelines as established by the Board of Directors of the Northwest Iowa Area Solid Waste Agency.

106.09 RECYCLING CONTAINER FEE. The fee for the initial recycling container shall be divided equally between the City and the residential customer and the container shall be only the type, size and color approved by the City. By reason of the City's participation in the cost of the initial container, said container must remain with the premises (i.e.: resident moves but container stays with premises). In such case where a customer needs to replace the container as a result of theft, destruction, etc. or desires an additional container, the replacement container or additional container shall be the sole cost of the customer. Any replacement or additional container must also be of the type, size and color as specified by the City. The customer's container fee shall be collected under the same manner as water and sewer service charges as part of a combined service account.

106.10 UNIT BASED PRICING.

1. Container Specification. Residential waste containers shall be made of galvanized metal, rubber, fiberglass or plastic, which does not become brittle in cold weather. Disposable containers (bags), containers approved by the City and garbage hauler may be used.

Residential non-disposable waste containers may have a maximum capacity of not more than sixty-five (65) gallons. They shall be of lightweight and sturdy construction, with the total weight of any 32-gallon container, fully loaded, not to exceed sixty-five (65) pounds. They shall be of the type manufactured for storage of residential wastes with tapered sides for easy emptying and suitable lifting devices such as handles or bails. They shall be water proof and leak proof. Containers shall be fitted with a fly tight lid, which shall remain in place except for the deposit or removal of wastes.

Any sixty-five (65) gallon containers purchased must be capable of being hydraulically lifted into the garbage truck.

2. Unit Based Pricing. No more than one (1) sixty-five (65) gallon container or more than two (2) thirty-two (32) gallon containers, as described in subsection 1 above, per residential unit shall be collected at the normal rate of charge for collection. All additional containers, piles, etc., placed for collection will be charged an additional fee by the private hauler. Private hauler will use his discretion in assessing additional charges.

3. Container Removal. Waste containers shall not be allowed to remain at the site pick up area. Waste containers shall be removed from the curb, driveway end, parking, etc. the same day refuse is picked up.

(Ord. 009-3190 – Dec. 09 Supp.)

[The next page is 435]

CHAPTER 110

NATURAL GAS FRANCHISE

[RESERVED FOR FUTURE USE]

[The next page is 441]

CHAPTER 111

ELECTRIC FRANCHISE

[RESERVED FOR FUTURE USE]

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CHAPTER 112

CABLE TELEVISION FRANCHISE AND REGULATIONS

112.01 Regulatory Authority
112.02 Grant of Franchise
112.03 Term and Renewal
112.04 Franchise Fee
112.05 Nonexclusive Franchise
112.06 Construction and Installation
112.07 Service Extensions
112.08 Ownership and Removal
112.09 Legal Compliance
112.10 Scope of Regulation
112.11 Police Power
112.12 Force Majeure
112.13 Assignment or Transfer
112.14 Reporting Requirements; Access to Records
112.15 Confidentiality
112.16 Third Party Liability
112.17 Service to Public Buildings
112.18 Public, Educational and Government Access
112.19 Right of First Refusal

112.01 REGULATORY AUTHORITY. The operation of a cable television system (the "System") within the public rights of way and compatible easements of the City of Sheldon, Iowa (the "City"), by Hospers Telephone Exchange, d/b/a HTC Communications (the "Company"), shall be governed by this Chapter only to the extent that the City is permitted to exercise its power as a local franchising authority with respect to the Company's multichannel video programming service under Iowa and Federal law. Without limiting the City's otherwise lawful authority under other applicable City codes and ordinances, this Chapter shall regulate the Company's use and occupancy of the public rights of way within the City for the purpose of providing multichannel video service to subscribers served by the System.

112.02 GRANT OF FRANCHISE. The Company is granted the nonexclusive right, license and authority (the "Franchise") to locate and operate the System in the City for the purpose of providing video programming services to end user subscribers located within the corporate boundaries of the City, including any areas annexed to the City in the future. The Franchise includes the right of the Company to construct, install, maintain, operate, repair replace and remove facilities and equipment comprising the System in the public rights-of-way and through easements dedicated for compatible uses throughout the corporate limits of the City.

112.03 TERM AND RENEWAL. The first renewal of the Franchise shall be ten (10) years from the Company's acceptance of the Franchise. At the end of the first renewal term, the Company may apply for further renewal of the Franchise by giving written notice to the City not less than one hundred eighty (180) days prior to the expiration of the Franchise. In determining whether to grant further renewals, the City shall consider those factors prescribed by Federal law, including (i) whether the Company has substantially complied

with the material terms of the Franchise and with applicable laws; (ii) the extent and quality of the Company's video programming service; (iii) whether the Company remains financially, legally and technically qualified to provide video service; and (iv) whether renewal of the Franchise promotes the video-related community needs and interests.

112.04 FRANCHISE FEE. For the term of the Franchise, the Company shall pay to the City an annual franchise fee equal to five percent (5%) of the Company's annual gross revenues derived from the operation of the System to provide multichannel video programming services to subscribers within the corporate boundaries of the City. For purposes of calculating the franchise fee, the Company's "gross revenues" shall be calculated as defined in Iowa Code § 477A.1(9)(a), as the same may be amended from time to time. The franchise fee shall be payable quarterly at the Clerk's or as otherwise agreed by the City and the Company. Any franchise fees collected and paid under this Section may be credited to the City's general fund and used for the City's lawful general fund purposes. The Company may identify the franchise fee collected and paid under this Section as a separate line item on the regular bill of each subscriber. Upon reasonable request by the City, the Company shall provide the City with its business records supporting its calculation of the franchise fee for any identified period; provided that the Company shall not be required to maintain such business records in excess of twenty-four (24) months.

112.05 NONEXCLUSIVE FRANCHISE. The Franchise is nonexclusive and shall in no way prevent the City from granting or renewing any other cable television or video service franchise. If the City grants or renews an additional cable television or video service franchise, the material terms and conditions of the additional franchise shall not provide a competitive preference or advantage to the franchisee under that franchise.

112.06 CONSTRUCTION AND INSTALLATION. The Company shall construct, install, maintain, operate, repair, replace and remove the System in a manner consistent with accepted technical and engineering standards and in accordance with all applicable safety rules and regulations. All facilities and equipment comprising the System and located in the public rights of way shall be located so as to cause minimum interference with the proper use of the public rights of way and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any public right of way. In case of any facilities or equipment causing interference with the public right of way, the Company shall, at its own cost and expense and in a commercially reasonable manner, modify, remove or relocate such facilities or equipment. In the event that at any time during the term of the Franchise the City lawfully elects to alter or change any street, alley or other public right of way, the

Company shall, if necessary and upon reasonable notice from the City, modify, remove or relocate any facilities or equipment at its own cost an expense and in a commercially reasonable manner. The Company shall have the authority, at its own cost and expense and in a commercially reasonable manner, to trim trees upon and overhanging the public rights of way so as to prevent the branches of such trees from coming in contact with the facilities and equipment of the Company. In case of any disturbance or damage to a public right of way, the Company shall, at its own cost and expense and in a commercially reasonable manner approved by the City, replace and restore such right of way to as good a condition as before the Company's activities were commenced. In the event that the Company does not timely comply with its obligations under this Section, the City may perform the work and recover its actual, verified cost from the Company. At the request of the City, the Company shall provide to the City Engineer or applicable City department accurate maps of the System, including the location of all facilities and equipment in the public rights of way.

In those areas of the service area where all of the transmission or distribution facilities of the respective utilities providing telephone communications and electric services are underground, the Company shall likewise shall construct, operate, and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving the System's signal quality. In those areas where utilities are both aerial and underground the Company shall have the discretion of placing its cable as aerial or underground. If at such time other utilities transfer aerial systems to underground placement, the Company shall make provisions to do likewise. At no time, unless with the city's consent or under emergency circumstances, will the Company allow its facilities to lay on ground for more than its initial construction period.

112.07 SERVICE EXTENSIONS. The Company shall provide service to residents on a nondiscriminatory basis, and shall not deny access to video service to any resident or neighborhood on the basis of income. The Company shall serve all residents of the City, except to the extent that population density, adverse terrain or other factors render providing service commercially impracticable or technically infeasible. In the event the requirements of this Section are not met, extensions of service shall be required only on a basis which is commercially reasonable. Nothing in the preceding shall prohibit the Company from offering video service in any area not meeting the preceding density requirements on terms acceptable to the Company.

112.08 OWNERSHIP AND REMOVAL. The System shall be and remain the exclusive property of the Company at all times and for all purposes. Any costs, expenses, taxes or other assessments arising from or related to the

construction, installation, maintenance, operation, repair, replacement and removal of the System shall be the sole responsibility of the Company. Upon expiration or termination of the Franchise in accordance with this Chapter, the Company shall at its own cost and expense and within a commercially reasonable time under the circumstances, remove all facilities and equipment comprising the System and restore the public rights of way to as good a condition as before the Company's activities were commenced.

112.09 LEGAL COMPLIANCE. The rights and obligations of the Company under the Franchise are subject at all times to compliance with Iowa and Federal law and all applicable requirements, specifications, rules and orders of the Federal Communications Commission (the "FCC"). Any condition or provision of this Chapter that is inconsistent with Iowa or Federal law or applicable FCC regulations shall be deemed preempted and superseded.

112.10 SCOPE OF REGULATION. Nothing in this Chapter shall be interpreted or construed to impose any requirement that has the purpose or effect of prohibiting, limiting, restricting or conditioning the provision of telecommunications services or other communications or information services by the Company or any of its affiliates.

112.11 POLICE POWER. The Company shall at all times during the term of the Franchise be subject to all lawful exercise of the City's police power. The City reserves the right to adopt from time to time such ordinances as may be necessary to exercise the City's police power as it may relate to the Franchise. In the case of emergency or disaster, the Company shall, upon request by the City, make available its facilities, for the City to provide emergency information and instructions. An emergency override shall be instituted via telephone access overriding all channels in the System. The Company shall provide explicit instructions in writing to the Mayor, City Manager and Chief of Police for such an event. The City agrees that such an emergency override system shall not be used as a general paging or messaging service. The City shall hold the Company harmless from any claims arising from the use or dissemination or content of the information or instructions including but not limited to, reasonable attorney's fees and costs.

112.12 FORCE MAJEURE. The Company shall not be liable for any delay or failure in performance of any part of its obligations under this Chapter from any cause beyond its control and without its fault or negligence, including acts of God, acts of civil or military authority, government regulations, adverse judicial proceedings, embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, major environmental disturbances, unusually severe weather

conditions, inability to secure products or services of other person or transportation facilities or acts or omissions of transportation common carriers.

112.13 ASSIGNMENT OR TRANSFER. The Company shall not assign or transfer any right granted under this Chapter to any other individual or entity without the prior written consent of the City; provided that such prior written consent shall not be unreasonably withheld or delayed if the proposed assignee or transferee agrees in writing to assume the Company's obligations as franchisee, including compliance with the terms and conditions of this Chapter. Notwithstanding the preceding or anything in this Chapter to the contrary, no restrictions or special rights with respect to assignment or transfer of the Franchise or the System shall apply to transfers from the Company to any affiliate directly or indirectly controlling, controlled by or under common control with the Company.

112.14 REPORTING REQUIREMENTS; ACCESS TO RECORDS. Upon reasonable request by the City, the Company shall provide the City annual reports or equivalent reports or information as identified in City Code 114.03, if and to the extent that such reports are applicable to the Company's operation of the System within the City. Upon reasonable request by the City, the City may review the Company's books and records pertaining to the Franchise, during normal business hours and on a non-disruptive basis, as are reasonably necessary to monitor the Company's compliance with the terms of this Franchise.

112.15 CONFIDENTIALITY. The City shall keep confidential all information and data pertaining to the Company or its business and customers of a confidential or proprietary nature, and shall not disclose any such information to any other person, firm or entity (except to a governmental or regulatory body in response to a subpoena) and shall use such information only for purposes within the scope of the City's authority under this Chapter. The City agrees that any confidential and proprietary information received pursuant to this Chapter shall be disclosed only to those employees and other persons who have a proper need for its use. Upon expiration or termination of the Franchise, the City shall, at the direction of the Company, return or destroy all confidential or proprietary information provided by the Company along with any and all copies of such information. The obligations of the City under this Section shall survive the expiration or termination of the Franchise. Notwithstanding the foregoing, the Company acknowledges that the obligations of the City under this Section are subject to compliance with applicable open meeting or public records laws of the State of Iowa. The City shall not be liable for any disclosure required to be made in compliance with applicable open meeting or public records laws; provided such disclosure is made in good faith

and in consultation with and reliance upon the advice of the City's legal counsel, and provided that prior written notice of the required disclosure is provided to the Company and its legal counsel.

112.16 THIRD PARTY LIABILITY. Nothing in this Chapter shall be deemed to create civil liability by one party for actions, omissions or negligence of the other party, or of the other party's agents, employees, officers or assigns. This Chapter shall not be interpreted or construed to provide any third parties (including, but not limited to the Company's customer) with any remedy, claim, liability, reimbursement, cause of action or any other right as against the Company or the City. Each of the Company and the City shall bear responsibility for its own actions, omissions and negligence. Without limiting the preceding, the Company shall hold the City harmless from any claim, liability or damage arising from or caused by the Company's activities under the Franchise.

112.17 SERVICE TO PUBLIC BUILDINGS. The Company shall provide without charge, three (3) outlets of full service (excluding premium channels) to the City's office building(s), fire station(s), police station(s), public library, Crossroads Pavilion and all public and private school buildings, at their request. The outlets of cable service shall not be used to sell services in or throughout such buildings and shall be for the viewing and use of its employees and not for general public audiences. Users of such service shall hold the Company harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability.

112.18 PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS. During the term of the franchise, the Company will insure that the system has the capacity to afford the City a channel to be used for public, educational and government access. During those times that the channel is not being used by the City, the Company may use said channel for commercial or non-commercial programming use as the Company deems necessary. During the term of the Franchise, the Company shall carry the Iowa Public Television channel.

112.19 RIGHT OF FIRST REFUSAL. If at any time during the term of this Franchise or upon any expiration or termination hereof, the Company elects to abandon multichannel video programming services and terminate use of the System, and is not using the facilities or any upgraded facilities to provide other communications services to customers, the City, at its election and upon the tender of payment as herein provided to the Company, shall have the right to purchase and take over System in its entirety. Upon the exercise of this option by the City and its service of an official notice of such action upon the Company together with the payment of the purchase price as provided herein, the Company shall immediately transfer to the City possession and title to all

facilities and property, real and personal, of the CATV business, free from any and all liens and encumbrances which the City does not agree to assume in lieu of some portion of the purchase price as determined herein; and the Company shall execute such warranty deed or other instruments of conveyance to the City as shall be necessary for this purpose. The purchase price to be paid by the City to the Company upon the exercise of the option as herein provided shall be determined as the fair market value of the business and underlying System as an ongoing business and operation of the Company as determined by three appraisers chosen, one by the City, one by the Company, and the remaining appraiser to be chosen by the two as designated by the City and the Company. Such appraisers shall be chosen from experts within the cable television industry and shall possess the expertise and qualifications necessary to make these determinations and evaluations in order to be qualified as an appraiser. The fair market value of the system shall not include, and the City shall not be entitled to receive anything for the evaluation of any right or privilege appertaining to it under this Franchise. For the avoidance of doubt, the City's right of first refusal under this Section shall not be triggered by any assignment or transfer of this Franchise in accordance with Section 112.13; provided that the assignee or transferee will continue to use the System to provide multichannel video programming services or other communications services to customers following the assignment or transfer.

EDITOR'S NOTE

Ordinance No. O17-3224 adopting a cable television franchise for the City was passed and adopted on January 4, 2017.

[The next page is 459]

CHAPTER 113

CABLE TELEVISION RATES

113.01 Initial Review of Basic Cable Rates
113.02 Decision
113.03 Review of Request for Increase in Basic Cable Rates
113.04 Notice of Rate Change in Non-regulated Tiers and Service
113.05 Cable Operator Information

113.01 INITIAL REVIEW OF BASIC CABLE RATES.

1. Notice. Upon certification of the City by the FCC, the City shall immediately notify any Cable Operator that may obtain a cable television franchise, by certified mail, return receipt requested, that the City intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.

2. Cable Operator Response. Within thirty (30) days of receiving notice from the City, a Cable Operator shall file with the City its current rates for the basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates.

3. Rate Regulation Proceedings and Public Hearing. Any rate regulation proceedings conducted under this chapter shall provide a reasonable opportunity for consideration of the views of any interested party, including but not limited to the City or its designee, the Cable Operator, subscribers and residents of the franchise area. In addition to all other provisions required by the laws of the State and the City for such proceedings, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

A. The City shall publish in a local newspaper, post in a public building and mail, by certified mail, to the Cable Operator a public notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.

B. The public notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be

submitted in the proceedings, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the Rules and Regulations of the FCC and that the decision of the City is subject to review by the FCC.

C. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increase is reasonable. The Council may delegate the responsibility to conduct the proceeding to any duly qualified and eligible person. If the Council or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC rules and regulations, it may postpone the effective date of the proposed rates for an additional period of time as permitted by the FCC rules and regulations, and issue any other necessary or appropriate order and give public notice accordingly.

113.02 DECISION.

1. By Formal Resolution. After completion of its review of the Cable Operator's proposed rates, the Council shall adopt its decision by formal resolution. The decision shall include one of the following:

A. If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the Council shall approve the initial base cable rates proposed by the Cable Operator; or

B. If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the Council shall establish initial basic cable rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.

2. Rollbacks and Refunds. If the Council determines that the initial basic cable rates as submitted exceed the reasonable rate standard or that the Cable Operator's cost-of-service justifies lower rates, the Council may order the rates reduced in accordance with the benchmark analysis or cost-of-service showing, as applicable. In addition, the Council may order the Cable Operator to pay to subscribers refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the Council's decision resolution.

3. Statement of Reasons for Decision and Public Notice. If rates proposed by a Cable Operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the Council must give public notice of its decision.

4. Appeal. The Council's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

113.03 REVIEW OF REQUEST FOR INCREASE IN BASIC CABLE RATES. A Cable Operator in the City who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the City and notify all subscribers at least thirty (30) days before the Cable Operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates. The Council shall administer and enforce all proceedings as permitted under the Rules and Regulations of the FCC concerning cable rate regulations as they currently read and hereafter may be amended, which are herewith incorporated by reference.

113.04 NOTICE OF RATE CHANGE IN NON-REGULATED TIERS AND SERVICES. With regard to the cable programming service tier, as defined by the Communications Act of 1984, as amended, and the FCC Rules and Regulations and over which the City is not empowered to exercise rate regulation, the cable operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

113.05 CABLE OPERATOR INFORMATION.

1. City May Require. In those cases when the Cable Operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the Council may require the Cable Operator to produce information in addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases a Cable Operator may request the information be kept confidential in accordance with this section. In cases where initial or proposed rates comply with the reasonable rate standard, the Council may request additional information only in order to document that the Cable Operator's rates are in accord with the standard.

2. Request for Confidentiality. A Cable Operator submitting information to the Council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies. If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified. Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based. Casual requests which do not comply with the requirements of this subsection shall not be considered.

3. Council Action. Requests which comply with the requirements of subsection 2 will be acted upon by the Council. The Council will grant the request if the Cable Operator presents by a preponderance of the evidence a case for nondisclosure consistent with applicable Federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from public inspection. If the request does not present a case for nondisclosure and the Council denies the request, the Council shall take one of the following actions:

A. If the information has been submitted voluntarily without any direction from the City, the Cable Operator may request that the City return the information without considering it. Ordinarily, the City will comply with this request. Only in the unusual instance that the public interest so requires will the information be made available for public inspection.

B. If the information was required by the Council to be submitted, the information will be made available for public inspection.

4. Appeal. If the Council denies the request for confidentiality, the Cable Operator may seek review of that decision from the FCC within five (5) working days of the Council's decision and the release of the information will be stayed pending review.

CHAPTER 114

AMENDING FRANCHISE ORDINANCES

114.01 Requirements for Adoption and Amendment
114.02 Publication of Notice
114.03 Reporting Requirements

114.01 REQUIREMENTS FOR ADOPTION AND AMENDMENT. Ordinances granting utility franchises and ordinances amending franchises and franchise regulation ordinances shall, before being adopted by the Council and submitted to the voters:

1. Specifically repeal the section or subsection to be amended and must set forth in full the sections and subsections as amended;

2. Be considered and voted on for passage by the Council at two (2) public hearings, not less than thirty (30) days apart, at which no other business is conducted, and prior to the meeting at which it is finally passed; and

3. Be preceded by notice, published as provided in Section 114.02, in the form to be considered, prior to each public hearing at which it is to be considered.

None of these requirements may be suspended or waived by the Council.

114.02 PUBLICATION OF NOTICE. The notices of public hearing must be published twice before each hearing, not less than seven (7) days apart, the last of which shall be not less than four (4) or more than fourteen (14) days before the date of hearing, in a newspaper published weekly and having general circulation in the City. Each publication must set forth in full the sections and subsections proposed for adoption and the provision they are replacing as:

1. Exist in law at the time of consideration;

2. Existed in the last preceding franchise for the same type utility; or

3. As proposed by the previous notice for an ordinance under consideration.

114.03 REPORTING REQUIREMENTS. Ordinances granting utility franchises must, in addition, require the chief executive officer of a company granted a franchise to provide the following information to the City on an annual basis:

1. Report of revenues for each rate class served within the City limits, including the following:

A. Number of consumers;

B. Number of units sold;

C. Revenue per filed rate schedule;

D. Revenue for surcharges (e.g., energy adjustment clause);

E. Rents and other income (e.g., late payment fees).

2. Annual reports filed with federal regulatory agencies (e.g., FERC Form 1).

3. Annual reports filed with Iowa Regulatory Agencies.

4. Company annual report to stockholders.

5. Rate filings with federal and/or State regulatory agencies which set rates applicable to customers within the City limits. This should include current rate schedules and most recent cost of service studies. Cost of service studies should show, by rate class, the cost of providing service specifically to residents of the City.

6. A detailed map of the utility system including a description of facilities and customer locations.

7. Continuing property records for the utility facilities within the City limits showing units of property in service, dates installed and original cost and depreciation. The annual updates should indicate units added and retired, including the value thereof.

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CHAPTER 115

CEMETERY

115.01 Name of Cemetery
115.02 Clerk to Keep Plat and Records; Sale of Lots
115.03 Warranty Deed to Be Issued Upon Sale of Lot
115.04 Rate Schedule
115.05 Potter's Field
115.06 Placement of Monuments, Markers or Memorials
115.07 Permit Required to Dig Grave or Place Monument
115.08 Permanent Work to Require Consent of Sexton
115.09 Grading of Lots Restricted
115.10 Burials
115.11 Appeals
115.12 Veteran Landowners or Residents

115.01 NAME OF CEMETERY. The name of the cemetery of the City is "East Lawn Cemetery."

115.02 CLERK TO KEEP PLAT AND RECORDS; SALE OF LOTS. A plat of the cemetery shall be kept by the Clerk, together with a record of all lots sold and burial permits granted. The Clerk has authority to sell such lots in the cemetery in accordance with the prices and regulations provided in this chapter. The area reserved as chapel site under previous ordinances is hereby diverted to regular burial plot purposes, and the Clerk is authorized and directed to sell and transfer the same by cemetery lot deeds; and all past conveyances from such area are hereby recognized and fully legalized.

115.03 WARRANTY DEED TO BE ISSUED UPON SALE OF LOT. In case of the sale of any of the lots in the cemetery by the Clerk, the Mayor and Clerk shall issue a warranty deed to such lot and shall deliver the same to the purchaser thereof, when payment for such lot is made.

115.04 RATE SCHEDULE.

1. The sale prices of burial sites (locations) in the following sections of the cemetery are as follows:

A.	Babyland Burial Location	$ 100.00
B.	Regular Burial Location	$ 375.00

2. Prices for grave openings in the following sections of the cemetery are as follows:

A.	Babyland	$ 125.00
B.	Cremation	$ 225.00
C.	All other grave openings	$ 425.00

3. Weekend/Holiday Burials will be an additional $175.00.

4. The basic charge for any grave opening outside of East Lawn Cemetery done by City employees using City equipment is $425.00. Each cemetery will sign a hold harmless agreement indemnifying the City against all claims for damages or injury to persons or property.

5. The City will purchase any cemetery gravesite in the cemetery from its lawful owners at the rate of $50.00 per gravesite. A higher rate may be allowed up to the price of a regular burial location upon approval by the Sheldon Cemetery Board.

(Ord. O19-3238 – Oct. 19 Supp.)

115.05 POTTER'S FIELD. (Repealed by Ordinance No. O19-3242 – Oct. 19 Supp.)

115.06 PLACEMENT OF MONUMENTS, MARKERS OR MEMORIALS.

1. Each monument, marker or memorial shall be placed on a concrete foundation of sufficient size and depth to properly carry the weight of the monument, and all foundations will be at least twelve (12) inches deep and of concrete 4,000 pounds test strength. Pier type foundations or a four-inch prestressed concrete foundation set in concrete footing of at least 4,000 pounds test strength and not less than eight (8) inches in depth may be used, totaling twelve (12) inches.

2. All monuments and markers shall be set with a minimum wash of not less than six (6) inches.

3. All monuments, markers or memorials shall be placed within the confines of the lot measurement and all monuments and markers shall be placed on the head end or west end of the designated lot.

4. Monuments and markers may be upright or flush in type.

5. It is the responsibility of the registered lot owner or owners and heirs to keep monuments and markers in good and safe repair. The cost of these repairs and all other gravesite repairs deemed required by the Sexton shall be assessed against the owners of the lot or heirs. Uncollectible repair expenses shall be paid from a maintenance fund to be established for said purpose by the Clerk, depositing twenty-five percent (25%) of the future lot sales, up to a total of $5,000.00 in a special maintenance fund. Expenditures from the maintenance fund will be replaced by allocating twenty-five percent (25%) of future occurring lot sales to re-establish a $5,000.00 maximum limit in the maintenance fund. The maintenance fund will be in the custody of the Clerk and funds will be released only upon the request of the Sexton, with approval from the Director of Public Works.

(Ord. 013-3210 – Oct. 13 Supp.)

115.07 PERMIT REQUIRED TO DIG GRAVE OR PLACE MONUMENT. It is unlawful for any person to dig a grave in the cemetery or to place a monument or grave marker in such cemetery without first securing from the Clerk a permit to do so, and when such permit is granted, such grave shall be dug or such monument or grave marker placed in strict compliance with the provisions and specifications in this chapter.

115.08 PERMANENT WORK TO REQUIRE CONSENT OF SEXTON. Any work being contemplated within the cemetery, including monument work, must be approved by the Sexton. No shrubs or trees shall be planted except at the direction of the Sexton. Also, the Sexton shall have sole discretion in determining the location of living plants or flowers, whether planted directly in the soil or maintained in planters. All live flowers and plants, artificial flowers and plants and grave adornments shall be removed by the cemetery Sexton on October 30 and April 1 of each year.

115.09 GRADING OF LOTS RESTRICTED. No owner of any lot or gravesite or any other person shall change the grade or elevation of any lot in the City cemetery.

115.10 BURIALS.

1. No burials are permitted unless a grave permit has been issued by the Clerk's office.

2. Minimum cover shall not be less than three (3) feet.

3. Precast concrete or metal vaults shall be used for all burials, except in the area designated as Baby Land.

4. Cremation remains must be buried in approved containers.

5. An infant and a relative may be buried in one gravesite outside of Baby Land if the infant was buried prior to January 1, 1994. After January 1, 1994, each gravesite shall be the burial site for only one burial. An exception to this shall be granted to cremation burials. If the first and only burial on a burial site is a cremation burial, no other burials may take place except cremation burials on that same burial site. Cremation burials only may occur on a burial site previously occupied by another burial. Each gravesite shall be the burial site for a maximum of two (2) burials, including cremations. All multiple burials on the same burial site shall comply with Section 115.06.

6. A maximum of one (1) monument or marker shall be allowed per burial location.

7. Scattering of cremation ashes is prohibited in any portion of the cemetery.

(Ord. 007-3173 – Apr. 08 Supp.)

115.11 APPEALS. Appeals concerning the rulings of the Sexton or interpretation of the East Lawn Cemetery rules and regulations will be heard at two (2) levels, with the Public Works Director providing the first appeal hearing and the second level provided by a City Cemetery Board consisting of not more than five (5) people appointed by the Mayor for overlapping five-year terms and confirmed by the Council. The Board shall adopt bylaws and operating procedures for the conduct of business including but not limited to election of officers and meeting times and places. The bylaws shall be subject to review and approval by the Council.

115.12 VETERAN LANDOWNERS OR RESIDENTS. Any veteran who is a landowner within the City of Sheldon or lives within the City of Sheldon is allowed to purchase an interment space and to be interred within the East Lawn Cemetery. ***(Ord. 008-3183 – Dec. 08 Supp.)***

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation
120.04 Action by Council
120.05 Prohibited Sales and Acts

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

(Ord. 004-3151 – Oct. 04 Supp.)

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j]

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g]

11. Sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing that the person is under legal age or failing to exercise reasonable care to ascertain whether the person is under legal age; or permit any person to consume any alcoholic beverage, wine or beer, knowing that the person is under legal age or failing to exercise reasonable care to ascertain whether the person is under legal age.

(Code of Iowa, Sec. 123.49 [2h])

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CHAPTER 121

CIGARETTE PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration
121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

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

(Code of Iowa, Sec. 453A.1)

1. "Carton" means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.

2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

3. "Package" or "pack" means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.

4. "Place of business" means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.

5. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.

6. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

7. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms

of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	$ 75.00
October, November or December	$ 56.25
January, February or March	$ 37.50
April, May or June	$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a

vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

1. For a first violation, the violator shall be assessed a civil penalty in the amount of three hundred dollars ($300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the violator's permit shall be suspended for a period of thirty (30) days.

3. For a third violation within a period of five (5) years, the violator's permit shall be suspended for a period of sixty (60) days.

4. For a fourth violation within a period of five (5) years, the violator's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36 (6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, no new permit shall be issued to the retailer or for the place of business for one (1) year after the date of revocation unless good cause to the contrary is shown to the Council.

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose
122.02 Definitions
122.03 License Required
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122.05 License Fees
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122.10 Time Restriction
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122.12 Notice
122.13 Hearing
122.14 Record and Determination
122.15 Effect of Revocation
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122.17 License Exemptions
122.18 Charitable and Nonprofit Organizations

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.

3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of five dollars ($5.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1.	For one day	$ 10.00
2.	For one week	$ 50.00
3.	For up to six (6) months	$150.00
4.	For one year or major part thereof	$300.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and seven o'clock (7:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Council may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.

2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.

3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Council shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Council may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Council shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Council finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.16 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars ($5.00) of the original fee shall be retained by the City to cover administrative costs.

122.17 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.

2. Club Members. Members of local civic groups and of Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.

3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.

4. Students. Students representing the Sheldon School District and local parochial schools conducting projects sponsored by organizations recognized by the school.

5. Religious Groups. Local religious groups and churches.

6. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.

7. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council.

CHAPTER 123

HOUSE MOVERS

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123.17 Compliance with Building Regulations and Zoning Code; Water and Sewer Connections
123.18 Report of Damages Required
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123.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Building" means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business or mercantile storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

2. "Moving contractor" means any person who engages in the work of moving in any way or raising, lowering, supporting by shoring or upon temporary blocking, jacks or wedges any building or other structure, or any part or parts thereof.

3. "Zoning officer" means the zoning officer of the City.

123.02 PERMIT REQUIRED. No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the building official.

123.03 APPLICATION. Application for a house mover's permit shall be submitted in writing to the office of the zoning officer on forms provided by the zoning officer prior to the proposed time of moving. The application shall include:

1. A description of the building proposed to be moved.

2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number if located in the City.

3. A legal description of the lot to which such building is proposed to be moved, giving the lot, block and tract number if located in the City.

4. The highways, streets and alleys over, along or across which the building is proposed to be moved.

5. Proposed moving date and hours.

6. Any additional information which the zoning officer shall find necessary to a fair determination of whether a permit should be issued.

With the application there shall be filed the consents to the routing by the telephone company, public service company, fire department, police department and, where the route crosses railroad property, consent must be obtained from the railroad involved.

123.04 SHOWING THAT OWNER HAS BEEN APPRISED OF COSTS. The mover shall, when applying for a permit, submit evidence that the owner of the building to be moved is aware of the total of all costs and charges that will be incurred as a result of the moving, either through signed agreement or copy of notification to the owner signed by both the mover and the owner.

123.05 BOND REQUIRED. The applicant shall post with the application a bond in the penal sum of fifteen thousand dollars ($15,000.00) issued by an approved surety company authorized to issue such bonds in the State. The bond shall guarantee that all work done under the permit shall be done in a good and workmanlike manner, in accordance with this chapter and other provisions of this Code of Ordinances, and that the applicant will pay to the City or to any person injured all damages for injuries to persons or property, including but not limited to damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of the applicant or person in the applicant's employ or due to any other cause in doing any work under such permit.

123.06 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability and property damage insurance in the amount of $100,000 per person injured, $300,000 for each accident and $100,000 for property damage. Such insurance policy shall name the City and the applicant as named insured, and shall provide that such policy cannot be revoked, canceled or modified in any way until the City has been notified by certified mail at least ten (10) days prior to the proposed action.

123.07 PERMIT FEE. A permit fee in an amount as listed below shall be payable at the time of filing the application with the Clerk.

1.	Each structure less than 200 square feet	$ 25.00
2.	Each structure less than 500 square feet	$ 50.00
3.	Each structure more than 500 square feet	$100.00

Square footage shall be calculated from the outside foundation dimensions of the entire structure.

123.08 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the zoning officer shall issue a permit. No permit issued pursuant to this chapter shall be transferable.

123.09 GROUNDS FOR DENIAL OF PERMIT. When, in the judgment of the zoning officer, the proposed work will result in an undue hazard to traffic, undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees or other public or private property, or where it is determined by the zoning officer that the relocation of the building is not in the best interests of the surrounding property owners due to age of the structure or architecture not being compatible with the existing buildings, a permit for the moving of a building shall be denied and the reasons therefor endorsed upon the application. The permit shall also be denied in the event the structure will not comply with the zoning ordinance or other ordinances of the City; or, in the event the power or telephone company refuses to consent to the operation.

123.10 DIRECT ROUTE. In no case shall paved streets, alleys, avenues or public grounds be used for the purpose of moving any building unless they are in the most practical direct route from the place of origin to the place of destination.

123.11 HOURS FOR MOVING. The moving of a building, when commenced, shall be continued from sunrise to four o'clock (4:00) p.m. and day by day until completed, with the least possible obstruction to the thoroughfares occupied.

123.12 OBSTRUCTION OF STREETS RESTRICTED. No building shall be allowed to remain overnight on any street, crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant, nor shall any such building be allowed to unnecessarily obstruct traffic.

123.13 LIGHTING AND BARRICADES. Barricades of a type meeting building inspector specifications as to size and illumination shall be kept in a conspicuous place at each end and side of a building being moved pursuant to this chapter during the night, which shall be between sunset and sunrise.

123.14 REMOVAL OF UTILITY FACILITIES. Whenever in moving any building it is necessary to cut or move any electric light, telephone, traffic or other wire, pole or fixture, the owner of such wire, pole or fixture shall have the right to cut or move the same or supervise the cutting or moving, and a written notice shall be given by the person holding a building moving permit to such owner at least forty-eight (48) hours before the time required for such cutting or moving, specifying the place, the person who requests the cutting or removal, and the time when such cutting or removal will be required. The expense of cutting or removing such wires, poles or fixtures or supervising the same shall be paid by the moving contractor provided the owner of such wires, poles or fixtures has done such work in accordance with the ordinances of the City relating thereto. If the owner of such wires, poles or fixtures has failed to comply with the ordinances of the City relating thereto, then said owner shall bear all expense of cutting or removing the same.

123.15 PARKING ON PRIVATE PROPERTY. It is unlawful for any person to stop, stand or park a house, equipment, material or structure upon privately owned property without first having obtained the consent of the owner or person in charge of such privately owned property. Upon complaint of the owner or person in charge of such privately owned property, failure of the person to obtain such consent is declared to be a misdemeanor.

123.16 ABANDONED UTILITY CONNECTIONS. All abandoned water, sewer, electric and other service connections shall be plugged and sealed and releases shall be secured from the utility companies and from the municipal agencies involved. Permission shall be required in any case, whether a building is moved or demolished and releases shall be obtained prior to applying for the permit.

123.17 COMPLIANCE WITH BUILDING REGULATIONS AND ZONING CODE; WATER AND SEWER CONNECTIONS. After a change of use has been made in a building which is moved pursuant to this chapter, the re-establishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the provisions of the City's building regulations and the zoning ordinance are complied with. A change from one prohibited use to another prohibited use shall be deemed a violation of the building regulations and the zoning ordinance. Every moved building shall be made to comply with all of the provisions of the building regulations insofar as it is practical to do so. Sewer

and water supply shall be provided. All work required to bring the building moved up to City codes shall be completed within six (6) months from the date the house, structure or building is moved.

123.18 REPORT OF DAMAGES REQUIRED. The house mover shall report any damage done to any street, avenue, highway, boulevard, alley, sidewalk, curb, tree, telephone or light poles or wires, or to any other public or private property in the course of moving a building pursuant to this chapter, except damage to property owned by the house mover or the structure being moved, to the zoning officer within twelve (12) hours from and after the occurrence.

123.19 REVOCATION. Any person who shall in the application for a house moving permit make any false or untrue statement, or who violates the provisions of this chapter, or who fails to pay the cost or expense incurred by the City as a result of such house moving operations or whose bond or insurance has been canceled or otherwise terminated shall, upon such finding, have such permit revoked.

[The next page is 507]

CHAPTER 124

LICENSING OF PLUMBERS

(Repealed by Ord. 011-3202 – July 11 Supp.)

[The next page is 525]

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices
135.02 Obstructing or Defacing
135.03 Placing Debris On
135.04 Playing In
135.05 Traveling on Barricaded Street or Alley
135.06 Use for Business Purposes
135.07 Washing Vehicles
135.08 Burning Prohibited
135.09 Excavations
135.10 Maintenance of Parking or Terrace
135.11 Failure to Maintain Parking or Terrace
135.12 Dumping of Snow
135.13 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris, or any other substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods,

wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person first obtains a permit therefor as hereinafter provided:

1. Application. Before such permit is granted, the person shall file with the City a written application. The application shall contain the following:

   A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;

   B. A statement of the purpose, for whom and by whom the excavation is to be made;

   C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and

   D. Date of commencement of the work and estimated completion date. At a minimum, work shall be started within one week from the date of issuance of the permit.

2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street. On main thoroughfares, there shall be at all times sufficient traffic lanes open to permit a substantially normal traffic flow. Unless this can be accomplished, the work shall be confined to the hours between nine o'clock (9:00) a.m. and four o'clock (4:00) p.m. or between twelve o'clock (12:00) midnight and seven o'clock (7:00) a.m. In the event the work is of an emergency nature, the City Manager may authorize work during other hours but shall assign police to direct traffic.

3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars ($1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars ($1,000.00) may be filed with the City.

5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

A. Bodily Injury - $50,000.00 per person; $100,000.00 per accident.

B. Property Damage - $50,000.00 per accident.

6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Permit Fee. A permit fee of twenty-five dollars ($25.00) shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

11. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of fifteen thousand dollars ($15,000.00) to guarantee such compliance. In addition, persons under contract with the City to perform excavation work are exempt from the permit application requirement of this section. Contracts with such persons shall require substantial compliance with the provisions of this chapter.

13. Failure to Comply. Any person who fails to comply with the terms and conditions of the permit authorized in this section or who violates the terms of this chapter shall not thereafter be granted another permit without the prior approval of the Council.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed

promptly by the property owner or agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose
136.02 Definitions
136.03 Removal of Snow, Ice and Accumulations
136.04 Responsibility for Maintenance
136.05 City May Order Repairs
136.06 Sidewalk Construction Ordered
136.07 Permit Required
136.08 Sidewalk Standards
136.09 Barricades and Warning Lights
136.10 Failure to Repair or Barricade
136.11 Interference with Sidewalk Improvements
136.12 Awnings
136.13 Encroaching Steps
136.14 Openings and Enclosures
136.15 Fires and Fuel on Sidewalks
136.16 Defacing
136.17 Debris on Sidewalks
136.18 Merchandise Display
136.19 Sales Stands
136.20 Sidewalk Improvement Board
136.21 Variances and Deferrals

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.

3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.

5. "Portland cement" means any type of cement except bituminous cement.

6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.

7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

9. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:

A. Vertical separations equal to three-fourths (¾) inch or more.

B. Horizontal separations equal to one-half (½) inch or more.

C. Holes or depressions equal to three-fourths (¾) inch or more and at least four (4) inches in diameter.

D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half (½) inch or more.

E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (¾) 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.

(Ord. 008-3188 – Dec. 08 Supp.)

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twelve (12) hours after the snow fall or ice formation, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required as defined in Section 136.02(9), the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks. If the notice to the property owner to repair, replace or reconstruct sidewalks is given before May 31 of any year, the property owner shall have until October 31 of the same year to complete the

required work. If notice is given after May 31 of any year, the property owner shall have until October 31 of the following year to complete the required work. In the event that such work is not completed within said time period, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

(Ord. 008-3188 – Dec. 08 Supp.)

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. The fee for the permit is five dollars ($5.00). A permit shall cover any contiguous construction and the work to be done as one continuous operation. A permit shall expire for work not started within thirty (30) days or completed sixty (60) days after issuance of a permit, and a new permit shall be required before beginning or completing the work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter which are located in any residentially or commercially zoned districts shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be of one-course construction.

3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a two-inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be graded to the established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:

A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than five (5) feet in length.

B. Business District sidewalks shall be at least ten (10) feet wide. Each section shall be four (4) inches thick and no more than five (5) feet in length.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot outside the property line, unless the Council establishes a different distance due to special circumstances.

7. Elevations. All sidewalks except those on business district streets shall be elevated at least four (4) inches from the height of the adjoining curb and shall be elevated four (4) inches above the adjoining ground. Business district sidewalks shall be at curb level.

8. Slope. All sidewalks shall slope one-quarter (¼) inch per foot toward the curb.

9. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

10. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, road, or highway. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the federal Americans With Disabilities Act, including but not limited to the guidelines issued by the federal architectural and transportation barriers compliance board.

(Ord. 010-3200 – July 11 Supp.)

(Code of Iowa, Sec. 216C.9)

All work shall be subject to inspection by the personnel designated by the City Manager during construction and upon completion. The street and sidewalk inspector shall be notified by the permittee after forms are set and no concrete shall be poured or further construction started until approval by the inspector.

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of

approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person/business to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes without first obtaining approval from the City Council. ***(Ord. 08-3178 – Dec. 08 Supp.)***

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

136.20 SIDEWALK IMPROVEMENT BOARD. A Sidewalk Improvement Board (hereinafter referred to as the "Board") is hereby created, which Board shall consist of two (2) members of the Council, appointed by the Mayor. The Mayor shall make such appointments to the Board annually. Any vacancies shall be filled in the same manner for the unexpired portion of the term. In the event of the absence from the City or incapacity of a member, the Mayor may appoint a substitute who shall serve as a member of the Board with the same powers and authority as the regular member until such regular member has returned or has become capacitated for further service. The Board shall facilitate the orderly process of making recommendation to the Council for approval or denial of variances and deferrals concerning sidewalk construction and reconstruction. The Board has the following rules of procedure:

1. The members of the Board shall serve without compensation.

2. The Board shall hear all applications for variances and deferrals regarding reconstruction or construction of sidewalks within the City.

3. The Clerk shall serve as Secretary of the Board. In the absence of the Secretary, the Chairperson of the Board may appoint the other

member of the Board to act as Secretary for the meeting. The Board may request assistance from any City department in the performance of its duties, and it shall be the duty of such departments to render such assistance as may be reasonably required.

4. The Board may adopt from time to time, subject to the approval of the Council, such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

5. There shall be a fixed place of meeting and all meetings shall be open to the public. Both members of the Board shall be present at all meetings. The Board shall hold hearing as often as necessary.

6. The Secretary of the Board shall keep minutes of its proceedings showing the vote of each member upon each question. If a member fails to vote, the minutes shall indicate such fact. The Board shall keep records of its examination and other official actions, which shall be on file in the office of the Clerk as a public record.

136.21 VARIANCES AND DEFERRALS.

1. Application. Any property owner or agent thereof may make application on the forms provided at the Clerk's office for a variance or deferral of sidewalk construction. A fee for an application for a variance or deferral is five dollars ($5.00), payable when application is made. Such application must be made within sixty (60) days from notice to property owners.

2. The recommendation of the Sidewalk Improvement Board on all applications for variances and deferrals shall be submitted to the Council for final determination.

3. On applications for variances or deferrals or other matters brought before the Board, the Board shall inform, in writing, all parties involved of its decisions and the reasons therefor.

4. Variances and deferrals regarding reconstruction or construction of sidewalks shall be granted only by resolution of the Council. Variances may be granted upon application in specific cases in which such variance will not be contrary to the public interest and the spirit of this chapter shall be still observed, public safety and welfare secured, and substantial justice done. Deferment of construction or reconstruction completion dates may be granted where, owing to special conditions a literal enforcement of the provisions of this chapter will in individual cases result in practicable difficulty or unnecessary hardship.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing
137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

ORDINANCE NO.	ADOPTED
089-2912	May 24, 1989
092-3036	May 13, 1992
092-3041	September 2, 1992
094-3057	June 29, 1994
094-3059	September 7, 1994
096-3080	April 3,1996
096-3083	July 18, 1996
098-3093	September 2, 1998
099-3098	January 6, 1999
099-3099	March 3, 1999
099-3107	September 15, 1999
001-3123	September 5, 2001
001-3126	November 7, 2001
002-3137	November 6, 2002
003-3140	March 5, 2003
003-3144	July 16, 2003
003-3145	July 16, 2003
005-3154	May 18, 2005
005-3156	September 7, 2005
006-3161	June 21, 2006
006-3162	September 6, 2006
006-3163	September 6, 2006
006-3168	November 15, 2006
007-3174	August 15, 2007
008-3184	July 2, 2008

CHAPTER 138

STREET GRADES

138.01 Established Grades **138.02 Record Maintained**

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE	
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.	
ORDINANCE NO.	ADOPTED
1413	September 5, 1973
088-2768	October 5, 1988
089-2905	March 31, 1989
089-2906	March 31, 1989
093-3047	June 16, 1993
094-3063	1994
098-3092	May 20, 1998

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names
139.04 Official Street Name Map
139.05 Revision of Street Name Map

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

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.

2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.

3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Sheldon, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following

changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

CHAPTER 140

SNOW AND ICE REMOVAL

140.01 Statement of Purpose and Intent
140.02 Statement of General Policy
140.03 Use of Chemicals and Abrasives
140.04 Equipment Available
140.05 Manpower
140.06 Snow Routes
140.07 Monitoring and Notification of Ice and Snow Events
140.08 Sanding Procedures
140.09 Snow Removal Procedures
140.10 Towing Illegally Parked Vehicles
140.11 Boundary Street Jurisdiction; Responsibility
140.12 Responsibility for Private Sidewalks
140.13 Private Driveways
140.14 Plowing Private Property
140.15 Mailboxes
140.16 Communications
140.17 Citizens' Complaints
140.18 Work Hours
140.19 Safety Procedures
140.20 Accidents
140.21 Care and Use of Equipment

140.01 STATEMENT OF PURPOSE AND INTENT. The following policies and procedures shall serve as a guide in the removal and control of snow and ice on the streets, alleys, public parking lots and City-owned sidewalks in the City by the City street department with assistance by other departments. A procedures manual shall be updated annually in October, and more frequently if conditions dictate. The streets, alleys, public parking lots and sidewalks shall be kept clean of ice and snow for the safety of motorists and pedestrians. However, cost effective control and removal operations shall be used at all times. A concept of reasonableness shall guide snow and ice removal efforts. Under certain circumstances, emergency situations, budgetary concerns, personal problems and the unpredictability of weather conditions in northwest Iowa, these policies may have to be superseded when conditions warrant.

140.02 STATEMENT OF GENERAL POLICY. The overall budgetary and planning goal for the City's snow and ice removal efforts is to plan for the worst, hope for the best and budget for an average snowfall and use contingency funds if the City has a severe winter. Each storm has individual characteristics and must be dealt with accordingly. The portion of the streets, alleys and public parking lots improved for travel will have upon their surfaces snow and ice in a compacted condition. These conditions may be continuous or they may be more concentrated on hills, intersections and sheltered areas. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance or visibility of motorists and pedestrians approaching these intersections may be greatly reduced or impaired. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness and are advised to reduce their speed below that legally permitted or advised under normal conditions. During these conditions no additional warning or regulatory signs will be placed warning of impaired

sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

140.03 USE OF CHEMICALS AND ABRASIVES. The policy of the department is not to use pure salt for melting of ice and/or hard-packed snow. A mixture of ninety-one percent (91%) sand or chips, six percent (6%) salt and three percent (3%) calcium chloride is used as an abrasive to help remove ice and hard packed snow and as a driving aid during slippery conditions. It is not a policy of the department to place sand or salt upon streets that are slick or slippery due to the formation of frost.

140.04 EQUIPMENT AVAILABLE. The primary equipment available to remove snow and ice will be supplied by the street department. Equipment and manpower may be supplied by other departments if needs dictate. During normal snow removal operations, four (4) truck plows, two (2) end loaders, one (1) motor grader, one (1) four-wheel-drive jeep with plow and two (2) sanding trucks are available. All truck mounted snow plows have quick attachments and can be mounted in five (5) minutes. The sanding units consist of two (2) "V" box type. During a major snow event, private contractors' equipment may be placed in service.

140.05 MANPOWER. The primary manpower for snow removal shall be supplied by the street department. The basic crew consists of the public works director, one (1) blower operator and five (5) operators. During major snow events, personnel from other City departments may assist with snow removal efforts.

140.06 SNOW ROUTES. A system of unmarked snow routes has been established for effective snow removal. The snow routes provide service to within three (3) blocks of most residential properties; and direct access to nursing homes, medical facilities, community protection facilities, businesses and Handicap Village. The procedures manual shall contain snow routes.

140.07 MONITORING AND NOTIFICATION OF ICE AND SNOW EVENTS. Weather reports shall be continuously monitored by the police department and Public Works Director when inclement weather is approaching. The Police Chief, Public Works Director and City Manager shall keep each other informed of anticipated snow events, including timing and intensity of the event. The primary responsibility shall rest with the City's Public Works Director. During night-time, weekends and holidays, the police department shall monitor weather reports and road conditions and shall notify the Public Works Director when action is needed by the street department. During normal weekday operations, the police department shall notify the Public Works Director when action may be needed by the street department.

140.08 SANDING PROCEDURES. Sand shall be used sparingly and only when application will produce a positive result. All streets, including the snow routes, will only have dangerous intersections and other hazard areas sanded. Sand will generally be used when the temperatures are twenty degrees Fahrenheit (20°F.) and rising. Sand may be applied below 20°F. if the sun is shining and melting will take place. It is not the policy of the City to obtain a bare pavement condition through the use of sand and chemicals.

140.09 SNOW REMOVAL PROCEDURES. Snow removal efforts shall be made on a priority system as follows:

1. Emergency Snow Routes. Snowfalls two (2) inches or more — service shall begin at approximately two o'clock (2:00) a.m. or as conditions dictate.

2. Residential Streets. Cleared within twelve (12) to forty-eight (48) hours of end of snow event. Snow falls of less than two (2) inches will not be cleared unless drifting is occurring.

3. Residential Alleys. Cleared after all streets have been cleared.

4. Commercial Alleys. Cleared within twelve (12) to forty-eight (48) hours after end of snow event.

5. Public Parking Lots. Cleared within twelve (12) to forty-eight (48) hours after end of snow event depending on severity of occurrence.

6. CBD Street Parking. Removed within twelve (12) to forty-eight (48) hours after end of snow event depending on severity of occurrence.

7. City-owned Sidewalks. Cleared within twenty-four (24) hours after end of snow event.

140.10 TOWING ILLEGALLY PARKED VEHICLES. Vehicles parked on the streets during a snow removal event may be ticketed and/or towed away pursuant to the provisions of Chapter 70 of this Code of Ordinances. The police department shall contact the street department and coordinate ticketing and towing operations relative to the snow removal effort.

140.11 BOUNDARY STREET JURISDICTION; RESPONSIBILITY. The City will not be responsible for any snow removal operations outside of the municipal boundaries. City-owned and/or maintained facilities outside the corporate boundaries, Washington Avenue from the north City limits to its intersection with Iowa Highway 60 and certain portions of Western Avenue are exempted from the foregoing prohibition. By mutual agreement, O'Brien County secondary road personnel have the responsibility for snow removal on the following sections of roads within the City limits:

1. Sixteenth Street from Washington Avenue to east City limits;
2. Washington Avenue from Sixteenth Street to south City limits;
3. Country Club Road from north City limits to U.S. Highway 18;
4. Country Club Road from East Ninth Street to south City limits.

Responsibility for snow removal on U.S. Highway 18 and Iowa Highway 60 within the corporate limits of the City is that of the Iowa Department of Transportation.

140.12 RESPONSIBILITY FOR PRIVATE SIDEWALKS. All sidewalks adjacent to private property are the responsibility of the property owner. All complaint calls shall be routed to the Public Works Director for complaint follow-up and Code enforcement. The property owners' responsibilities are set forth in Chapter 136 of this Code of Ordinances. The City lacks sufficient manpower to clear sidewalks so every effort must be made by private property owners to clear their sidewalks of ice and snow.

140.13 PRIVATE DRIVEWAYS. City snow plows will not clear private driveways. It is the responsibility of the property owner or occupant to remove the snow placed in driveways by City plows. Snow from a private driveway may not be placed upon or pushed across a City street.

140.14 PLOWING PRIVATE PROPERTY. It is strictly forbidden for a City plow to clear snow or ice from private property unless it must be done to allow emergency vehicles access to private property for ambulance, fire or police calls. However, the City may from time to time contract to provide snow and ice removal services to certain qualified private entities; such contracts shall be exempt from the above provision.

140.15 MAILBOXES. Every attempt will be made by the snow plow operator to clean snow adjacent to mail boxes to allow rural type mail delivery. The snow will only be cleared, however, from curb line to curb line. The adjacent property owner is responsible for any other snow cleaning and to assure the mail box is properly installed to withstand snow clearing efforts by the City. The City will not replace mailboxes damaged by snow removal efforts.

140.16 COMMUNICATIONS. All snow plow equipment shall keep radio communication with the Public Works Director at all times. Snow plow operators should check the radio before starting duty. Radio communications by snow plow operators shall be between the Public Works Director, other equipment and/or communications center dispatcher. The police department shall keep the street department advised on road conditions only and shall not

direct the operations of snow removal by the street department. All communications, whether they are direct, telephone or radio shall be made in a kind, courteous, business-like manner. The Public Works Director will periodically keep the City Manager informed on road conditions and snow removal efforts. Media notification or contact shall be made by or with the police department for inquiries on street conditions or closed streets.

140.17 CITIZENS' COMPLAINTS. All citizen complaints on the snow removal effort shall be routed to the Public Works Director through the City office. Snow plow operators shall avoid verbal confrontations with irate citizens. All citizen complaints shall be treated courteously and followed up promptly.

140.18 WORK HOURS. For a normal snowfall, six (6) inches or less, eight-hour work shifts may be used. For a major storm event, the number of work hours per shift will be determined by the Public Works Director and the City Manager.

140.19 SAFETY PROCEDURES. Safety is of paramount importance during any snow event. The sole purpose of the snow/ice removal operation is to make the streets, sidewalks, alleys and parking lots safe for the motorists and pedestrians. The following safety rules shall be observed by all snow plow operators:

1. Check snow removal equipment prior to leaving the street shop, including:

   A. All working lights and emergency lights;

   B. Radio;

   C. Snow plow and frame for damage;

   D. Sander;

   E. Rear view mirrors;

F. Flags and reflectors;

G. Windshield wipers;

H. Heater and defroster.

2. Report any nonworking equipment immediately.

3. Use reasonable caution in the operation of snow removal equipment.

4. Do not drive too fast.

5. Slow down if in cramped quarters with parked cars on a street.

6. Know your route and any fixed objects covered by snow.

7. Travel left of the centerline only if another vehicle is blocking traffic.

8. Do not follow too close to cars or other snow removal equipment.

9. Slow down prior to turning; your plow will tend to push you where it wants to go.

10. Snow plows are emergency equipment, but they still must obey all traffic laws and yield the right-of-way to other vehicles.

11. Notify the truck following you as to turning, when plowing in tandem.

140.20 ACCIDENTS. Operators are directed to report all accidents immediately to their supervisor and to the police department. The police department will be called to substantiate the claim and the responsible party. Prior to leaving duty, an accident report form must be completely and honestly filled out. The supervisor will interview the driver when he or she goes off duty or within twenty-four (24) hours.

140.21 CARE AND USE OF EQUIPMENT. The snow plow operator is responsible for routine maintenance on his or her vehicle. Any maintenance needed should be reported to the supervisor, and the vehicle should be checked before and after use for any maintenance needed or damage to equipment. The vehicle is to be refueled at the end of each shift. During snow removal emergencies, snow removal equipment maintenance will take priority over any other City equipment or vehicles, subject to the discretion of the Public Works Director. No towing or pushing of vehicles, other than City vehicles, shall be allowed. No “jump” starting of private vehicles will be allowed. Rides for private citizens, other than for City employees, shall not be allowed except for emergency purposes, i.e., doctors, nurses, pharmacists for medicine calls. Any other rides must be approved by the City Manager.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner
145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The City Manager is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by Certified Mail to owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF SHELDON, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this Code of Ordinances.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions
146.02 Conversion to Real Property
146.03 Foundation Requirements
146.04 Recreational Trailers or Units

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

(Code of Iowa, Sec. 435.1)

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

2. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.

3. "Mobile home park" means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any such homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Dealer's Stock. Mobile or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10)

146.04 RECREATIONAL TRAILERS OR UNITS. This chapter shall in no way be construed to prevent the temporary or storage parking of recreational mobile vehicles or recreational trailers or units on private property other than in parks or courts.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions
150.02 Owner Requirements
150.03 Building Numbering Map

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

1. "Owner" means the owner of the principal building.

2. "Principal building" means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three (3) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of three (3) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

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CHAPTER 151

TREES

151.01 Definition
151.02 Planting Restrictions
151.03 Duty to Trim Trees
151.04 Trimming Trees to be Supervised
151.05 Disease Control
151.06 Inspection and Removal
151.07 Topping of Trees

151.01 DEFINITION. For use in this chapter, "parking" means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line seven and one-half (7½) feet from the property line.

2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. No tree or shrub shall be planted within six (6) feet of a fire hydrant. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on public or private property trimmed so that all branches will be at least twelve (12) feet above the sidewalk. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

151.07 TOPPING OF TREES. The topping of trees on public property, as a method of trimming, is prohibited unless approved by the City Manager with respect to specific trees where other trimming practices are impractical. Selective branch thinning, proper early training or entire tree removal should be favored over the practice of topping.

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CHAPTER 155

UNIFORM FIRE CODE

(REPEALED BY ORDINANCE NO. 008-3187 – DEC. 08 SUPP.)

[The next page is 601]

CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Purpose
160.02 Definitions
160.03 Lands to Which Chapter Applies
160.04 Rules for Interpretation of Flood Plain (Overlay) District
160.05 Compliance
160.06 Abrogation and Greater Restrictions
160.07 Interpretation
160.08 Warning and Disclaimer of Liability
160.09 Flood Plain (Overlay) District Standards
160.10 Administration
160.11 Flood Plain Development Permit Required
160.12 Application for Permit
160.13 Action on Application
160.14 Construction and Use to be as Provided in Application and Plans
160.15 Variances
160.16 Factors Upon Which the Decision to Grant Variances Shall be Based
160.17 Conditions Attached to Variances
160.18 Nonconforming Uses
160.19 Amendments

160.01 PURPOSE. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Restrict Use. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

2. Vulnerable Uses Protected. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

3. Unsuitable Land Purchases. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Flood Insurance. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Base flood" means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood.)

2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure."

5. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of the flood plain management regulations adopted by the community.

6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. "Factory-built home" means any structure designed for residential use 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. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. "Flood Insurance Rate Map (FIRM)" means the official map prepared as part of (but published separately from) the Flood Insurance

Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.

13. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

14. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

15. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. "Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.09(4)(A); and

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and

D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the community.

21. "100-Year Flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. "Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. "Special flood hazard area" means the land within a community subject to the "100-year flood." This land is identified as Zone A on the community's Flood Insurance Rate Map.

24. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

26. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

27. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for

improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."

B. Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

29. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands within the jurisdiction of the City which are located within the boundaries of the Flood Plain (Overlay) District. The areas within the jurisdiction of the City having special flood hazards are hereby designated as a Flood Plain (Overlay) District and shall be subject to the standards of the Flood Plain (Overlay) District (as well as those for the underlying zoning district). The Flood Plain (Overlay) District boundaries are shown on the Flood Insurance Rate Map (FIRM) for the City, dated September 18, 1985.

160.04 RULES FOR INTERPRETATION OF FLOOD PLAIN (OVERLAY) DISTRICT. The boundaries of the Flood Plain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the zoning officer shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the zoning officer in the enforcement or administration of this chapter.

160.05 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

160.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.07 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.08 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

160.09 FLOOD PLAIN (OVERLAY) DISTRICT STANDARDS. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the Flood Plain (Overlay) District shall:

   A. Be consistent with the need to minimize flood damage.

   B. Use construction methods and practices that will minimize flood damage.

   C. Use construction materials and utility equipment that are resistant to flood damage.

   D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at

such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built homes:

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the

system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood within the altered or relocated portion.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

(1) The structure shall not be used for human habitation.

(2) The structure shall be designed to have low flood damage potential.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.09(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements of Section 160.09 (5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.10 ADMINISTRATION. The zoning officer shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain (Overlay) District.

4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been floodproofed.

5. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.11 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.12 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.

2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.

4. Flood Elevation. Elevation of the 100-year flood.

5. Floor Elevation. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.13 ACTION ON APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

160.14 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.15 VARIANCES. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

2. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Notice To Applicant. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will

result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

160.16 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept on to other land or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

5. The importance of the services provided by the proposed facility to the City.

6. The requirements of the facility for a flood plain location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

13. Such other factors which are relevant to the purpose of this chapter.

160.17 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.16, the Board of Adjustment

may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.

2. Limitation of periods of use and operation.

3. Imposition of operational controls, sureties, and deed restrictions.

4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.

5. Floodproofing measures.

160.18 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, except unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.19 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.

CHAPTER 165

SUBDIVISION REGULATIONS

EDITOR'S NOTE
The Subdivision Regulations for the City of Sheldon, adopted March 10, 2010, by Ordinance No. 010-3196, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

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CHAPTER 166

ZONING REGULATIONS

EDITOR'S NOTE
The Zoning Regulations for the City of Sheldon, adopted March 10, 2010, by Ordinance No. 010-3195, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect.

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